

Application No: 13/3025N

Location: LAND OFF VICARAGE ROAD, HASLINGTON

Proposal: The erection of 44 detached/terraced dwellings, parking and amenity space; and the creation of public open space, including appearance, landscaping, layout and scale. The original outline application was not an environment impact assessment application.

Applicant: ELAN HOMES LTD/MULLER STRATEGIC LTD

Expiry Date: 16-Oct-2013

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES

Impact of the development on:-

Principal of the Development

Landscape

Affordable Housing

Highway Implications

Amenity

Trees and Hedgerows

Design

Ecology

Open Space

Education

Flood Risk and Drainage

REASON FOR REFERRAL

This application is referred to the Strategic Planning Board, as it relates to an outline application which was determined by the Strategic Planning Board.

The application was deferred at the Strategic Planning Board meeting on 9th October 2013 for the following reason:

'That the application be deferred for further discussions with Officers and the developers regarding the layout of the application site to ensure further consideration be given to the location of the affordable housing and whether there was a justifiable need for alleyways to be included within the design'

Amended plans have now been received to address the reason for deferral and consultation has been carried out with local residents, ward members and Haslington Parish Council.

1. DESCRIPTION OF SITE AND CONTEXT

The application site is located to the east of Vicarage Road within the open countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan.

The site is undeveloped land which is bound by native hedgerows and trees and appears to be used for the keeping of horses.

To the south and east of the site are residential properties of varying sizes and styles which front onto Crewe Road, Cartwright Road and Vicarage Road. The land level drops to the north towards Fowle Brook which runs along the northern boundary of the site. A small portion of the site along the northern boundary as defined as an area of flood risk.

2. DETAILS OF PROPOSAL

This is a Reserved Matters application for 44 dwellings. Its density is therefore 30 dwellings per hectare.

The Reserved Matters to be determined as part of this application relate to appearance, landscaping, layout and scale. Access was approved as part of the outline application 12/3564N.

The site would include the provision of 30% affordable housing, and 2,048sq.m of public open space. The layout plan shows that the POS would be located to the north of the site.

The development would consist of 2 to 4 bedroom units with the following mix: 9 two-bed units, 12 three-bed units and 23 four-bed units.

3. RELEVANT HISTORY

12/3564N - Outline Planning Application for up to 44 residential dwellings, open space and access off Vicarage Road, Haslington – Approved 18th June 2013

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

BE.6 – Development on Potentially Contaminated Land

NE.2 – Open Countryside

NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.12 – Agricultural Land Quality
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing
RES.3 – Housing Densities
RT.3 – Provision of Recreational Open Space and Children's Playspace in New Housing Developments

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land

5. CONSULTATIONS (External to Planning)

Environment Agency: The submitted information is now sufficient to the Environment Agency and they have withdrawn the previous objection to the planning application.

The EA recommends that the flood storage area is designed in a way that benefits both nature conservation and people. The EA feel there is an opportunity to contribute to the riparian corridor and green infrastructure.

United Utilities: No comments received at the time of writing this report

Strategic Highways Manager: The internal road layout has been designed to meet adoption standards and there are no technical issues that the strategic highways manager would wish to raise on the road design. The cul-de-sac that serves plots 20-24 does not have a turning head but given the short road length, refuse and delivery vehicles can reverse into the cul-de-sac.

Each of the properties will have a minimum of 200% parking, the some of the larger plots do have in excess of this provision and this is an acceptable level of parking provision.

There is as conditioned in the outline application a number of parking spaces for residents of Vicarage Road, this revised layout of this parking is acceptable.

In summary, the layout meets design and parking standards and there are no objections raised.

Environmental Health: Conditions suggested in relation to hours of construction, piling works, and air quality. An informative is suggested in relation to contaminated land.

Public Open Space: No comments received at the time of writing this report. As part of the outline application they stated that:

'A commuted sum payment of £35,000 for the extension of the existing skatepark on Haslington Playing Fields on Maw Lane will be required'

Education: No comments received at the time of writing this report. As part of the outline application they stated that:

'A development of 44 dwellings will generate 7 primary aged pupils and 6 secondary aged pupils.'

Primary Schools: *The Council is forecasting a shortfall of places within the schools within the catchment area. Therefore a contribution of $7 \times 11,919 \times 0.91 = £75,924$*

Secondary Schools: *There is sufficient capacity in the local secondary schools to accommodate the pupils generated'*

PROW: No comments received at the time of writing this report. As part of the outline application they stated that:

'Proposed developments may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes. The aim to improve such facilities is stated within the policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026.'

A proposal has been logged under the Council's statutory Rights of Way Improvement Plan (ref. W42) to install a footway alongside Maw Green between its junction with Clay Lane and the skateboard facility some 180m to the north. At present there is no footway nor defined verge facility for pedestrians to access the facility. This facility is not listed in the Local Amenities Audit of the application yet would fall within a 2km isochrone from the proposed development site. Consideration should be given to contributions being made available for this off-site improvement'

Natural England: It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPAs should seek the views of their own ecologists when determining the environmental impacts of this development

6. VIEWS OF THE PARISH COUNCIL

Haslington Parish Council still considers that this development site is inappropriate development outside the settlement boundary with unsafe access via Vicarage Road and Cartwright Road where the effective road width is constricted by kerbside parking for former council housing built without off road parking. Adding traffic to this area will increase risks to children in the road and result in problems for emergency vehicles accessing the area. Specific objections to the current application include:

- Layout of the parking area, it is not clear from the various contradictory plans as to how this will be set out, will cars be able to turn around within the parking area or will they have to reverse out onto the access road.
- Crime & Prevention issues: How is the communal car park to be monitored, cars parked in the area will not be visible from resident's homes? The use of alleyways to provide access to the rear gardens of the terraced/affordable properties has created alleyways adjoining

the gardens of existing properties on Crewe Road - how will these potential Crime hotspots be monitored and policed - this is poor design when national guidelines require the designing out of crime from new development.

- The grouping of the affordable houses has generated crime attracting alleyways and is contrary to the "Pepper potting" policy, the affordable houses should be spread throughout the development, ideally grouped in pairs to avoid the need for alleyways.
- It is unclear who will be given access to use the shared parking area, will this include residents of Cartwright Road, will payment be required, who will own and maintain the area?
- T1 Oak Tree, why does the best tree on the site according to the arboricultural report only have a 1/2 circle of Construction Exclusion Zone, this will put the roots and branches at risk. It is not clear how the main access road will be constructed over the roots of the T1 Oak tree, details are only provided for driveways not the main access road.

7. OTHER REPRESENTATIONS

Letters of objection have been received from 18 local households raising the following points:

Principal of development

There is no need for housing within the village

The development is contrary to the Parish Plan

Impact upon the open countryside

Loss of agricultural land

The views of local residents have not been taken into account

The affordable housing should be pepper-potted

The proposed alleyways would create security issues

AQ similar application has been refused on this site

Highway implications

Cartwright Road and Vicarage Road are too narrow

Existing on-street parking restricts access

Additional traffic congestion

Access for construction vehicles is not possible

Pedestrian safety

Highway safety

Insufficient parking for residents on Vicarage Road

No parking provision for residents on Cartwright Road

There should be traffic calming at the junction of Crewe Road and Cartwright Road

People with children, older and disabled residents on Vicarage Road require access to their properties

Potential impact upon the sewer which runs down the highway

Green issues

Damage to the Oak tree at the entrance to the site

The tree should be subject to a TPO

Construction traffic will damage the tree

Impact upon Owls, Bats

There are Badgers on the site

The loss of wildlife

The Oak tree should be retained
The boundary hedgerows should be retained
The loss of hedgerow and trees
The development will damage the boundary hedgerows
The protected species report is not adequate

Infrastructure

Lack of capacity at the local primary school
The drainage system is overloaded and cannot cope
Lack of infrastructure
Lack of NHS infrastructure

Other issues

The existing properties along Cartwright Road and Vicarage Road are suffering subsidence problems and this development will make matters worse
The site suffers flooding
The Environment Agency have objected to the application
All members of the Strategic Planning Board should attend site visits

A petition signed by 170 residents has been received objecting to the application.

The full text of all the letters of representation can be found on the Councils website.

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Planning Statement (Produced by Elan Homes)
- Design and Access Statement (Produced by Elan Homes)
- Energy Performance Matrix (Produced by Elan Homes)
- Construction Method Statement (Produced by Elan Homes)
- Tree Protection and Arboricultural Method Statement (Produced by Sheilds Arboricultural Consultancy)
- Phase II Contaminated Land Assessment (Produced by GRM Development Solutions)
- Gas Protection Measures (Produced by GRM Development Solutions)
- Brine Report (Produced by Johnson, Poole and Bloomer Consultants)
- Bat and Bird Mitigation (Produced by Sensible Ecological Survey Solutions Ltd)
- Extended Phase 1 Habitat Survey (Produced by Sensible Ecological Survey Solutions Ltd)
- Arboricultural Impact Assessment (Produced by Sheilds Arboricultural Consultancy)
- Addendum to Statement of Community Involvement (Produced by Elan Homes)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principle of Development

In this case the principle of a development of 44 dwellings and the point of access have already been accepted following the approval of outline application 12/3564N.

This is a Reserved Matters application to consider appearance, landscaping, layout and scale. Therefore, this application does not provide an opportunity to re-examine the principle of development or the point of access.

The development would provide a density of 30 dwellings per hectare across the whole site or 35 dwellings per hectare on the developable area of the site excluding the POS.

Landscape

The principle of residential development has already been accepted on this site and the majority of the existing boundary trees and hedgerows would be retained (as discussed below).

The main landscaping issues that remain in this site relate to the provision of a retaining wall to the POS and the scheme of landscaping for the site. As part of the negotiations with this application the height of the retaining wall has been reduced and additional street scene drawings have been provided and this shows that the retaining wall would vary from 1.2 metres to 2 metres in height. It is considered that a scheme of landscaping along the retaining wall would help to reduce its impact and that details of the finish of the retaining wall could be conditioned.

Access to the POS would be via a proposed ramp and following negotiations this has been relocated outside the root protection area of a large Oak tree.

The detailed landscaping scheme has been revised following discussions with the Councils landscape architect to reduce the number of non-native species. The issue of landscaping will be dealt with through the imposition of a planning condition.

Affordable Housing

There is a requirement for 23 new affordable homes per year between 2009/10 – 2013/14 made up of a need for 2 x 1 beds, 7 x 2 beds, 9 x 3 beds, 4 x 4/5 beds and 1 x 1/2 bed older person dwellings within this SHMA area. To date there has been the delivery of 8 affordable dwellings.

A s106 agreement was entered into by the applicant in relation to the outline application which secured an obligation for the provision of 30% of the total dwellings on site to be provided as affordable dwellings, with 65% of the affordable dwellings to be provided as either affordable or social rented dwellings and 35% of the dwellings to be provided as intermediate tenure dwellings.

The s106 agreement also required an affordable housing scheme to be submitted with the reserved matters application, with the scheme required to set out:

- The type of rented and intermediate unit to be provided;
- The size & type of the affordable homes;
- The number of bedrooms in the affordable homes;
- The location of the affordable homes.

The s106 also secured obligations in relation to the delivery of the affordable dwellings, requirements for the dwellings to be transferred to a Registered Provider and occupancy criteria for the affordable dwellings.

As part of this application the applicant is offering the following:

- 13 affordable homes overall, which equates to 30% of the total dwellings and therefore satisfies that requirement of the s106 agreement:
- 2 x 2 bed (Audley House Type) which are 62m² in size;
- 7 x 2 bed (Beeston House Type) which are 64m² in size;
- 4 x 3 bed (Howden House Type) which are 69m² in size.

The type of affordable housing being proposed is acceptable as 2 bedroom and 3 bedroom dwellings and will go towards meeting some of the affordable housing requirement for Haslington & Englesea (in particular the SHMA 2010 identified the highest requirement for 2 and 3 bed properties in this sub-area).

The amended plans show that the affordable dwellings would now be plots; 3, 4, 5, 6, 13, 14, 16, 17, 18, 36, 37, 43 and 44. These dwellings are pepper-potted as per the requirements of the Interim Planning Statement: Affordable Housing (IPS). The location of these units is supported by the Councils Housing Team. As a result, it is considered that the reason for deferral has been addressed.

In terms of the type of dwellings proposed, the affordable units would consist of 5 pairs of semi-detached dwellings and a single terrace of three dwellings. As a result, there is no requirement for alleyways and this area of concern has been addressed.

The applicants planning statement explains that there is agreement in place for the affordable dwellings to be transferred to Plus Dane and that 8 will be delivered as rented and 5 as shared ownership. This complies with the requirements of the S106 agreement.

Highways Implications

The principle of the proposed access has been accepted as part of the outline application.

In terms of the internal road layout, this has been designed to meet adoption standards and is considered to be acceptable by the Strategic Highways Manager.

In terms of the proposed parking, the development will include a minimum of 200% parking which is considered to be acceptable in this location.

The outline application includes a condition that a parking area for at least 6 spaces should be provided for the existing properties on Vicarage Road. The submitted plan shows that this would be located at the entrance to the site and the condition attached to the outline consent states that it should be constructed prior to the construction of the dwellings.

At the SPB meeting on 9th October 2013, concern was raised about the impact upon residents who live on Cartwright Road and that there is a lack of off-street car parking. This issue was discussed as part of the outline consent and, as the principle of development has been accepted, it is not possible to revisit this issue. However, it should be noted that, of the properties backing onto the site 7 properties have off-street parking and 3 do not. Given the layout of the site and the need to retain an existing tree, it is not possible to provide off-street parking for residents on Cartwright Road.

Amenity

In terms of the surrounding residential properties, these are mainly to the south and west of the site.

The submitted plan shows that there would be a separation distance of 16.5 metres between the side elevation of plot 44 and No 30 Vicarage Road with a proposed parking area between. This separation distance is considered to be acceptable between non-principle elevations.

Between the rear elevation of plot 32 and the rear elevation of No 30 Vicarage Road there would be a separation distance of 25 metres which exceeds the spacing standards contained within the Councils SPD.

In terms of No 31 Vicarage Road there would be a separation distance of 7 metres to the side elevation of plot 1. Again this separation distance is considered to be acceptable between non-principle elevations. A condition will be attached to ensure that the first floor window to the side of Plot 1 is obscure glazed.

There would be a separation distance of 28 metres between the front elevations of plots 12-15 and the side boundary of no 31 Vicarage Road which is considered to be acceptable.

From the rear elevation of No 40 Cartwright Road there would be a separation distance of 37 metres to the blank side elevation of Plot 3. This exceeds the guidance standard separation distances as contained within the Councils SPD.

To the south there would be a separation distance of approximately 44 metres to the closest property which fronts Crewe Road (No 213) and the rear elevations of plot 3-11. Again this exceeds the guidance standard separation distances as contained within the Councils SPD.

The impact upon neighbouring residential properties is therefore considered to be acceptable.

Trees and Hedgerows

Trees

The Trees within and adjacent to the site are currently not protected by a Tree Preservation Order or lie within a Conservation Area.

The Arboricultural Report has identified 22 individual trees, 1 group of trees, 5 hedgerows and 1 area of scrub on and immediately adjacent to the site. The report provides an assessment of their contribution to the amenity of the area and the potential impact of development and, with regard to hedgerows, consideration of their importance under the Hedgerow Regulations 1997.

The assessment has identified one tree, a mature Oak (located off site and on third party land) as a Grade A high quality and value category tree and 14 moderate quality and value trees. The remaining 13 trees are of C category (low value) or U category specimens.

The submitted plan shows that all A and B category trees located around the boundary of the site would be retained, with low category specimens (mainly fruit trees remnants of a former orchard) to be removed to accommodate the design of the development. The majority of these would be protected through the use of protective fencing.

The main issue is the impact upon the large Oak tree at the entrance to the site. The submitted arboricultural method statement identifies that in order to provide adequate clearance it will be necessary to undertake some pruning work to raise the crown of this tree which overhangs the site. The report identifies that the crown structure of the tree is such that adequate clearance can be obtained by the removal of secondary and tertiary branches, with no removal of any primary limbs. The pruning works shall consist of:

- The removal of any branch stubs, deadwood, hung up branches and climbers, the removal of sucker growth, the removal of epicormic growth to a height of 5 metres above ground level
- Crown lifting to a maximum height above ground level of 5-6 metres: cut back to appropriate pruning points above the access road and car parking area only;
- Lateral crown reduction by 1.5 – 2 metres on south east side of crown, including reshaping and balancing;
- Re-shaping and balancing;
- The works shall not include the removal of any branch of which any part is more than 100mm in diameter or any pollarding or topping.

The Oak tree would be protected by 2.4m high protective fencing with a no-dig zone within the Root Protection Area to the north and north-west of the tree.

The construction of the access would be in accordance with a construction specification/method statement which states that:

- Existing services within the site should be retained wherever possible. Where existing services within the RPAs (Root Protection Areas) require upgrading, the upmost care must be taken to minimise disturbance. Where feasible trenchless techniques are to be employed, (and only where necessary) open excavations be considered
- Where new services are to be introduced into the site, they should be located outside of RPAs wherever possible, where they will not interfere with tree roots. If any excavations are required within the RPAs, all trenches are to be excavated by hand and radially to the tree trunks, under direct on-site arboricultural supervision. They are to be carried out under National Joint Utilities Group (NJUG) guidelines.
- Excavations for the foundations of the access road immediately adjacent to the RPAs of the existing Oak Tree may be undertaken with an excavator using a toothless grading bucket under direct on-site arboricultural supervision. If roots are encountered during the supervised, excavation around the roots are to be continued manually.
- The soil is to be loosened with the aid of a fork or pick axe and then cleared with the aid of an Air-spade, Air-vac and or shovel. Any roots found will be cleanly severed by the arboricultural consultant with either a hand saw or secateurs.
- Any roots found with a diameter of less than 25mm shall be cleanly severed by the arboricultural consultant. Any roots of 25mm and above shall be excavated around without damaging them; the arboricultural consultant shall decide if it's feasible or necessary to retain the root, if not it shall be severed.

- The edge of the excavation closest to the trees will be covered with damp hessian to prevent soil collapse or contamination by concrete.
- If any unidentified services or suspect objects are unearthed, Elan will cease work immediately and seek the advice of the Site Manager.
- All attempts will be made to minimise disruption of any encountered tree roots within the road formation, but some damage will be inevitable.

The above information has been considered by the Councils Tree Officer who considers that the works suggested are acceptable.

Hedgerows

The existing boundary hedgerows would be retained and the plans have been revised to increase the separation distance to the boundary hedgerows. The impact is therefore considered to be acceptable.

Design

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

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

In this case the density of the site is appropriate and is consistent with that of the surrounding area. The layout shows that the properties on the site would overlook the highway, communal parking areas and the public open space.

To the east the boundary hedgerow would be retained to act as a green buffer to the open countryside beyond. The open space would be located to the north of the site which would retain the existing green corridor along Fowle Brook and this is welcomed.

The proposed dwellings would be two-stories in height which is consistent with those which surround the site and is considered to be acceptable. The properties would have varied ridge lines which would add interest to the street-scene.

In terms of the detailed design, the proposed dwellings would include projecting gables, bay windows, sloping roofs, lintel and sill details, porch detailing and a mixed palette of materials. The detailed design is considered to be appropriate in this location and would comply with Policy BE.2 of the Local Plan and the NPPF.

Ecology

Bats

Two trees were identified during the determination of the outline application as having potential for roosting bats. One of these trees, the oak located near to the site entrance, is proposed for pruning including the removal of dead wood. A bat activity survey has been undertaken and has not recorded any evidence of roosting bats within this tree.

The second tree which is described as a dead Ash overhanging the brook is located off site and no works are proposed to this tree. Furthermore there would be no construction works within the vicinity of this tree. The impact is therefore negligible.

Other Protected Species

A sett for another protected species has been discovered along the northern boundary of the site. The sett is located within the proposed POS and is a reasonable distance from the harder elements of the proposed development. Mitigation proposals have been provided to reduce the impacts of the proposed development upon badgers which includes the avoidance of heavy works within 20 and 30m of the badger sett. The mitigation measures are considered to be acceptable by the Councils Ecologist and a condition will be attached to secure the migration.

Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. The application site is currently bounded entirely by hedgerows. The proposed development will result in the retention of all boundary hedgerows and is therefore acceptable.

Fowle Brook

The submitted plans show an undeveloped buffer along the boundary with Fowle Brook in accordance with condition 7 of the outline consent.

Public Open Space

The S106 Agreement for the outline application includes a requirement of 'no less than 1,800sqm' of public open space. In this case the submitted plan shows that there would be 2,048sqm. As this exceeds the requirement it is considered to be acceptable.

The open space would be located at the northern end of the site which is preferable due to the flood risk requirements of the Environment Agency, the position of a protected species sett and from Ecology purposes it would be preferable to provide a green buffer along the brook.

In terms of children's play space, the S106 Agreement secures a contribution of £35,000 towards the upgrading of the existing Haslington Skate Park at Maw Lane or the Gutterscroft Play Area, Primrose Avenue. This sum will be paid to the Council prior to the occupation of more than 50% of the dwellings on the site. The sum will be spent following consultation with Haslington Parish Council.

Education

The S106 Agreement for the outline application includes a contribution of £75,924 towards enhancing the capacity of local primary schools within a 2 mile radius of the site. This sum will be paid to the Council, prior to the occupation of more than 50% of the dwellings on the site.

Flood Risk and Drainage

The majority of the application site is located within Flood Zone 1 according to the Environment Agency Flood Maps although a small portion of the site along the northern boundary with Fowle Brook is located within Flood Zones 2 and 3.

In terms of the flow rates from the development to Fowle Brook the drainage design provides a discharge rate to match those contained within the FRA provided as part of the outline application and is acceptable.

In terms of flood storage, this would be provided within the POS outside the Fowle Brook buffer zone and calculations have been provided to justify the required volume.

The Environment Agency has been consulted as part of this application and have raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Other issues

At the last Strategic Planning Board meeting a query was raised about the imposition of conditions to the Reserved Matters application.

The query raised the following conditions which are attached to the outline consent;

- Construction hours (condition 5)
- Pile driving hours (condition 6)
- 10% of predicted energy requirements from decentralised and renewable or low carbon sources (condition 11)
- Method statement for deliveries to the site, how and where materials will be unloaded and details of where contractors vehicles will park (condition 19)
- Bin storage details (condition 21)

As the above conditions are attached to the outline consent there is no reason to repeat them on any reserved matters approval.

Additional conditions will be attached in relation to a scheme of maintenance for the car parking area for residents on Vicarage Road and that residents will not be charged for using the car parking area. The contaminated land informative has now been attached to the recommendation.

10. CONCLUSIONS

The principle of residential development on this site has already been accepted following the approval of outline planning application 12/3564N.

The provision of the access was approved as part of the outline application and the issue of highway safety is considered to be acceptable. The development would provide 6 parking spaces

for existing dwellings located on Vicarage Road. In terms of traffic generation, the scale of the development means that the development would not have a significant impact upon the highway network.

Although there would be some adverse visual impact resulting from the loss of open countryside, it is considered that, due to the topography of the site and the retention of existing trees and hedgerows, this would not be significant relative to other potential housing sites in the Borough.

The large tree at the entrance of the site would be retained and is not worthy or subject to a TPO and cannot be protected. It is considered that the impact upon trees and hedgerows is acceptable in this instance.

With regard to ecological impacts, the Council's ecologist is satisfied with the proposed development subject to conditions.

The scheme complies with the relevant local plan policies in terms of amenity and in all cases the proposed dwellings would exceed the separation distances set out in the Council's SPD. The impact upon residential amenity is therefore acceptable.

Policy requirements in respect of public open space provision have been met within the site, and provision for children's play space has been agreed off site with an upgrade to Haslington Skate Park or Gutterscroft Play Area.

Following negotiations as part of this application the Flood Risk Assessment is considered to be acceptable by the Environment Agency.

The amended plans show that the affordable housing would be pepper potted and the affordable housing provision is considered to be acceptable.

It is therefore considered that the proposal would comply with the relevant local plan policies and would not compromise key sustainability principles as set out in national planning policy. Consequently there is a presumption in favour of the development. Accordingly the application is recommended for approval.

11. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Obscure glazing to the side elevation of Plot 1 facing No 31 Vicarage Road**
- 2. No additional windows to be installed in the side elevation of plots 3, 9, 19, 30, 36, 37, 41 & 44**
- 3. Removal of Permitted Development Rights for Plots 3, 4, 5, 6, 13, 14, 16, 17, 18, 36, 37, 43 and 44**
- 4. Materials as application**
- 5. Construction of the access as shown on plan reference VRH/TPP/07/12/01 in accordance with the construction specification/method statement for the construction of the access**
- 6. The proposed development to proceed in accordance with the submitted badger survey and mitigation statement**

- 7. Landscaping submission of details**
- 8. Implementation of landscaping**
- 9. Details of the retaining wall and boundary treatment to the open space**
- 10. Maintenance scheme for the car parking area to be provided**
- 11. The Parking area shall be free of charge**

Informative:

- 1. The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management and Building Control has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

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