

Application No: 20/5700C

Location: Glebe Farm, BOOTH LANE, MOSTON, MIDDLEWICH

Proposal: Reserved Matters application for appearance, landscaping, layout & scale following outline approval 13/3449C for 390 dwellings, retail unit, public open space, and associated works

Applicant: Mr G Bancroft, Taylor Wimpey UK Ltd

Expiry Date: 29-Jul-2022

SUMMARY

The principle of development has already been accepted as part of the outline approval on this site. The housing mix has now been amended to provide a greater proportion of two bed units as requested by SPB in March.

The development will not have a detrimental impact upon residential amenity and would comply with Policy GR6 and GR7 of the CLP.

The design of the proposed development has been the subject of revised plans and is now of an acceptable design. The design complies with Policies SE1, SD1 and SD2 of the CELPS and the CEC Design Guide.

The POS is considered to be acceptable and would be a benefit to this scheme.

The proposed landscaping scheme is acceptable and the development is acceptable in terms of its impact upon ecology (despite the potential impact upon two bird species) and would comply with Policies SE1 (Design), SE3 (Biodiversity and Geodiversity), SE4 (The Landscape), SE5 (Trees, Hedgerows and Woodland) and SE6 (Green Infrastructure) of the CELPS, Policies NR3 and NR4 of the CLP and policies ENV1 and ENV2 of the MNP.

The impact upon the trees on the site is considered to be acceptable.

The drainage/flood risk implications for this proposed development are considered to be acceptable and will be dealt with as part of conditions 16 and 17 attached to the outline consent.

The proposed access points and the traffic impact as part of this development have already been accepted. The internal design of the highway layout and parking provision is considered to be acceptable and complies with Policies SD1, SD2 and SE1 of the CELPS.

The development complies with the Development Plan as a whole and is recommended for approval.

RECOMMENDATION

Subject to the outstanding issues relating to the impact upon the SSSI and SP Energy being addressed APPROVE subject to conditions.

DEFERRAL

This application was deferred at the Strategic Planning Board meeting on 9th March 2022 for the following reason;

That the application be deferred in order for the applicant to give further consideration to the housing mix notably the provision of 2 bedroom properties and for further clarification to be provided on the drainage and flooding issues.

SITE DESCRIPTION

The site of the proposed development extends to 15.3 ha and is located to the south of Middlewich. It forms part of LPS42 in the Cheshire East Local Plan Strategy. To the north is residential development fronting Kingswood Crescent, Shilton Close, Northwood Avenue and Inglewood Avenue. To the south is agricultural land. A former sports ground is included within the site. To the east of the site is Booth Lane with the Trent and Mersey Canal beyond, to the west of the site is Warmingham Lane.

The majority of the site is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site. The site also includes a number of ponds.

PROPOSAL

This is a Reserved Matters application for 390 dwellings which has been reduced from 405 dwellings as part of the recent amendments. The appearance, landscaping, layout and scale to be determined at this stage.

The access points to serve the site were approved as part of the outline planning permission and are taken from Booth Lane to the east and Warmingham Lane to the west.

The proposed development would have the following housing mix;

	Amended Scheme	Scheme considered by SPB in March
One bed units	12	12
Two bed units	89	47
Three bed units	202	269
Four bed units	87	77

All dwellings would be two-storeys in height apart from 34 units which would be 2.5 storeys in height (reduced from 78 units as part of the earlier scheme).

The development includes 10% affordable housing provision (39 units). All will be rented units.

Finally, the application includes the provision of a single-storey convenience store which would be located onto the Booth Lane frontage of the site.

RELEVANT HISTORY

21/2600C - Variation of condition on application 13/3449C Outline application for residential development (approximately 450 dwellings), retail unit (A1, A2, A3, A4 and/or A5) and supporting infrastructure – Application Undetermined

21/0607C - Application for the approval of reserved matters for the appearance, landscaping, layout and scale following outline approval 13/3449C - Outline application for residential development (approximately 450 dwellings), retail unit (A1, A2, A3, A4 and/or A5) and supporting infrastructure - Application Undetermined

20/5702C - Non-material amendment to 13/3449C - Approved 17th February 2021

20/5699C - Variation of condition 21 on 13/3449C - Outline application for residential development (approximately 450 dwellings), retail unit (A1, A2, A3, A4 and/or A5) and supporting infrastructure – Refused 22nd April 2021

13/3449C - Outline application for residential development (approximately 450 dwellings), retail unit (A1, A2, A3, A4 and/or A5) and supporting infrastructure - Approved 20th February 2018

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy (CELPS)

LPS42 – Glebe Farm, Middlewich

MP1 – Presumption in Favour of Sustainable Development

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG7 - Spatial Distribution of Development

SC4 – Residential Mix

CO1 - Sustainable Travel and Transport

CO4 – Travel Plans and Transport Assessments

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE 1 - Design

SE 2 - Efficient Use of Land

SE 3 - Biodiversity and Geodiversity

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 6 – Green Infrastructure

SE 8 – Renewable and Low Carbon Energy

SE 9 – Energy Efficient Development

SE 13 - Flood Risk and Water Management

IN1 – Infrastructure

IN2 – Developer Contributions

Congleton Replacement Local Plan

GR6 & GR7 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR13 Public Transport Measures
GR14 Cycling Measures
GR15 Pedestrian Measures
GR16 Footpaths Bridleway and Cycleway Networks
GR17 Car parking
GR18 Traffic Generation
BH4 Listed Buildings – Effect of Proposals
BH9 Conservation Areas
NR2 Statutory Habitats
NR3 Habitats
NR5 Habitats

Middlewich Neighbourhood Plan

The local referendum for Middlewich Neighbourhood Plan was held on the 14 March 2019 and returned a 'no vote'

Moston Neighbourhood Plan

The Moston Neighbourhood Plan was made on the 11th November 2019 and forms part of the Development Plan.

HOU1 – Location of New Homes
HOU2 – Housing Mix and Type
LCD1 – Design and Landscape Setting
LCD2 – Dark Skies
INF1 – Utilities
INF3 – Surface Water Management
ENV1 – Wildlife Habitats, Wildlife Corridors and Biodiversity
ENV2 – Trees, Hedgerows and Watercourses.

National Policy

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

Of particular relevance are paragraphs:

11. Presumption in favour of sustainable development.
50. Wide choice of quality homes
102-107 Promoting Sustainable Transport
124-132 Requiring good design

Supplementary Planning Documents

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2017

CONSULTATIONS

CE Flood Risk Manager: Make the following comments;

- No objection in principle to the proposed reserved matters application.
- The catchment analysis undertaken by Taylor Wimpey confirms that the diverted watercourse will retain 1 in 100 year + CC% flows without causing adverse flooding.
- The developer will also need to apply for land drainage consent under Land Drainage Act 1991 prior to any construction along the existing watercourses.
- Within the pond hydrology assessment, there is no objection in principle retaining minimal catchment flows into these networks. However, the developer must consider a high-level overflow to the existing ordinary watercourse network, this will ensure no overtopping to the surrounding areas during extreme events. This should be included within the overall drainage strategy once submitted under application no. 21/0228D.

United Utilities: No objection subject to the imposition of a planning condition to require compliance with the submitted drainage plans.

Cheshire Brine Subsidence Board: As a Reserved Matters application the Brine Board will not make any comments.

Canal & River Trust: Offers the following general advice;

- The revised scheme has reduced the number of dwellings, resulting in an amended layout and reduced density. It is welcomed that additional landscaping and tree planting has been introduced to the Booth Lane frontage, to assist with softening the appearance of the development and reducing the potential impact on the setting of the conservation area.
- The canal corridor is within a designated conservation area. The amended layout plan shows that the density of development along the Booth Lane frontage has been reduced and a marginally greater landscape buffer and more planting would be provided here, which would assist with softening the appearance of the development and reducing the potential impact on the setting of the conservation area.
- The required acoustic fence along Booth Lane would undermine the role of this greater landscape buffer as the fence would provide quite a harsh edge to the development, however it is understood why this is required to prevent a buffer to the highway/traffic noise. This fence could be coloured green to attempt to blend it into the landscaping.
- In terms of the revised CEMP, the C&RT welcome that this has been updated to include details of the temporary hoarding/fencing with debris netting to be fitted close to sensitive receptors and that the canal has been considered as a sensitive environmental receptor. The C&RT also note at paragraph 7.2.2 the matter relating to preventing silt runoff mitigation to watercourses within and outside the site, including the canal.
- Unable to comment on the Flood Risk Assessment as having difficulty accessing via the website.

CEC Education: No comments received.

Strategic Housing Manager: No objection.

Sustrans: No comments received.

Sport England: Sport England have no specific comments in relation to the reserved matters application. The Section 106 Agreement associated with the outline consent dated 15th February 2018 formally secures the mitigation package associated with the loss of playing field to address Sport England's previous comments.

Natural England: The application could have the potential to have significant effects on Sandbach Flashes SSSI. Natural England require the following further information;

- An Impact Assessment which considers the potential impacts during the construction and operation to the designated site
- A revised Construction Environment Management Plan (CEMP) containing further details of measures taken to prevent any adverse effect upon the SSSI

Without this information Natural England may need to object to the application.

Environment Agency: No comments to make.

Health and Safety Executive: No comments received.

National Grid: No comments received.

SP Energy Networks: The amended layout results in bringing the convenience store very close to the line which is unacceptable. It would be helpful if the applicant can provide a layout showing the actual position of the overhead line. This said, SP Energy are carrying out their own survey of the positioning of the conductors in order to inform the distance between the proposed convenience store and our network assets.

Cheshire Wildlife Trust: No comments received.

Archaeology: No comments received.

PROW: No comments received.

Strategic Highways Manager: The internal road layout of the site has an acceptable design as is the hierarchy of the roads within the site.

The applicant has provided a revised plan that indicates the pedestrian and cycle connectivity within the site. Their revised layout is now considered an acceptable design and no objections are raised.

With regard to the amendment to the access from Booth Lane, it is not considered that a traffic signal junction is now required to serve the development and that a ghost right turn lane junction is an acceptable replacement.

Environmental Health: The following conditions are suggested;

- Implementation of the noise mitigation measures within the acoustic report
- Submission and approval of a Phase II Contaminated Land Report
- Submission of a Verification Report before occupation

- Importation of soils
- Unexpected contamination

Public Open Space: Offer the following comments;

- It is unfortunate we cannot establish a sustainable access to connect the new development to the existing Cheshire East open space land across the brook. However, this appears to have not followed through to the S106 Agreement. To complicate matters further Taylor Wimpey has identified there is a strip of unregistered land situated between Glebe Farm and Cheshire East owned land.
- The POS Officer recommends a reduction in size of the swale with mown pathways however the swale situated within the linear park forms part of the drainage strategy for the scheme. It is therefore not possible to reduce the swale in size as this would adversely impact the drainage strategy which is accepted.
- A second bench with arm rests and back will be incorporated into the linear park along with the area of wildflower seed mix to the south of the NEAP/east of the LEAP is replaced by close mown grass seed mix. This has been confirmed and the change will be actioned, and the landscaping plans updated accordingly.
- It has been confirmed the removal of the two paths currently dissecting the wildflower area will be removed and the layout updated. Unfortunately, due to the easement of the brine pipe it is understood the LEAP cannot be located further north. The removal of the bulb planting was to facilitate greater informal recreational space however with the easement in place the bulb planting should remain.
- With regards to the condition for the revised LEAP and NEAP. The latest submission is much more 'in keeping' with the surroundings than its previous design, however further information as to the specification, inclusivity and accessibility are required. Some of the equipment appears repetitive with the surfacing being unsuitable due to lack of accessibility and inclusivity. This statement is not an acceptance that the general design, number of items are agreed or approved as this is difficult to do without full specifications.
- A condition should be attached in relation to the design of both the LEAP/NEAP and surrounding open space.

VIEWS OF THE PARISH COUNCIL

Middlewich Town Council: Objection due to concerns over traffic and the traffic plan done in 2013 and improvement to infrastructure, doctors, and schools required.

Moston Parish Council: Moston Parish Council object to the application. The applicants have purchased a large site which will have a major impact on the locality adding to the fact houses are being built in the area with a lack of infrastructure. The applicants seem to have begun a process of seeking to make changes to the outline permission, changes which if accepted would increase the use of Warmingham Lane which does not have the capacity to cope with extra traffic.

REPRESENTATIONS

Letters of objection have been received from 7 local households raising the following points:

- The original application should not have been approved
- Middlewich cannot cope with another 400+ dwellings
- Traffic infrastructure is at capacity in Middlewich

- Infrastructure cannot cope with this level of development (doctors, hospitals, pubs, schools, roads)
- No need for further housing
- Impact upon wildlife
- The site is prone to flooding and the site includes streams and wetland areas
- The proposed access joins two busy roads and will be used as a rat run
- Measures should be put in place to prevent large vehicles using the access as a through route
- Speed bumps will not as a deterrent to vehicle movements through the site
- A 1.8m boundary fence is proposed and this will prevent existing homeowners maintaining their boundaries
- Proximity of the access to an oak tree – potential damage to the root system of this tree
- Increased air pollution
- The development will create a recreational area without adequate surveillance and will lead to high crime
- Detrimental impact upon quality of life
- Inadequate parking – increased parking within the highway
- Existing traffic congestion on Warmingham Lane, Booth Lane and Long Lane south
- Increased risk of speeding on Warmingham Lane especially at the Sycamore Drive roundabout which has poor visibility
- The adjacent Bellway and Morris development failed to stick to the original plans. Money from both developments has not been spent on improving highways infrastructure
- Introducing young families into an area with dangerous roads
- Proposed plans are not clear with potential drafting errors
- The site is home to large amounts of wildlife
- How will the watercourse be treated on the site
- Plots 280 & 281 should have no side facing windows
- Proximity of plots 280 & 279 to the boundary
- Additional tree planting should take place to the boundary with the existing dwellings
- Query over land ownership
- The adjacent dwellings are designed to overlook fields. When purchased 30 years ago – residents were advised that the site would never be developed
- Privacy
- Accidents along Warmingham Lane in 2022
- Traffic problems when there is an accident on the M6
- No adequate retail provision
- Subsidence problems

A representation has been received from British Salt which raises the following points;

- British Salt own and operate Warmingham Brinefields which is located 3km south of Glebe Farm and the Middlewich Salt Factory located 150m to the east. Several brine and associated pipes connect the brinefield and the salt factory.
- The pipework is located below ground and continual ongoing access to the pipework is essential for the safe and effective operation of the brineworks and salt factory.
- A Deed of Grant of Easement was signed between British Salt and the original applicants (Bovale Ltd). The Deed grants rights to British Salt and provides certain covenants to Bovale (and now Taylor Wimpey) including the following;
 - *“Not to do, or cause or permit any other person to do, anything calculated or likely to cause damage or injury to the Pipework’s or any apparatus or equipment whatsoever*

attached to it or used in connection with it...not without the prior written consent of the Grantee [British Salt Limited] (such consent not to be unreasonably withheld or delayed), make, or cause or permit any other person to make, any material alteration to the Pipeline Strip or deposit anything upon it so as to interfere with or obstruct the Grantee's access to it or the Pipework or so as to lessen or in any way interfere with the support afforded to the Pipework..."

- The design of the site is reliant upon an access arrangement in part from Warmingham Lane that prohibits access to the pipeline easement contrary to the signed Deed of Easement. As designed there is no means for British Salt to access, repair, replace or upgrade their in-situ pipelines. This has clear and demonstrable implications to British Salt.
- The purpose of the planning system is to regulate the development and use of land in the public interest. It is not to protect the private interest of one person from the activities of another, and the Local Planning Authority should not act as an arbiter in civil disputes. However, the expression 'public interest' includes all public interests' in the broadest sense including the national public interest. It must not be interpreted as referring only to the interests of the public locally. The supporting text to the Planning Act 1990 within Sweet and Maxwell Encyclopaedia of Planning Law confirms that the scope and extent of material planning considerations is wide. Whilst not exhaustive it does include topics that may be considered material to planning decisions. This includes the planning and operational history at the site. Generally existing uses can be expected to be retained and preserved, and restrictions on those established uses arising from new proposal, can be material in the determination of any planning application.
- In this instance that is clearly the case, and the impact on British Salt's interest is demonstrably a material consideration which Cheshire East Council should have regard to in the determination of this application.

APPRAISAL

Principle of Development

A number of representations raise issues relating to the principle of development. However, the principle of development has been accepted following the approval of application 13/3449C. The site is also allocated for development as part of LPS42 within the CELPS. This application is to consider the appearance, landscaping, layout and scale of the proposed development only.

Housing Mix

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). Following the deferral of this application in March the number of 2 bedroom units has been increased and the development would provide the following mix:

- 12 x one-bedroom dwellings
- 89 x two-bedroom dwellings
- 202 x three-bedroom dwellings
- 87 x four-bedroom dwellings

The number of two bedroom open market units is now 19% of the open market units within the development (increased from 5% of the open market units as part of the scheme presented to SPB in March).

All dwellings would be two-storeys in height apart from 34 units which would be 2.5 storeys in height. The development proposes 10% affordable housing (39 units all rented).

In this case it should be noted that this is a Reserved Matters which is broadly in accordance with the Design and Access Statement submitted at the outline stage. Policy SC4 does not specify a mix of housing. On this basis the housing mix which is not dominated by larger executive homes is considered to be acceptable.

In terms of dwelling sizes, it is noted that HOU6 of the Site Allocations and Development Policies Document (SADPD) requires that new housing developments comply with the Nationally Described Space Standards (NDSS). As part of the SADPD Inspectors post hearing comments he accepts this requirement but states that;

'as advised in the PPG, a transitional period should be allowed following the adoption of the SADPD, to enable developers to factor the additional cost of space standards into future land acquisitions. Given that the intention to include the NDSS in the SADPD has been known since the Revised Publication Draft was published in September 2020, a 6-month transitional period for the introduction of NDSS, following the adoption of the SADPD, should be adequate. This should be included as an MM to criterion 3 of Policy HOU 6'

For the deferred application 73% of the units proposed were NDSS compliant. All of the proposed dwellings are now NDSS compliant apart from one house type which totals just 6 units on the site.

Affordable Housing

The S106 Agreement completed as part of the outline application requires 10% of the housing on the site to be affordable (all rented).

The applicant is providing the correct amount of Affordable Housing being 39 dwellings. The mix shown on the submitted plans identifies that the following affordable units will be provided as part of this proposed development;

- 12 x one-bedroom units
- 17 x two-bedroom units
- 6 x three bed units
- 4 x four bed units

The proposed location of the affordable units is acceptable as they are provided in 10 groups within the development. The application is acceptable in terms of its affordable housing provision.

Loss of Recreational Open Space

The application site includes a former sports ground which is protected by Policy RC2 (Protected Area of Open Space/Recreational Facility) which would be lost as part of this

development. The S106 Agreement completed as part of the outline application secures a contribution of £220,000 towards playing pitch improvements at Sutton Lane.

Public Open Space

The layout shows that that the proposed development would provide a significant amount of open space in the form of the linear park and the central POS. This open space will provide a number of functions such as for recreation, ecology, landscaping and drainage. The amount of POS on this site is considered to be acceptable and no objection is raised from the POS Officer.

The outline application requires that the development provides both a NEAP (Neighbourhood Equipped Area of Play) and LEAP (Local Equipped) within the site. These are shown on the proposed plan and details could be secured via the imposition of a planning condition.

The Councils POS Officer has requested some amendments in the form of landscaping and footpath changes, these have been secured as part of the application.

It has not been possible to secure a link to the existing open space to the north of the site at this stage. This was not a requirement of the outline consent and there is intervening unregistered land between the application site and that controlled by Cheshire East.

The management of the POS would be secured as part of a management company secured as part of the outline consent.

Education

The impact upon education infrastructure was considered as part of the outline planning permission. In this case no contribution for education was secured due to viability issues associated with the outline application and preference was given to securing other mitigation in the form of 10% affordable housing, playing pitch contribution (£220,000) and a Middlewich Bypass contribution (£4,780,000).

NHS

The concerns raised in relation to the impact upon health care infrastructure are noted. However, no contribution was secured as part of the outline consent and contributions were prioritised for other mitigation (playing pitch provision and for the Middlewich Bypass).

Location of the site

The site was found to be locationally sustainable as part of the outline application.

Residential Amenity

In this case the Congleton Borough SPG requires the following separation distances:

- 21.3 metres between principal elevations
- 13.8 metres between a non-principal and principal elevations

It should also be noted that the recently adopted Cheshire East Design Guide SPD also includes reference to separation distances and states that separation distances should be seen as a guide rather than a hard and fast rule. Figure 11:13 of the Design Guide identifies the following separation distances;

21 metres for typical rear separation distance
18 metres for typical frontage separation distance
12 metres for reduced frontage separation distance (minimum)

In terms of the impact upon the properties to the north which front Shilton Close and Kingswood Crescent the proposed dwellings meet the separation distance requirements and have separations distances varying from 21-26m in length.

There are some minor exceptions to the above as plot 271 has a separation distance of 15m to its nearest corner with No 9 Kingswood Crescent. However, the proposed dwelling is angled with only an en-suite window to its side elevation and there is no direct rear-to-rear relationship. Plots 265 and 270 have secondary windows to their side elevations facing north and separation distances of 12m and 17.5m. These windows will be conditioned to ensure that they are obscure glazed.

In addition to the above all dwellings backing onto the dwellings fronting Shilton Close and Kingswood Crescent are two-storeys in height apart from the dwellings on plots 280, 281, 289 and 290 which are two and a half storeys in height. However, it should be noted that the dormers are sited to the front elevation only and the rooflights to the rear elevation would be secondary serving an en-suite and dressing room would not raise any privacy issues. A condition will be imposed to removed permitted development rights for rear dormers to these plots and to ensure that the rooflights are obscure glazed.

To the north-west of the site are the dwellings fronting Warmingham Lane, Northwood Avenue and Inglewood Avenue. Due to the layout of the development there are no proposed dwellings sited in close proximity to these existing dwellings.

To the west of the site is a residential development which is under construction and at the time of the case officers site visit there did not appear to be any occupied dwellings on this site. The relationship and separation distances to these approved dwellings would be acceptable.

To the east of the site are a number of dwellings and traveller sites which front onto Booth Lane. The relationship to these residential properties is considered to be acceptable and would be in part mitigated by the proposed boundary treatment.

The impact upon surrounding residential amenity is considered to be acceptable and complies with Policy GR6 of the CLP.

Levels

Condition 23 attached to the outline planning permission requires details of the existing ground levels, proposed ground levels and the level of proposed floor slabs to be submitted as part of the first Reserved Matters application.

The levels plan shows that the existing levels on the eastern part of the site are below the level of Booth Lane by up to 0.5m in places. The level of Booth Lane varies from 39.8 Above Ordnance Datum (AOD) to the north-east and 42.9AOD to the south-east, the responding finished floor levels (FFL) would be increased on the site along the eastern boundary to 39.85AOD to the north-east and 42.85AOD to the south east. This would mean that there would be localised increases in the level of the site by up to 1m but the proposed levels would be comparable to those which exist along Booth Lane. A sectional drawing has been provided through to Booth Lane and this confirms that the proposed levels are comparable to the gypsy traveller site on Booth Lane.

To the north of the site adjacent to the boundary with the dwellings fronting Shilton Close and Kingswood Crescent, the existing levels drop as a ditch runs along the site boundary. In this area the levels would be raised for the proposed dwellings adjoining the northern boundary of the site. The greatest level changes would be the dwellings at plots 292-295 which are at another localised dip on the site. Of these plots 294 and 295 (which sees the greatest level change at 1.83m) do not share a close relationship with the dwellings to the north. A section through plot 294 shows that the nearest adjacent dwelling (18 Shilton Close) has a finished floor level of just 0.32m below that of the proposal on plot 294 with a separation distance of 27m and an off-set relationship.

The dwellings at 12-16 Shilton Close to the rear of plots 292-294 are sited higher than the dwelling at 18 Shilton Close referred to above and although the proposed dwellings on plots 292-294 share a closer relationship the impact in terms of level difference would be less than that referred to above.

Elsewhere along the northern boundary the levels plan shows that the greatest increase in levels is at plots 280 and 270-271. In terms of plot 280 the proposed dwelling does not have a direct rear to rear relationship with the dwelling at the rear. The same applies to plots 270-271 which are 0.59m higher than the nearest adjacent dwellings at 23 Kingswood Crescent.

Within the remainder of the site the levels largely work with those which exist. The exception being the plots which are located closest to the central wetland area where the site level dips. The dwellings which front onto the wetland area would be sited at a higher level than the wetland and four sections have been provided to show the level increases would work. These sections are at plots 258, the road between 239 and 228), 224 and 201. The levels show that there would be steep embankments along this boundary to the retained wetland (these would be up to 2m in height at their highest). An embankment would be provided and this would be largely screened by the existing vegetation within the wetland area which would be retained.

In terms of the level changes and the relationship the Councils Ecologist considers that this would help to limit access to the retained wetland area and its ecological value whilst the hydrology of the large wetland is maintained through the submitted drainage scheme.

The access road from Warmingham Lane shares a close relationship with dwellings which front Inglewood Avenue. The applicant has provided 4 sections through this part of the site and the proposed levels are comparable to those which exist.

To the western portion of the site adjacent to the Seddon Development (approved as part of applications 18/0083C and 21/3020C) there would be some increase in the levels on the site but the development would sit slightly lower than that being built out on the Seddon Site.

Finally, the proposed NEAP is set at a lower level than the nearby dwellings, the applicant has stated that the area of the NEAP will be raised as part of the development by 1m. Sections have been provided and this shows an acceptable relationship to the nearby dwellings.

Impact from Construction Disturbance

This issue will be dealt with as part of the condition imposed as part of the outline planning permission (5 – construction hours, 9 – dust management plan, and 10 – environment management plan).

Noise

Condition 12 attached to the outline planning permission requires the reserved matters application to include a detailed scheme of glazing, ventilation mitigation measures and acoustic screening fences.

Due to noise from traffic using Booth Lane and industrial noise from the British Salt Works, noise mitigation measures will be required. The noise mitigation measures will take the form of 2m high acoustic fencing for the rear gardens of certain plots and high specification glazing and trickle vents for certain plots. No objection has been raised in terms of the proposed noise mitigation from the Environmental Health Officer.

The acoustic fencing would be set back from Booth Lane and would be screened in part by existing vegetation and the proposed dwellings and would not be unduly prominent.

Air Quality

The issue of air quality was considered as part of the outline application and conditions were imposed in relation to electric vehicle charging (condition 14), travel plan (condition 13) and dust management (condition 9).

Contaminated Land

The issue of contaminated land was considered as part of the outline application and condition 7 has been attached in relation to this issue.

Lighting

Policy LCD2 of the MNP states that future outdoor lighting systems should have a minimum impact on the environment, minimising light pollution and adverse effects on wildlife. In this case lighting on the site is controlled via condition 8 attached to the outline planning permission.

Highways

The letters of objection raising concerns over the points of access and traffic generation are noted. However, these details were approved as part of the outline application.

In terms of the highway impact the outline application for this development secures a substantial contribution of £4,780,000 towards the delivery of the Middlewich Eastern Bypass.

The proposed layout incorporates a mixture of standard road infrastructure and also shared surface roads, the proposed road types do not raise a design issue and where it has been possible to provide shared surfaces, this had been done. The internal layout as proposed is acceptable.

Revised plans have provided pedestrian connections to the Seddon Development to the west. The highways officer has also confirmed that there are acceptable pedestrian and cycle links from Booth Lane to Warmingham Lane as required by LPS42.

In terms of cycle parking a condition will be imposed to require cycle parking details to be submitted and approved for the proposed apartments.

The level of car parking for the residential units is in accordance with CEC parking standards, 2/3 beds have 2 spaces and 4/5 beds have a minimum of 3 spaces. There are some on-street visitor parking spaces provided at various locations within the development.

The development complies with Policies GR14, GR15 and GR18 of the CLP and policies SD1 and CO2 of the CELPS.

Trees and Hedgerows

The outline application was supported by a Tree Report, but no detailed assessment of tree implications was provided at that time. As stated previously Condition 26 of the outline approval required the submission of a tree protection scheme, together with supervision, monitoring of the scheme and other approved construction and tree works as part of an Arboricultural Method Statement to be submitted as part of a reserved matters application. The submission of an Arboricultural Impact Assessment as part of any reserved matters application was not conditioned as part of the outline approval.

A revised Arboricultural Method Statement (AMS) was submitted to the Council on 3rd May 2022. As with the previous AMS, the revised AMS is split into a number of sections.

The absence of a submitted Arboricultural Impact Assessment has meant that that whilst tree losses are indicated on the submitted drawings, a detailed appraisal and the extent of such losses and a discussion of other above and below ground constraints as a consequence of the development has not been possible

However, an assessment of the supporting plans suggest that the majority of High and Moderate category trees are to be retained. One moderate category tree (T10) is proposed for removal to accommodate Plot 245 and a number of groups of low (C) category trees within the western and northern sections of the site will require removal. It is anticipated that the loss of these trees will not have implications for the wider visual amenity of the area and there is adequate provision within the site for mitigation.

As previously stated, issues of above and below ground tree constraints do not appear to have been fully considered in the layout. This is particularly apparent with the position of Plots 201-216 in relation to the group of high and moderate category trees (T18-T24) on the southern boundary. The position of these plots, small gardens and dominance of trees, presents an unsustainable long-term relationship, that may result in requests to fell or severely prune the trees.

Reference in the AMS is also made to the root pruning of a number of retained trees (T28, T30 T40, T44 and T45) to accommodate internal roads and provision of footpaths. Trees T44 and T45 stand offsite to the north of the proposed access in existing residential gardens. One of the trees (Oak T44) has previously showed significant signs of dieback and consequently the extent of roots from this tree may be significantly reduced. The extent of root encroachment due to the proposed access into the root protection area (RPA) of these trees has not been quantified however root pruning is proposed within the method statement under supervision.

Having regard to tree T44, any anticipated root damage is not likely to be significant due to the trees condition. Encroachment into the root protection area of T45 will partly be for a footpath which will require less excavation; the impact of the road access accounts for about 10% or less of the RPA where major roots are not anticipated.

As stated above, the absence of a detailed Arboricultural Impact Assessment and the reliance on an Arboricultural Method Statement to assess the impact of the development on trees has meant that a detailed appraisal has not been possible. The majority of the proposed tree losses are however low quality and could be adequately compensated within the site as part of a comprehensive landscape scheme. A condition will be imposed to require compliance with the submitted Arboricultural information.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 126 states that:

'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'

Outline approval (Number of Dwellings/Density)

The issue of the number of dwellings and the density of the proposed development was considered at the outline stage.

Connections

Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site?

The development would have a vehicular access running through the site and access points onto Booth Lane and Warmingham Lane. There would be pedestrian access points to the Seddon Development to the west of the site to provide connections between the two sites.

To the north the developer is not proposing to make any connections to the existing open space, for the following reasons the footbridge required should have been included within the S106 Agreement as part of the outline application, the footbridge would be located outside the red line boundary of the site and therefore could not be agreed as part of this application and, there is also a strip of unregistered land situated between the Glebe Farm site and the land owned by Cheshire East to the north.

It is unfortunate that further connections cannot be made to the residential areas to the north. However, this is not possible due to the layout of the residential properties to the north.

Facilities and services

Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?

The site has outline planning permission, is allocated for development within the CELPS and it is therefore considered that the has access to facilities and services.

It should also be noted that in accordance with the outline consent the development includes a convenience store to serve the development and the wider area.

Public transport

Does the scheme have good access to public transport to help reduce car dependency?

Again, this issue was considered as part of the outline application. See above.

Meeting local housing requirements

Does the development have a mix of housing types and tenures that suit local requirements?

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). In this case the development would provide the following mix:

- 12 x one-bedroom dwellings
- 89 x two-bedroom dwellings
- 202 x three-bedroom dwellings
- 87 x four-bedroom dwellings

All dwellings would be two-storeys in height apart from 34 units which would be 2.5 storeys in height. The development proposes 39 rented units as the affordable housing provision.

The proposed development would provide consist of 1-4 bedroom units. 22% of the dwellings would have four bedrooms and the development would not be dominated by larger dwelling types. Following the deferral at the SPB meeting in March the number of two-bedroom dwellings has been increased from 47 to 89 and this equates to 19% of the open market dwellings

(increased from 5% as part of the earlier application). For open market and affordable units the number of two bedroom units equates to 22.8% of the dwellings on the site.

Policy SC4 does not specify a mix and HOU1 cannot be given full weight. On this basis the housing mix is considered to be acceptable.

Character

Does the scheme create a place with a locally inspired or otherwise distinctive character?

Middlewich and Moston are located within the Salt & Engineering Towns area (although it is not an identified example settlement) and the design cues for this are include the following;

- A wide variety of building styles reflecting different periods in the growth of the towns.
- A predominance of red brick terraces and villas.
- Two-storey properties with steep roofed gables onto the street.
- Boundary walls often constructed from same material as main property.
- Subtle variation in detailing or colour palette creates variation between properties within long terraces.
- Properties often set to back of pavement providing strong enclosure to street.
- Brick of various shades and textures is the main building material.
- All eras of architecture are found within the settlement character area
- Existing landscape features should be retained on site to preserve the landscape character.

There is a variation of house-types adjoin the site. There majority appear to be two-storeys in height (although there are some caravans sited along Booth Lane). To the west of the site is a development which is currently under construction. The properties to the north have a more suburban appearance. The dwellings in the area predominantly detached and semi-detached, with a mix of hipped and pitched roofs, the material pallet also includes a mix of red and buff brick and render and includes a mix of grey and red tiled roofs. The age of the surrounding dwellings is mixed but is largely post-war in age.

The dwellings in the locality of the site include a number of design features such as projecting gables, bay windows (single storey), porch detailing, window header and sill details, brick banding, ridge tile detailing, and chimneys.

The proposed dwellings would vary from two storey units to two and a half storeys. They would have a gabled roof design and the roof heights vary across the development which would add some interest. The height variation is consistent with the wider locality in this part of Middlewich and is considered to be acceptable.

Largely it is considered that the proposed development respects this character of the area. Many of the design cues within this location are incorporated into the development with features such as projecting gables, window header and sill details, brick banding and porch detailing (although all appear to be open porches/canopies).

Details of external materials would be controlled through the imposition of a planning condition as would details of the proposed boundary treatments.

Working with the site and its context

Does the scheme take advantage of existing topography, landscape features (including watercourses), wildlife habitats, existing buildings, site orientation and microclimates?

The site includes a number of natural features such as trees, hedgerows, ponds and the centrally located wetland area. There is also a pipeline running centrally through the site and pylons with overhead cables crossing the site.

Given the significant constraints and easements shown on the plan (the no-build zone and the brine easement in particular) the layout is limited in what it can do but is considered to be broadly successful.

The level of POS and the green heart to the layout is welcomed. Due to the easement constraint associated with the pipeline the development includes a centrally located linear park which runs through the development from east to west. In addition, the centrally located wetland area would be retained and lines up with the existing open space to the north.

The pylons run through a narrow part of the site and the development would be located on either side outside the overhead easement.

Internal connectivity generally good, the housing is laid out in perimeter blocks with a welcome lack of cul-de-sacs which alongside the positioning of the taller 2.5-storey units, will aid legibility and wayfinding.

To the southeast of the site the development shares a closer relationship to Booth Lane and the Canal Conservation Area opposite. The proposed dwellings to this part of the site would be set behind private driveways and a landscaping strip and face onto Booth Lane. This helps with the frontage to the canal and its conservation area which is close to the street at this point.

The houses on plots 4-11 present their backs to the boundary, which is generally not acceptable, but in this case the retention of the mature hedge is considered more important and on balance, this is considered to be acceptable.

Creating well defined streets and spaces

Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?

The majority of the open space would be to the centre of the site in the form of the linear park and the retained wetland habitat.

The proposed dwellings would be sited to ensure that they overlook the proposed highway network and the open space on the site. The development would use corner-turning units on the corner plots.

Internally within the site the proposed development would include a mix of car-parking solutions. The car-parking to the front of the proposed dwellings would be within small pockets and would be broken up with landscaping. Parking would also be provided to the side of the dwellings and within small parking courtyards.

In terms of the landscaping within the development this is discussed elsewhere within the report and includes a comprehensive scheme of tree-planting.

Easy to find your way around

Is the scheme designed to make it easy to find your way around?

The site is well connected internally and it would be easy to navigate throughout the development.

Streets for all

Are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?

It is considered that the proposed highways design is appropriate and, on the whole, avoids large straight stretches which would encourage speeding. The surfacing materials would be controlled via the imposition of a planning condition.

Car parking

Is resident and visitor parking sufficient and well-integrated so that it does not dominate the street?

Internally within the site the proposed development would include a mix of car-parking solutions. The amount of car-parking to the front of the proposed dwellings would be acceptable with the parking also provided to the side/rear of the dwellings and within parking courtyards.

Public and private spaces

Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?

The management of the open space and landscape buffers is secured as part of the S106 Agreement.

External storage and amenity space

Is there adequate external storage space for bins and recycling as well as vehicles and cycles?

The submitted plan shows that all units on the proposed development would have private amenity space with rear access. There would be adequate space for future occupiers to store their bins/cycles.

Design Conclusion

On the basis of the above assessment, it is considered that the proposed development represents an acceptable design solution. The development would comply with Polies SE1 and SD2 of the CELPS and the CEC Design Guide.

Landscape

Impact upon the wider landscape was considered as part of the outline application. The application includes a detailed landscaping scheme, and this was originally unacceptable due to the lack of tree planting within the site and to the Booth Lane frontage. Amended plans have now addressed

the concerns of the Councils Landscape Architect and the proposals are considered to comply with Policies SE1 and SE4 of the CELPS or LCD1 of the MNP.

Ecology

Statutory Designated Sites

Natural England were consulted on the outline application at this site and did not object subject to conditions. One of these conditions related to further survey information in respect to the use of the application site by birds associated with the Sandbach Flashes SSSI. A wintering and breeding bird survey has now been submitted, which has been provided in part to address this issue.

As part of the latest consultation response Natural England have now requested a SSSI Risk Assessment. This has now been submitted and an update will be provided once a revised consultation response has been received from Natural England.

Condition 18: Prior to the commencement of development, a scheme for the provision and management of an undeveloped buffer zone (at least 5 metres wide) between the ponds / watercourses.

The 2020 ecological assessment identifies three permanent ponds and two ephemeral ponds on site. The three permanent ponds would be satisfactorily retained under the proposed layout, but the two ephemeral ponds and a length of ditch would be lost.

Condition 19: No development shall commence until details of bat and bird nest boxes to be provided at the site have been submitted.

Proposals in respect of this condition have been included with the submitted 'Bat, Bird, Invertebrate and hedgehog Mitigation scheme version 1.1' submitted in support of this reserved matters application. The Councils Ecologist advises that the proposed features are acceptable and are sufficient to allow the discharge of this condition.

Condition 27: Should the reserved matters application result in the loss of any ponds, these shall be replaced as part of the development in accordance with a scheme to be submitted to and approved in writing by the local planning authority.

As discussed above, two of the existing ponds on site would be lost under the currently proposed layout. Detailed designs for replacement ponds have been submitted to address the loss of these ponds. The Councils Ecologist advises that considering the nature of the ponds lost the submitted proposed replacement ponds are acceptable. The location of the replacement ponds is now shown on the submitted landscape drawings.

It must be ensured that sufficient surface water continues to be directed to the retained existing ponds to prevent them from drying out as a result of changes to the sites hydrology following the development. The plot drainage plans for the site have now been revised to reflect the latest layout and include drainage measures to safeguard the hydrology of the retained ponds. A condition would be required to secure the implementation of these measures.

Bats

Further bat surveys have been undertaken. Temperatures were slightly low during the initial survey visit. This is however unlikely to be a significant constraint on the results of the survey overall. No bat roosts were identified in the trees on site and so the application is unlikely to result in a significant adverse impact upon this species.

The site is considered to be of Local Importance for some species of foraging bats. Most Bat activity occurred around the southern boundary and pond 1. Activity was also concentrated around pond 2. These features would be retained as part of the proposed development, reducing potential impacts upon foraging and commuting bats.

To avoid any adverse impacts on bats resulting from any lighting associated with the development vegetation, it must be ensured that the lighting strategy for the site submitted under condition 8 avoids any light spill onto retained vegetation and ponds particularly Ponds 1 and 2 and the southern boundary vegetation.

Breeding Birds

A detailed breeding bird survey has been undertaken. The application site is of local value for nesting birds and supports a number of more widespread priority bird species which are a material consideration for planning. The loss of hedgerows and existing tree cover would result in the loss of habitat for nesting birds.

Cetti's Warbler (a species receiving specific protection under the Wildlife and Countryside Act) was identified as probably breeding on site due to favourable habitat around pond 1. Pond 1 would be retained as part of the development; however, the adjacent development is likely to deter this species from nesting on site in the future. The proposed development therefore potentially would result in a localised adverse impact upon this species.

The provision of features for nesting birds are required under condition 19 and condition 20 of the outline relates to the safeguarding of nesting birds.

Wintering Birds

Snipe was recorded on site during the wintering bird surveys. Regular presence of this species over a number of years is considered sufficient for a site to be designated as a Local Wildlife Site. In this instance only a single year's data is available, so it is not possible to fully assess the importance of the site for this species. Only a single bird was recorded at any one time, so the site is unlikely to be critically important for this species. Suitable habitat for this species would be retained as part of the proposed development. However, it is difficult to say whether this species would be likely to continue to use the site post development due to increased levels of disturbance.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. There are extensive hedgerow losses resulting from the proposed layout with a co-responding loss of biodiversity.

Replacement native hedgerow planting is included on the revised landscape drawings and is considered to be acceptable.

Moston Neighbourhood Plan

The MNP identifies that parts of the application site are supporting 'medium distinctiveness habitat'. In these locations Policy ENV1 of the MNP states that applications will require 'a comprehensive ecological evaluation if they are put forward for development'. This has been provided as part of this application.

Policy ENV2 of the MNP states that development that '*would result in the loss of, or the deterioration in the quality of an important natural feature, including trees and hedgerows and watercourses will not normally be permitted. In exceptional circumstances where the benefit of development is considered to outweigh the benefit of preserving natural features, developments may be permitted subject to adequate compensatory provision being made*'. In this case the principle of the development on this site has already been accepted and adequate compensatory provision is being made.

Great Crested Newts

No evidence of Great Crested Newts was recorded during the surveys undertaken to inform the outline application. The 2020 ecological assessment however advises that newts have subsequently been recorded at ponds within 250m of the development. The proposed development may therefore result in an adverse impact on this species as a result of the loss of suitable terrestrial habitat and the risk of animals being disturbed or injured during the construction process.

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.

The site has outline planning permission and is allocated within the CELPS. The provision of housing on the site is of overriding public interest and there are no suitable alternatives.

In order to address the potential impacts of the proposed development upon great crested newts the applicant has proposed entry into Natural England's District Licencing Scheme. This approach is supported and would be sufficient to maintain the favourable conservation status of the species.

A copy of the countersigned Impact Assessment and Conservation Payment Certificate has now been submitted, as evidence of the developments eligibility to enter the licencing scheme.

Additional conditions

If reserved matters consent is granted conditions would be required to deal with the following:

- Updated badger survey to be undertaken and submitted prior to commencement of development. If any evidence of badgers is recorded the submitted report to include mitigation and compensation measures.
- Submission and implementation of hedgehog reasonable avoidance measures.
- Entry into Natural England's District Level licensing scheme.
- Ecological mitigation features are to be provided on site as detailed on submitted layout plan. Where features are associated with a dwelling these are to be installed prior to first occupation of that dwelling. All features to be permanently retained.
- Replacement ponds on site are to be provided in accordance with submitted plans
- Measures to safeguard the hydrology of the retained ponds to be implemented in accordance with the recommendations of the submitted Pond Hydrology Review.

Subject to the above the proposed development complies with Policy SE3 of the CELPS, NR2, NR3 and NR4 of the CLP and ENV1 and ENV2 of the MNP.

Hazardous Installations

Part of the site is located within the outer zone of a hazardous installation and a major hazard pipeline crosses the site. In the HSE Padhi+ system identified that the HSE require formal consultation as well as consultation with the National Grid. All residential dwellings proposed as part of the application lie outside the inner zone of the pipeline route covered by the Hazardous Substances Consent which runs through the site.

The HSE and National Grid were formally consulted but have not provided any comments. Given that outline planning permission is in place, the development is acceptable in terms of its impact upon the hazardous installations.

In terms of the electricity infrastructure crossing the site, Scottish Power have been consulted and raised no objection subject to the imposition of an informative.

Flood Risk

Flood Risk

The impact of the development in terms of drainage was considered as part of the outline application and conditions 16 (surface water run-off) and 17 (manage the risk from overland flow) relate to the drainage implications of the development.

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. A Flood Risk Assessment (FRA) was submitted as part of the outline application, with an updated FRA provided as part of this Reserved Matters application.

The site includes a number of existing ditches/ordinary watercourses running through the site and along the northern and southern boundaries (Ordinary watercourses include every stream, ditch, drain, cut, dike/dyke, sluice, sewer (other than a public sewer) and passage through which water flows and which does not form part of a main river). A large natural wetland is located within the site as well as some small ponds (these would largely be retained although

2 small ponds would be lost, as noted within the Ecology section above). The greenfield run-off rate for the existing site has been calculated at 77.74 litres per second.

In preparation for this application soakaway testing was undertaken, using trial pits over a 24-hour period. The outcome of the tests is that infiltration to the ground is not a suitable option.

Several existing watercourses/ditches that run through the site will be connected to suite the site levels, and in some locations, they will be diverted/reconfigured to suite the site levels. Some lengths will be culverted below the proposed highway and these works will be dealt with as part of a land drainage consent application. The culverting of these watercourses should not increase the risk of flooding from the proposed development. Any alterations to an existing ordinary watercourse will need to be consented under Land Drainage Act 1991 by the Cheshire East Lead Local Flood Authority.

The proposed development will result in an increase of impermeable areas and an increase in surface water run-off. It is proposed to restrict the surface water run off to the greenfield rate (77.74 litres per second). This restriction will result in volumes of storage being required, and attenuation ponds, swales, oversized pipes and tanks will be provided to hold the surface water run-off for up to the 100-year + climate change storm event

The current requirement for surface water drainage is 1 in 100 year + 40% climate change. This is specified Government Guidance and has been confirmed with the Councils Flood Risk Manager.

The storage required for the 1 in 100 year + 40% climate change is between 3569m³ and 4911m³ (the drainage layout provided shows storage provision across the site of 4240m³, the mean value). The exact volume of storage will be determined at the detailed design stage and agreed as part of the discharge of the planning conditions. Sufficient storage volumes will be provided to accommodate the 1 in 100 year +40% climate change storm events with no plots at risk of flooding.

The proposed surface water drainage network is to be connected to the existing watercourse via several new outfall points. United Utilities will be involved in discussions to determine whether they will adopt the ponds and swales.

The surface water maps show that there is a predominantly low risk of flooding from surface water (pluvial – where intense rainfall causes the ground to be saturated and its capacity exceeded). The areas at a medium-high risk from pluvial flooding are around the existing watercourses, ponds and wetlands which are being retained/diverted on site with reconfiguration works and additional capacity of the culvert works. This will not increase the risk of flooding on or off the site. There is also a small area of the northern corner of the site which is at high risk from pluvial flooding. The proposed improvements culverting will provide enough capacity for the existing pluvial flood risk outlined and finished floor levels have been set appropriately within these areas.

The Councils Flood Risk Team and the Environment Agency been consulted as part of this application and have raised no objection whilst United Utilities have raised general comments only. As a result, the development is considered to be acceptable in terms of its flood

risk/drainage implications and the drainage scheme will be considered as part of the discharge of conditions 16 and 17 attached to the outline consent.

Other issues

The comments made in the representation from British Salt are noted. In this case the issue relates to the proposed access onto Warmingham Lane and the existence of a covenant. This is a Reserved Matters application and is to consider the matters of landscaping, appearance, layout and scale only. The access points including the access point onto Warmingham Lane were approved as part of the outline application and this application does not represent an opportunity to reconsider the access to the site. The issue is a civil matter between the two parties and is not an issue that can be considered in the determination of this Reserved Matters application.

The comments made by SP Energy Networks are noted. The applicant has provided further details in response and an updated consultation response is awaited.

PLANNING BALANCE

The principle of development has already been accepted as part of the outline approval on this site. The housing mix has now been amended to provide a greater proportion of two bed units as requested by SPB in March.

The development will not have a detrimental impact upon residential amenity and would comply with Policy GR6 and GR7 of the CLP.

The design of the proposed development has been the subject of revised plans and is now of an acceptable design. The design complies with Policies SE1, SD1 and SD2 of the CELPS and the CEC Design Guide.

The POS is considered to be acceptable and would be a benefit to this scheme.

The proposed landscaping scheme is acceptable and the development is acceptable in terms of its impact upon ecology (despite the potential impact upon two bird species) and would comply with Policies SE1 (Design), SE3 (Biodiversity and Geodiversity), SE4 (The Landscape), SE5 (Trees, Hedgerows and Woodland) and SE6 (Green Infrastructure) of the CELPS, Policies NR3 and NR4 of the CLP and policies ENV1 and ENV2 of the MNP.

The impact upon the trees on the site is considered to be acceptable.

The drainage/flood risk implications for this proposed development are considered to be acceptable and will be dealt with as part of conditions 16 and 17 attached to the outline consent.

The proposed access points and the traffic impact as part of this development have already been accepted. The internal design of the highway layout and parking provision is considered to be acceptable and complies with Policies SD1, SD2 and SE1 of the CELPS.

The development complies with the Development Plan as a whole and is recommended for approval.

RECOMMENDATION:

Subject to the outstanding issues relating to the trees on the site and the levels around the NEAP impact upon the SSSI and SP Energy being addressed APPROVE subject to the following conditions;

- 1. Approved plans**
- 2. Remove Permitted Development Rights – roof alterations/dormers plots 292, 293, 301 and 302**
- 3. Obscure glazing side windows – plots 265, 270 and 271**
- 4. Obscure glazing rear rooflights – plots 280, 281, 289 and 290**
- 5. Submission and implementation of Measures to safeguard retained ponds and marshy grassland during the construction process.**
- 6. Submission and implementation of a 30-year habitat management plan.**
- 7. Implementation of measures recommend in the submitted ‘Invertebrate and Hedgehog Mitigation Scheme’ version 1.1.**
- 8. Parking areas in areas where water will be directed to retained ponds should be constructed from permeable paving.**
- 9. Prior to the commencement of development the consented development is to be entered into Natural England’s District Licensing Scheme for Great Crested Newts.**
- 10. Updated badger survey to be undertaken and submitted prior to commencement of development. If any evidence of badgers is recorded the submitted report to include mitigation and compensation measures**
- 11. Entry into Natural England’s District Level licensing scheme.**
- 12. Ecological mitigation features are to be provided on site as detailed on submitted layout plan. Where features are associated with a dwelling these are to be installed prior to first occupation of that dwelling. All features to be permanently retained.**
- 13. Replacement ponds on site are to be provided in accordance with submitted plans**
- 14. Measures to safeguard the hydrology of the retained ponds to be implemented in accordance with the recommendations of the submitted Pond Hydrology Review.**
- 15. External Lighting**
- 16. Implementation of the proposed landscaping**
- 17. Notwithstanding the approved plans – materials to be submitted and approved**
- 18. Notwithstanding the approved plans – Boundary Treatment to be submitted and approved**
- 19. Notwithstanding the approved plans – Surfacing Details to be submitted and approved**
- 20. Details of the design of both the LEAP/NEAP and surrounding open space**
- 21. Implementation of the noise mitigation measures within the acoustic report**
- 22. Bin/cycle stores for the proposed apartments and convenience store**
- 23. Development to be carried out in compliance with the submitted AMS**

In the event of any changes being needed to the wording of the Board'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 Planning has delegated authority to do so in consultation with the Chair of the Strategic Planning Board (or Vice

Chair in their absence) provided that the changes do not exceed the substantive nature of the Board's decision.



