

Application No: 16/1046N

Location: LAND OFF CREWE ROAD, HASLINGTON, CHESHIRE, CW1 5RT

Proposal: Reserved matters application for the erection of 245 dwellings, highways, public open space, play facility and associated works following approved outline application (13/4301N) APP/R0660/A/14/2213304

Applicant: Mr Christopher Conlon, Bovis Homes Ltd

Expiry Date: 31-May-2016

## **Summary**

The principle of development of this site for 250 dwellings has already been accepted as part of the outline approval on this site.

### Social Sustainability

The development will not have a detrimental impact upon residential amenity and complies with the privacy distance standards in adopted policy, it would provide benefits in terms of affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

The impact upon infrastructure would be neutral having already been addressed at outline stage.

In terms of the Public Open Space and the 12 piece LEAP provision required by the outline permission can be provided

### Environmental Sustainability

Details of the proposed landscaping are considered to be acceptable.

With regard to ecological impacts, the development would have a neutral impact subject to mitigation and the Council ecologist has confirmed that the favourable conservation status of the Great Crested Newt is maintained by the proposals.

The drainage/flood risk implications for this proposed development are considered to be acceptable subject to the imposition of planning conditions.

The development would not have any significant impact upon the trees and hedgerows on this site. Further, the layout is in general conformity with the formally approved landscape masterplan conditioned as part of the outline permission.

The proposed access point and the traffic generation impact of this development has already been accepted together with contributions for off-site highway works as part of the outline planning permission on the site. This issue can not be visited as part of an assessment of the reserved matters

The internal design of the highway layout/parking provision is considered to be acceptable.

### Economic Sustainability

The development of the site would provide a number of economic benefits in the residential use of the site, together with the construction benefits to the construction supply chain.

It is considered that the planning balance weighs in favour of this development.

### **RECOMMENDATION**

**Approve subject to conditions**

### **DEFERRAL**

This application was deferred by SPB on 29 September for the applicant to consider amendments to the scheme, improved planting to the Ashley Meadow boundary and to consider providing off street parking for 2 dwellings opposite the emergency access point off Park Lane.

The main report has been updated to reflect those changes and also additional information (such as ecology) from the last meeting. However, in essence the main changes are indicated below.

- 5 bungalows have been introduced to the layout to the Ashley Meadows elevation where it abuts Brookfield
- Plots 231 and 232 are reduced in height to 2 storeys from the 2½ storey units previously submitted.
- The mix of housing has therefore changed to the following:
  - 12 no. 1 bed flats (2 storey)
  - 8 no. 2 bed bungalows (increased by 5)
  - 41 no. 2 bed semi/ terraced units
  - 52 no. 3 bed semi/ terraced units
  - 31 no. 3 bed detached units (reduced by 2)
  - 2 no. 4 bed semi detached units
  - 60 no. 4 bed detached units (reduced by 1)
  - 39 no. 5 bed detached units (reduced by 2)
- A layby for the parking of 2 cars has been provided on Park Lane opposite the 2 dwellings who park on the public highway close to the emergency access point..

- Further Ecological Buffer planting has been provided to the Ashley Meadows boundary of the site.

## **PROPOSAL:**

This is a reserved matters application for 245 dwellings. The issues which are to be determined at this stage relate to the appearance, landscaping, layout and scale of the development.

The access would be via the approved outline scheme on Crewe Road.

The development would consist of 1 to 5 bedroom units. 73 of the units are affordable units dispersed within the development and of the same design style of the market units. The majority of the units would be 2 storeys in height, however, there are, as revised, 8 bungalows (an increase of 5 from previous) and 4 units would be detached townhouses of 2.5 storeys, these are located within the heart of the development.

The development is split into six character areas and follows the parameters as approved within the outline scheme

The development would now consist of the following mix:

- 12 no. 1 bed flats (2 storey)
- 8 no. 2 bed bungalows (increased by 5 no since last committee)
- 41 no. 2 bed semi/ terraced units
- 52 no. 3 bed semi/ terraced units
- 31 no. 3 bed detached units (reduced by 2 no from last committee)
- 2 no. 4 bed semi detached units
- 60 no. 4 bed detached units (reduced by 1 no from last committee)
- 39 no. 5 bed detached units (reduced by 2 no from last committee)

Public Open Space circumvents the application site with a LEAP comprising 12 pieces of located to the southern area of POS. Emergency vehicle access is provided via Park Lane. The area for the medical centre is left undeveloped and a small portion of the site between plots 189 and 211 is undeveloped as part of these reserved matters.

The proposal has been amended on 2 occasions during the consideration of the application to address Officer concerns. Following on from the most recent committee deferral, 5 bungalows have been introduced to the layout to the Ashley Meadows elevation where it abuts Brookfield and plots 231 and 232 are reduced in height to 2 storeys from the 2 ½ storey units previously submitted).

To fully comply with the quantum of development allowed by the appeal on this site, a further 5 dwellings could be accommodated. An area suitable for the provision of 5 such units has been removed from this application as part of the revision within the heart of the application site. To comply with the affordable housing requirements of the S106, 2 of these future units would need to be affordable units.

To address Member concerns a layby for the parking of 2 cars have been provided on Park Lane opposite the 2 dwelling who park on the public highway close to the emergency access point for emergency vehicles. Ecological Buffer planting has been provided to the Ashley Meadows elevation.

## **SITE DESCRIPTION:**

The application site is located on the eastern edge of Haslington and covers an area of 11.91 hectares.

The application site is currently an area of agricultural land covering three large fields, with a network of hedgerows. The northern boundary is located to the rear of properties running along Crewe Road, further to the north, the site boundary extends up to the Crewe Road boundary along a projection between a number of these properties. A stream is located along the northern boundary that feeds into Fowle Brook. There are a number of mature trees along the northern boundary and along the northern part of the site where it projects to the Crewe Road boundary.

The western boundary also abuts the built edge of Haslington , with a hedge along the boundary, as well as a ditch. The southern and eastern boundaries have hedgerows and beyond these lies the wider open countryside.

## **RELEVANT HISTORY:**

There are numerous historic applications on this site but the most relevant is -

13/4301N - Outline Planning Application for Demolition of existing structures and foundations of a partly constructed building, and the erection of up to 250 dwellings, medical centre/community use, public open space, green infrastructure and associated works – Conditional planning permission granted on appeal 14/8/2014

## **POLICIES**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

### **Development Plan:**

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site within the open countryside and Green Gap..

The relevant Saved Policies are: -

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)  
NE.9: (Protected Species)  
NE.20 (Flood Prevention)  
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)  
RES.7 (Affordable Housing)  
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE3 – Biodiversity and Geodiversity  
SE5 – Trees, Hedgerows and Woodland  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 3 - Biodiversity and Geodiversity  
SE 13 - Flood Risk and Water Management  
SE 6 – Green Infrastructure  
IN1 – Infrastructure  
IN2 – Developer Contributions

### **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

### **CONSULTATIONS:**

**Environment Agency:** No comments to make. Refer to internal Flood Risk Manager

**Natural England :** Development will not affect Statutory site

**ANSA (Public Open Space):** The play equipment offered is somewhat out dated and could be bettered

**CEC Flood Risk Manager:** No objection subject to condition

**United Utilities:** No objection subject to the imposition of planning conditions.

**CEC Environmental Health:** No objection subject to the imposition of planning conditions relating to Environment Management Plan, Phase ii contamination report and electric vehicle infrastructure.

**CEC Head of Strategic Infrastructure:** No objection.

**CEC Strategic Housing Manager:** No objection.

**VIEWS OF THE PARISH/TOWN COUNCIL: Haslington Parish Council:**

1. This application appears to cover a site where Cheshire East as the planning authority refused to grant outline approval for development. A subsequent appeal detailed fundamental requirements to be resolved regarding access before development would be approved. Access is still unresolved, so this application appears to be premature.
2. The proposed layout for the field has a dense cluster of properties that do not relate to the adjoining street scene. The nine proposed properties in the field next to Crewe Road be deleted from the proposals, and the area left as green open space - this would provide the benefits of retaining the existing break in the frontage of properties on Crewe Road, not damaging the existing gradual transition from open rural landscape to denser urban development. This would minimise the visual impact of the development as residents and visitors travel along Crewe Road into Haslington village from the neighbouring community of Winterley.
3. The application documents provide various “typical street scenes”, these highlight the fact that the development appears to have a very limited range of building heights, no effort has been made to introduce a range of building heights or silhouettes within the development. The application shows little attempt to blend into the existing rural - urban boundary, this site is in a very prominent location when viewed from the surrounding open countryside, with its many public footpaths. If one approaches the village on the public footpath from Haslington Hall, the existing developed horizon shows buildings of many shapes and sizes, between the mature trees.
4. The affordable homes are in large blocks within the development, Cheshire East policy requires that affordable homes are pepper potted throughout the development to demonstrate a tenure blind community. The affordable homes need to be split up throughout the development.

5. The public open space between the development and the existing properties on Ashley Meadow will allow the public to look directly into the back gardens and windows of the existing properties. The existing properties were designed with the expectation of them continuing to overlook open farmland not a public area. Perhaps this area could be designated a wildlife corridor, with only restricted access to allow maintenance of the existing stream, rather than full public access.
6. No details of the design of the proposed medical centre have been submitted, can the provision of the medical centre be made a condition for development?

## **REPRESENTATIONS:**

From circa 81 addresses in the locality there have been 108 individual representations, raising objection to the application as originally submitted on the following grounds :

### Principal of development

- The development does not take into account the emerging Haslington Neighbourhood Plan
- Local Authority has a 5 year plan so houses not needed
- Loss of green and agricultural land
- The site is not sustainably located
- No evidence to demonstrate that the housing numbers meet any local need
- Loss of open countryside
- Plenty of empty houses in Crewe
- There should be retirement bungalows and starter homes included so that existing residents will be able to stay in the village
- Revised layout has 3 storey houses to Ashley Meadows boundary. Inspector required bungalows to this boundary

### Highways

- Inadequate car parking provision
- Traffic congestion
- Traffic impact

### Green Issues

- Landscape impact
- Impact upon biodiversity
- Impact upon protected species
- Flooding
- Ponds to the rear of 202 Crewe Rd are ecologically important and should not be utilised as part of drainage strategy of site
- Submitted Environmental Reports inaccurate
- Ponds will dry out in the summer months

### Infrastructure

- Increased pressure on local schools (both primary and secondary)
- Impact upon local health provision

### Other matters

- Development should not be allowed before the visibility splay issue on Crewe Road is resolved (Condition 19 on outline)
- Application is premature due to access condition
- Property values and existing residents not being able to sell their own properties

Further to the additional neighbour consultation in respect of the revised plans, circa 50 representations from 38 different addresses and Haslington Action Group

- The application has significant and material differences to the Masterplan provided at appeal APP/R0660/A/14/2213304.
- The access in its current form does not provide adequate splays.
- Additional ecological information not available in the outline planning application seriously questions the scale of the development.
- The urban grain is too dense.
- There are numerous errors and inconsistencies in the application, which makes it impossible to even know what is actually being asked for.
- The scheme does not comply with the privacy distances indicated within the outline appeal Design and Access Statement to Ashley Meadows.
- No bungalows to Ashley Meadows elevation as indicated in outline design and access statement
- The separation distance to Ashley Meadows has reduced from the indicative masterplan
- There is no planting of trees or shrubs to the rear of the fenceline
- Reorientation now creates direct overlooking
- No garages to the rear, all are now at the side.
- The plans have changed from previous
- Bungalows removed and introduction of 3 storey (2 ½ in developer speak) buildings
- 21m Offset to rear building line not maintained
- Scheme does not comply with Cheshire East design Officer comment on outline scheme
- The changes in house types will result in greater footfall
- The cumulative impact of further allowed developments in Winterley and Haslington after this site was granted permission will have and this access should be re-assessed on that basis
- Loss of hedgerows and ponds on the site, therefore ignoring previous advice and submissions in relation to wildlife and environmental matters, including flooding risk of neighbours.
- Highways impact
- Schools, Doctors surgeries, dentists and hospitals and many other basic amenities are all overcrowded in the area

### **APPRAISAL**

The principle of residential development has already been accepted following the approval of the outline application 13/4301N which was allowed at appeal.

This application relates to the approval of the appearance, landscaping, layout and scale of the development.

## **Housing Mix**

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing. In this case the development would provide the following mix:

This proposal provides for the following mix:

- 12 no. 1 bed flats (2 storey)
- 8 no. 2 bed bungalows (increased by 5 no since last committee)
- 41 no. 2 bed semi/ terraced units
- 52 no. 3 bed semi/ terraced units
- 31 no. 3 bed detached units (reduced by 2 no from last committee )
- 2 no. 4 bed semi detached units
- 60 no. 4 bed detached units (reduced by 1 no from last committee)
- 39 no. 5 bed detached units (reduced by 2 no from last committee )

This residential mix is acceptable as it sits entirely in accordance with the Parameters and Design Statement within the Original outline scheme determined to be acceptable by the Inspector.

The scheme has been revised to increase the numbers of smaller family homes as part of the scheme. The mix of sizes, both for market sale and affordable units are considered acceptable.

## **Affordable Housing**

The s106 agreement attached to the outline application details that an Affordable Housing Scheme shall include an affordable housing provision of 30% which will comprise 65% affordable/social rent and 35% as intermediate tenure.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development. The external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings.

This is a proposed development of 245 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 73 dwellings to be provided as affordable dwellings. 48 units should be provided as Affordable rent and 25 units as Intermediate tenure

The site is located in Haslington which is in the Haslington and Englesea sub-area for the SHMA Update 2013, and identified a requirement for 44 new affordable homes per year between 2013/14 – 2017/18 made up of a need for 1 x 1 beds, 11 x 2 beds, 19 x 3 beds, 10 x 4/5 beds and 1 x 1 & 1 x 2 bed older person dwellings. Information from Cheshire Homechoice shows that

there are 50 applicants who have selected Haslington as their first area of choice. Those applicants require 21 x 1 bed, 18 x 2 bed, 10 x 3 bed and 1 x 4 bed dwellings.

Strategic Housing were involved in pre-application discussions with the applicant and have confirmed that the mix of units supplied by the development is acceptable and broadly reflects the level of housing need in the area.

The external design detail and materials would be consistent with the open market dwellings and is considered to be acceptable. The distribution (pepper- potting) of the affordable units within the site is considered to be acceptable by the Strategic Housing Manager.

## **Highways Implications**

Matters pertaining to the highways impact of 250 dwellings on the wider highways network, together with the site access were considered as part of the outline application. This application does not afford any ability to re-visit these issues.

Conditions attached to the to outline scheme remain and the Applicant is required to satisfy all condition precedents, Grampian and other conditions attached to the outline permission as part of the discharge of conditions or the implementation of the permission.

Accordingly, condition 19 attached to the outline is extant, and states;

**‘No development shall take place on site until the proposed new junction with Crewe Road, including the visibility splays as specified, has first been constructed in accordance with the details shown on Figure 6.1, Rev.B: “Proposed Site Access Junction with Pedestrian Crossing”**

The visibility splay is a matter of dispute as to its ownership and was also disputed during the outline appeal, when the Inspector referred to the ownership dispute as part of his decision. Such matters are legal matters, as previously determined by the Inspector, and not relevant to the determination of a planning application for reserved matters such as this. This reserved matters application does not seek to alter condition 19 and remains as part of the outline permission. The applicant will need to comply with the condition to implement the scheme.

The internal road layout of this site, the carriageway widths proposed are a mix of formal highway 5.5m with two 2.0m footways and 4.8m roads with either a single footway or two footways. There are also a number of shared surface roads proposed within the site, these are low speed areas that will operate as vehicle/pedestrian areas.

The car parking provision for the units proposed is in accordance with current CEC standards and the level of off street parking is considered acceptable.

Overall, the road layout is one that meets the necessary highway standards and is suitable for adoption. The Strategic Highways Manager has therefore confirmed that the proposal is acceptable.

## **Amenity**

In this case the Crewe and Nantwich SPD titled 'Development on Backland and Gardens' requires the following separation distances:

- 21 metres between principal elevations
- 13.5 metres between a non-principal and principal elevations

This site shares boundaries with properties on Ashley Meadows, Church Farm on Park Lane, 180-204 Crewe Rd. The rear elevation of plots 226 and 345 would back on to the rear of existing dwellings on Ashley Drive and at Church Farm.

Properties that adjoin the site within Ashley Meadows have a land level approximately 2m lower than the application site. To this boundary an avenue of dwellings is to be created, interspersed by a linear part of the POS that is a landscape buffer between the site and the neighbouring units on Ashley Meadows.

The 5 bungalows to the Brookfield (top of) Ashley Meadows are at the point of the site where land levels on the adjoining land is the lowest. The separation distance with the adjoining neighbours on Ashley Meadows is 38 metres. This exceeds the separation distance standard required by adopted planning policy by some margin. The only other boundary of the site where there are existing properties is to the Crewe Road frontage where the relationship is also acceptable.

The separation distances between the proposed dwellings are also considered to be acceptable.

### **Trees and Hedgerows**

This application identifies the removal of two TPO trees (identified as Sycamores T37 and T38) located on the Crewe Road frontage and an unprotected Cherry (T41) and Beech (T42) to facilitate the proposed access as approved under the outline permission. Provision for replacement/mitigation of these losses are included within the proposed areas of public open space.

The proposed layout provides for the retention of the High (A) category and Moderate (B) category trees (both TPO'd and not TPO'd) within areas of Public Open Space, with some minor low (C) category losses internally within the site.

Overall the Arborist raises no objection subject to conditions.

### **Landscape**

A landscaping scheme including a landscape and POS management schedule has been submitted with this application and this has been considered by the Councils Landscape Architect.

The Landscape architect has stated that the proposed landscaping scheme is acceptable.

### **Design**

The application is a Reserved Matters application with details of scale, layout, appearance and landscaping to be determined at this stage.

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.”*

Six character areas have been developed from the outline indicative masterplan. These are -

- Crewe Road & The Avenue – Two storey detached dwellings in a linear spine running from Crewe Road to the southern boundary of the site
- Hazel Green – Two storey detached with mix of facings overlooking the ponds and open space (POS) to the north of the main inner site development zone
- Rural Edge Rides – Similar to Hazel Green but with greater spacing between dwellings – adjoins the southern part of the site overlooking the POS – abuts the countryside
- The Greenway – Central zone linear blocks of terraced and semi detached dwellings, all 2 storey – hedgerow retained within central part of zone
- The Lane – adjoins the boundary to Ashley Meadows – 2 storey detached dwellings with 5 bungalows to the top of the zone
- Squares and courtyards – denser development in inner parts of the site shrouded within existing character areas from any outer site boundary, 4 units are 2 ½ storey.

The positive and externally orientated perimeter houses are welcomed with all areas of open space, footpaths and highways well overlooked by the proposed dwellings. The density of dwellings per hectare is appropriate due to the urban fringe location of the site and the development framework is as indicated within the information submitted within the design and access statement submitted at outline stage. The palette and mix of materials comprises render as well as brick, with key focal point units being orientated to key streetscene points. Whilst the house types are part of this house builders standard portfolio, the same house within each character area within the site has a different design treatments throughout the character areas to create a different sense of place by well chosen design features. This use of different palettes such as hanging tiles to bays or render or brick to the same bay within different zones is considered to be appropriate and will add interest in streetscenes and the different character areas

In terms of the detailed design the proposed dwellings include canopies, bay windows, sill and lintel details. The design of the proposed dwellings, the palette of materials and their scale is considered to be acceptable and respects the character of this part of Haslington, bearing in mind

that the outline permission allows up to 250 units being developed on the site within a development framework/development zones as applied for.

The Development Zone to the Crewe Road part of the site comprises 8 units within the developable area. At outline stage the plans submitted to the appeal indicated (but are not a conditioned plan) 7 detached dwellings to the same development area. The additional unit is provided by splitting a very large plot into 2 on the main road frontage. This is considered to comply with the design principles established at outline stage and the provision of housing to this location is entirely in accordance with the outline permission and the character area

The Urban Design Officer has considered the scheme and advises that it conforms with the master planning principles indicated at outline stage and complies with the principles of the emerging Urban Design Guide.

## **Ecology**

The current application is supported by an Ecological Mitigation strategy, which refers to the potential presence of amphibians including great crested newts, but which does not include specific mitigation and compensation proposals for this species. GCN mitigation proposals have been included with the submitted great crested newt survey report.

Whilst much of the habitat lost to the footprints of the proposed houses is of limited value to great crested newts, there are some quite severe impacts on the high quality habitat located in close proximity to the breeding ponds.

Consequently, there is concern that the impacts of the proposed development will be adequately mitigated or compensated for and that the favourable conservation status is maintained.

### Bats

A number of trees present on site have been identified as having potential to support roosting bats. Based on the submitted layout plan it appears feasible for these trees to be retained as part of the development.

An updated assessment of the buildings on site has identified a number of potential features that could be used by roosting bats. However, further detailed surveys have not identified any evidence of roosting bats.

The Ecologist advises that roosting bats are unlikely to be directly affected by the proposed development.

### Reptiles

The applicants consultant has advised that a further reptile survey has not been undertaken this year. The ecologist considers that the Council has sufficient information to conclude that reptiles are not reasonable likely to be present or affected by the proposed development.

### Great Crested Newts

The applicant is proposing that the SUDS scheme for the site discharges into the existing pond. This water would be at the end of the treatment chain.

The Council seeks to ensure, in determining applications, that GCN ponds and ponds associated with SUDS are kept separate to avoid any risk of contamination. However, in this instance it is important to ensure that the existing pond receives sufficient water as part of the proposed development to maintain water levels in the pond.

There are two issues here; firstly it must be ensured that the water entering the pond is sufficiently clean to not affect newts and; secondly it must be ensured that sufficient water enters the pond to ensure the existing water levels in the pond are maintained.

In order to ensure that the water entering the newt pond is of sufficient quality the applicant is proposing that the water from the site discharges into the newt pond at the end of the SUDS 'treatment train'. Therefore water entering the pond would already of been filtered through gravel/reedbeds prior to reaching the pond which should remove any contamination.

The Council's Flood Risk Manager has discussed this with the Council Ecologist and has advised that it is feasible that the SUDS could be designed to maintain the existing flow of water to the newt pond. To ensure the above was taken forward a detailed design for the SUDS would need to be submitted prior to the commencement of development. This could be a planning condition.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

With respect to these matters; the development has the benefit of outline planning permission and the benefits to the housing land supply position of the Council are considered to be of overriding public interest and that there are no suitable alternatives in the vicinity of the site which could be utilised to deliver the housing development

Significant information has been submitted concerning the newt mitigation area. The Ecologist has confirmed that he is satisfied that the favourable conservation status of the European Protected Species will be safeguarded by these proposals.

It should be noted that a neighbour has claimed ownership of the large pond to the rear of 198 Crewe Road. Land Registry plans, however, confirm the owner of the pond and the land around it is the Applicant.

## **Public Open Space**

The amount of open space required as part of this development is circa 4900 m sq and the proposed development includes 33939m2 POS which would easily exceed the required level of POS. As such the development is acceptable in terms of the POS provision. This is maintained by Private residents Management Company in accordance with the S106 attached to the outline permission

The Unilateral Undertaking attached to the outline permission also secures the provision of a 12 piece LEAP and this would be provided within the proposed POS.

The Leisure Services Manager considers that the range of equipment could be improved, subject to condition; this is considered to be acceptable. A condition will be required.

To address previous concerns the Applicant has offered a small portion of the POS close to the emergency vehicle access to be made into a layby for parking of 2 cars for the use of neighbours on Park Road. The management of this area will fall will the management agreement for the POS. The layout of the POS is set by the reserved matters so there is no concern about the loss of the small portion of the POS will have any impact upon the function of the POS

## **Education**

The issue of education capacity for 250 units was dealt with as part of the outline application. Education mitigation payments of £448,089 and £539,309 in respect of primary and secondary education via the S106 Agreement attached to the outline permission. This application can not now revisit this issue.

## **Flood Risk and Drainage**

A Flood Risk Assessment (FRA) has been submitted which includes an outline surface water drainage strategy that deals with the increased surface water flows offsite generated by the increase in impermeable area. This involves restricting the flows off site to the original greenfield runoff rate by using ponds to store the excess volumes.

The FRA includes site specific hydraulic modelling to determine if any of the development lies outside Flood Zone 1. A small area lies within Flood Zone 2 and 3 and the proposed finished floor levels will be set 600mm above the appropriate flood level in this area. The modelling confirms anecdotal evidence from public consultation about historical flooding. Because the drainage strategy intends to mimic existing conditions there will be no betterment of the flood risk to the surrounding area. Flooding offsite will still occur and it will be no better or worse than before. The requirement to manage the risk from overland flow of surface water from the site is a condition on the outline permission.

In this case the Councils Flood Risk Manager has considered the flood risk implications from this development. Conditions managing the risk from overland flow of surface water from the site are already placed upon the outline permission and there is no need to repeat drainage conditions for this reserved matters application.

The provision of foul drainage will be by gravity to a pumping station where it will be pumped to the nearest existing sewer. It is anticipated that the foul drainage system including the pumping station will be adopted by United Utilities. The pumping station will require emergency storage and connections to allow the contents to be drawn off into a tanker.

Overall the proposal flood risk and drainage strategy is considered to be acceptable in terms of the flood risk and drainage.

## **OTHER MATTERS**

Much neighbour comment is raised in representations in this case concerning the access condition 19 attached to the outline permission. As detailed previously in this report, condition 19 is a condition, which the developer, in implementing their planning permission, will have to comply with. Issues of ownership/boundary disputes are not material planning issues and are not relevant to this determination of the matters reserved by the outline planning permission, the layout, appearance, landscaping of the scheme.

Neighbours have raised objection to the revisions of the scheme on the basis that they are at variance with the outline design and access statement and other statements submitted by Richborough Estates in the outline application.

Members are advised that such information is indicative at outline stage and can only be required to follow through to the reserved matters if a condition is attached to that outline permission. In this case there are 3 plans attached to the outline permission via conditions which need to be complied with; these are the access visibility splay as required by condition 19; the landscape masterplan and the location plan. There is no condition attached to the outline permission requiring compliance with the indicative masterplan or any statement submitted in support of the outline scheme. The detailed plans submitted in this case comply with the landscape masterplan and the location plan.

The objections of neighbours are noted, but for the reasons outlined in this report, the objections are based on matters that have already been considered as part of the outline appeal, and can not be re-visited as part of this application or can be mitigated by the use of conditions. In these circumstances it is considered that the objections raised can not be sustained as a reason to refuse this application.

## **PLANNING BALANCE**

The principle of development has already been accepted as part of the outline approval on this site.

### Social Sustainability

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

The impact upon infrastructure would be neutral, subject to the mitigation previously required at outline stage. No further contributions can be sought

In terms of the POS and LEAP provision this is considered to be acceptable, subject to revision of the types of equipment.

The lay by to Park Road will be available to allow parking off Park Road. It will not be dedicated to the highway authority and it will be managed via the Management Agreement. This is a benefit for neighbours should they wish to use it.

## Environmental Sustainability

The layout of the residential area is in line with the parameters set at outline stage and the layout is considered to result in a satisfactory housing layout for existing and future residents. Details of the proposed landscaping are considered to be acceptable. Impacts on trees are acceptable

With regard to ecological impacts, the development would have a neutral impact subject to mitigation with regard to birds/bats/reptiles. The ecologist is satisfied that the favourable conservation status of the newt is maintained. Additional ecological buffer planting off set for the lose of a small area of woodland

The drainage/flood risk implications for this proposed development are considered to be acceptable. Conditions already apply to the outline permission and do not need to be repeated.

The development would not have any significant impact upon the trees and hedgerows on this site above the items allowed to be removed by virtue of the approved landscape masterplan.

## Economic Sustainability

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted together with contributions for off-site highway works. The internal design of the highway layout/parking provision is considered to be acceptable.

The development of the site would provide a number of economic benefits in the residential use of the site. Residents will spend in the local economy

It is considered that the planning balance weighs in favour of this development.

## **RECOMMENDATION:**

**Approve subject to the following conditions -**

- 1. Approved Plans**
- 2. Implementation of the approved landscape scheme**
- 3. Materials as submitted**
- 4. Levels**
- 5. Boundary treatments**
- 6. Notwithstanding submitted LEAP plans and specifications, revised scheme of 12 pieces to be submitted and approved. Implementation**
- 7. Development to be undertaken in accordance with FRA. Properties to have FFL 600mm above flood level 59.76m AOD for the area of the development in Flood Zone 2**
- 8. The development shall be carried out in strict accordance with the submitted Tree Protection, Retention and Removal Plan (Drawing 03-081 Rev B dated 1/1/2016).**
- 9. Electric Vehicle Infrastructure details to be submitted for approval**
- 10. Updated badger survey**
- 11. Scheme to be undertaken in accordance in accordance with paragraphs 4.1.2 and 4.1.3 of the Biodiversity Enhancement Strategy**
- 12. Bat and bird boxes**
- 13. PD removal – no wall front of building line/ open plan estate**

14. PD removal for Classes A-E (selected smaller plots/terraced and affordable/semi detached)
15. Parking spaces to be laid out prior to occupation of dwelling to which it relates
16. Garages to be retained and not converted into habitable accommodation
17. Phase II contamination report to be submitted and remediation recommendations implemented prior to occupation
18. The SUDS scheme produced for the site to include proposals to ensure that water levels of the identified great crested newt ponds are maintained in accordance with the pre-development levels.
19. The proposed development to proceed in accordance with the recommendations of the submitted Biodiversity Enhancement Strategy prepared by Middlemarch Environment dated February 2016. The seeded areas shown on the submitted landscape plans are to be seeded and managed in accordance with paragraphs 4.1.2 and 4.1.3 of the Biodiversity Enhancement Strategy.
20. The proposed development to proceed in accordance with the submitted draft great crested newt mitigation strategy unless varied by a subsequent Natural England license
21. Prior to commencement of development a scheme for a fence and access gate is to be provided to demarcate the area of Wildflower planting and amenity grassland located in the sites south western corner as shown on the submitted plan C121832-Phase 2 – E3.1. shall be submitted. The access gate to be of sufficient size to allow access for management.

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in her absence the Vice Chair) of Strategic Planning Board to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

