

Application No: 14/1823N

Location: LAND OFF, QUEENS DRIVE, NANTWICH

Proposal: Reserved Matters application for erection of 268 residential dwellings including 29 apartments and associated infrastructure and facilities

Applicant: Bovis Homes & Barratt Homes

Expiry Date: 11-Jul-2014

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES

Impact of the development on:-
Principal of the Development
Landscape
Affordable Housing
Highway Implications
Amenity
Trees and Hedgerows
Design
Ecology
Open Space
Education
Flood Risk and Drainage

REASON FOR REFERRAL

This application is referred to the Strategic Planning Board as it relates to a Reserved Matters application to a Strategic Site. The Outline application was dealt with by the Strategic Planning Board.

1. DESCRIPTION OF SITE AND CONTEXT

The application site measures 9.90 hectares and lies on the south western edge of Nantwich. The site is defined and contained on two sides by Queens Drive to the north and the Shropshire & Union Canal to the west. To the east, Fields Farm and associated outbuildings and yards occupies a triangular shaped area of land in between the site and the railway line.

The site is agricultural land comprising a single broadly square pastoral field. A row of houses face towards the site on the northern side of Queens Drive and a further 12 properties back onto the site on the southern side of the road. These are two storey late twentieth century red brick properties and are set back from the road behind drives.

There are 2 public footpaths that run along the boundaries of the site (one within the site boundary). Immediately west of the site, the towpath of the Shropshire and Union Canal (Edleston FP8) is a well used path by walkers and fishers, with a seating area adjacent to the site and a listed milepost. The hedgerow along this boundary is intermittent with occasional trees. Bridleway Edleston BR1 passes through the site along the southern boundary, linking across the railway on a level crossing into Nantwich. The southern boundary is defined by a hedgerow and occasional mature trees, with a group of trees in the south east corner adjacent to an off-site pond.

At the north-west and south west corners of the site attractive stone bridges over the canal are listed structures (one a road bridge and the other a farm access track). The eastern edge is more open, and defined by a post and wire fence.

2. DETAILS OF PROPOSAL

This is a reserved matters application for 268 dwellings (27 dwellings per hectare). 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 a single point of access off Queens Drive. This was approved as part of the appeal application.

The site would include the provision of 30% affordable housing, a NEAP, a MUGA, habitat creation/ponds (0.067 hectares), public open space (0.405 hectares) and a tea room/convenience store. The majority of the open space would be located to the southern boundary, the south-east corner and the eastern boundary.

Bridleway Edleston BR1 would be retained along the southern boundary of the site.

The development would consist of 1 to 5 bedroom units including some apartments. The height of the units would vary to a maximum of 3 stories in height and would consist of the following mix:

- 2 x bungalows (2 beds)
- 20 x one bed units (in 4 apartment blocks)
- 10 x two bed units
- 107 x three bed units
- 76 x four bed units
- 33 x five bed units

3. RELEVANT HISTORY

13/1324N - Variation of Condition 2 (Reserved Matters), 6 (External Lighting), 15 (Drainage), 19 (Affordable Housing) and Removal of Condition 12 (Flooding) on 12/4654N for Residential Development of up to 240 Dwellings – Approved 22nd May 2014

12/4654N - Proposed residential development of up to 240 dwellings, convenience store tea room, access details, highway works, public open space and associated works – Approved 1st March 2014

12/2440N - Outline Application - Proposed Residential Development – Appeal against non-determination. Appeal Allowed 18th July 2013

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

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)

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

Nantwich Town Strategy

Cheshire East Local Plan Strategy – Submission Version

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

5. CONSULTATIONS (External to Planning)

Environment Agency: No objection in principle but would like to offer the following comments:

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If a single rate of discharge is proposed, this is to be the mean annual run-off (Q_{bar}) from the existing undeveloped greenfield site. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.

The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. Therefore the EA request that the following planning conditions are attached to any planning approval as set out below:

- The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
- The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water and any potential floodwaters from the Shropshire Union Canal, has been submitted to and approved in writing by the local planning authority.
- If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

United Utilities: No objection providing the following conditions are met:

- Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow that mimics existing Greenfield run off. The development shall be completed, maintained and managed in accordance with the approved details.

Canals and Rivers Trust: The Canals and Rivers Trust would like to make the following comments:

- The detailed site layout is significantly different in terms of layout and design to the approved outline masterplan resulting in a loss of design quality.
- Lack of quality pedestrian links to the towpath
- There is a lack of a canal side picnic area and links to the tea rooms
- The western boundary would include retained hedgerow which would act as a buffer between the development and the canal towpath.
- The design does not meet the design requirements of the NPPF.
- The existing drainage channel along the northern boundary of the site should be kept clear and unobstructed at all times.
- The developer should ensure that the drainage ditch is capable of accommodating the surface water flow from the site.

Strategic Highways Manager: Following the previous highway comments on this site the applicant has introduced some additional traffic calming features to the southern street and whilst these features will help reduce the traffic speeds this is still not an ideal planning layout.

However, the Strategic Highways Manager does not see that the layout is one that is so severely deficiently designed in terms of road layout to warrant refusal of the application and therefore the Strategic Highways Manager raises no objections to the reserved matters application.

Environmental Health: No objections subject to conditions relating to construction management plan, piling hours, external lighting, noise mitigation measures, travel plan, dust control and contaminated land.

Public Open Space: In terms of the facilities proposed for young persons, the POS would like to make the following comments:

- The MUGA needs to be floodlit.
- Not happy with grass mounds, they are very high maintenance, and tend to get eroded.
- Not happy with natural boulders as a seating area, normal metal seating is preferred, and suitable for persons with mobility problems.
- The proposed bowtop railings need to be 16mm diameter.
- Not happy with the proposed Lappset equipment, which tends to be predominantly wood and plastic, being prone to vandalism and high maintenance. All metal equipment is preferred. There are several manufacturers that make better quality equipment, such as Wicksteed Leisure, SMP Playgrounds, Record RSS.

Natural England: Statutory sites – No objection. For advice on protected species, refer to Natural England standing advice.

Public Rights of Way: Public Bridleway No. 1 in Edleston Parish runs along the southern boundary of the site. The public have existing rights of access along this route on foot, horse and bicycle. This Public Right of Way forms part of a number of long distance and local circular routes including the Nantwich Riverside Loop and the Crewe and Nantwich Circular Walk. The Development Framework in the outline application suggested that this route would be '*upgraded and resurfaced*' any proposals for changing the surface of this route would require prior approval of the Public Rights of Way team.

The revised layout plans show a connecting path between Public Bridleway No.1 Edleston to the canal towpath: the annotation describes this as being made available for pedestrians. This path

should be designed for use by both pedestrians and cyclists i.e. have a minimum width of 3m and a suitable surface.

No details of the proposed improved surfacing for the Public Bridleway have been provided: this will still require the agreement of the Public Rights of Way team. The layout plan contains one annotation referring to this route as a footpath, rather than a bridleway, although the majority of labels are correct.

The revised planning layout does contain links for users between the estate streets and bridleway.

The revised planning layout does contain multiple links between the site and the towpath.

Mid-Cheshire Footpath Society: The Mid-Cheshire Footpath Society have concerns with respect to the proposed development. Edleston bridleway 1 as recorded on the Definitive Map runs through the proposed building site. The developer should be made aware that:-

- No change in the surface of the right of way can be approved without consultation with the Council. The developer should be aware of his obligations not to interfere with the public right of way either whilst development is in progress or once it has been completed. In particular, the developer must ensure that:-
 - No building material must be stored on the right of way.
 - No damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way
 - The safety of members of the public using the right of way must be ensured at all times
 - No additional barriers e.g. gates are to be placed across the right of way
 - There must be no diminution in the width of the right of way available for use of members of the public
 - The public footpath should remain open and walkable at all times.

Electricity North West: No impact upon the electricity distribution system infrastructure.

Nantwich Civic Society: Object to the application on the following grounds:

- The Reserved Matters application does not fulfil the promises of the outline application
- The development brings a low quality design with a low quality old fashioned unimaginative housing estate
- The design would result in a visual intrusion into the landscape
- The canal side location has not been used as locational design key in layout or house design and is an 'anywhere development'
- The landscaping is without proper structure and does not create a proper framework either visually or for wildlife
- The scheme has very poor footpath connections from the site and its surroundings
- The tea room is located at the end of a cul-de-sac with limited connectivity with the canal towpath. The tea room is a basic shed like design.
- The application should be refused on grounds of its poor design quality and a higher standard of design is expected.

Sustrans: Sustrans offers the following comments:

- For a site of this size there should be several pedestrian/cycle access points from the new housing directly onto the canal towpath. The towpath, adjacent to the site, and northward to Acton, has been improved over the past few years, and new residents should have easy access

to it. Sustrans suggest access points at the tea room, no.9 on the master plan, at no. 5 as proposed and again in the vicinity of no.11 at the south part of the site.

- Sustrans would like to see a direct footpath connection from the south part of the estate onto the adjacent bridleway which forms part of the Crewe - Nantwich circular walk. We do not understand why such a simple link as this has been omitted.
- Sustrans would like to see the games area, no. 12, as a central feature in the estate in an enhanced public setting, easily reached by youngsters.

6. VIEWS OF THE PARISH/TOWN COUNCIL

Acton, Edleston & Henhull Parish Council: The Parish Council Objects to the application on the grounds that the design remains poor (although improved) and advocate a proper design review be undertaken.

Objects to the application on the following grounds:

- It fails to meet the requirements of both the policies BE1 & 2 of the CNBC local plan and policy SE1 of the submitted Cheshire East local plan.
- The layout, landscape structure and house types fall way short of the standard which these policies seek to achieve. The single point of vehicular access is considered potentially hazardous and the lack of easy pedestrian routes towards Nantwich town needs to be addressed. The Council considers that a design review suggested in section 2(i) of policy SE1 would be an appropriate way forward for a development of this scale – particularly as Gladman Developments, in its presentation to this parish council, indicated its willingness to use this process.
- The Council is disappointed that the indicative drawings and underlying design principles submitted for this site as part of the original application were set aside and is concerned that this pattern may be followed on other major sites.

Nantwich Town Council: The Town Council originally objected to the outline application. As the principle of development has now been established, the development of this site will add to the agreed housing figure for Nantwich approved by Cheshire East in the core strategy. This devalues the public consultation exercises on the preparation of the Local Plan. It is now likely that this site will be developed in advance of the preferred sites casting further doubt on the credibility of the planning process and the Government's stated intention to allow local people to influence development in their area.

The Town Council considers the overall design of the development pays little attention to the canal side location. The result will be yet another standardised development of house types which can be found in any town in the country. The Council notes the detailed design objections submitted by Annie Coombs and agrees with these sentiments.

The positioning of the shop is no doubt to serve canal users but also to attract passing trade and trade from the existing development off Queens Drive. This will lead to increased turning movements at the new access with Queens Drive causing problems of highway safety.

The Council notes that the application does not relate to three small areas which are not in the applicants' control. These pieces of land will be landlocked by this development. The applicants should be asked to guarantee access to these sites to ensure that development can occur in the future.

Although the site is located in Edleston Parish, the Town Council considers that the impact of the development will be greatest on the infrastructure and facilities within the built up area of Nantwich. It therefore considers that the legal agreement negotiated in association with the permission should benefit the town.

If the Taylor Drive / Edmund Wright Way route is to be opened up as a result of this development, (the Council questions whether this is in the control of the applicants) the legal agreement should ensure adequate monies are available to cover compensation to the residents of these streets.

Additional monies should be made available to ensure highway improvements to Queens Drive and Marsh Lane including the possibility of one way working in part of Marsh Lane.

Monies should also be available to improve facilities at Millfields School (as opposed to elsewhere) as this is closest school to the site and within walking distance.

7. OTHER REPRESENTATIONS

Letters of objection have been received from 3 local residents raising the following points:

- The proposed development does not cater for community infrastructure such as a hall, meeting room or clubhouse.
- The upgrade of the footpath should be a condition of the development
- A substantial contribution should be made towards Acton and Nantwich schools
- A contribution should be made to public transport
- There needs to be a towpath between Marsh Lane Bridge and Ravensmoor
- There should be local recycling provision on the site
- There should be a contribution towards the children's outdoor games area off Queens Drive and the Weaver Park
- There should be a contribution towards afterschool activities and clubs
- There is no mention of telephone, broadband or other communication infrastructure
- There is no elderly provision on the estate
- The impact of travelling sound to the registered parkland
- Due to the site contours, it is unclear how foul drainage will be connected to the sewer system without a pumping station or extensive works in out of site areas.
- The whole site should be 20mph to protect children and the elderly on its roads.
- On street parking should be restricted as it is a danger to cyclists who have to weave in and out of parked vehicles. It is also difficult to cross roads that are containing badly parked vehicles due to lack of off street parking.
- The whole site streets should be designated a public space and drinking in the street prohibited.
- This site has no community heart or connection with its Parish, Edleston, Acton and Henhull, and is isolated from Nantwich, yet it impacts on all those areas.
- The house designs are too tall and should not include any 3 or 4 storey units
- The density of the development is too great
- The visual impact of the development will be greater due to the taller units
- The site is isolated with no community infrastructure
- Potential pollution of the watercourses
- Potential ground contamination
- Light pollution
- Impact upon wildlife

- Lack of provision for disabled people
- Access to the site is inadequate
- Traffic calming is required on Queens Drive
- There should be the provision of a speed camera on Queens Drive
- The footpath railway crossing is not safe
- Not enough parking on the site
- No trees should be removed from the site
- Poor quality footpath network within the vicinity of the site
- Increased flooding
- Impact upon the Listed Buildings on Welsh Row through increased traffic
- Welsh Row already suffers from congestion
- The Ecology Surveys are now out of date
- Urbanisation of the site
- The site is not well located in relation to existing infrastructure
- Loss of tourists to Nantwich
- Lack of employment in Nantwich
- Lack of public consultation
- The proposal is against local and national planning policies
- The design of the scheme is worse than the outline approval for the site
- The development does not reflect the design of Nantwich and could be anywhere
- The application should be considered by a design review panel as required by the emerging Policy SE1
- Gladman did state to Acton, Edleston and Henhull PC that it would engage in design review
- The applicant has underestimated the significance of the visual impact of this scheme
- The applicants Building for Life assessment is not adequate
- The proposed village green is a narrow strip of grass and does not provide an identifiable character to the development
- There is no sense of place as part of this proposed development
- There is no variety on the development
- There is a lack of connection to the PROW and the towpath
- The road hierarchy does not reflect the functionality
- There is a lack of permeability as part of the design of the site
- Lack of surveillance
- The proposed planting is minimal and ornamental in nature
- The green corridor has been lost across the site which created a green vista to the listed mile post
- Lack of green corridors for biodiversity
- The design of the tea shop has been reduced following the outline approval

One letter raising general observations has been received raising the following points:

- Concern about the provision of taller dwellings on the application site
- There should only be two-storey development on this site

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Design and Access Statement (Produced by Bovis Homes and Barratt Homes)
- Great Crested Newt Habitat Specification (Produced by Middlemarch Environmental)
- Energy Report (Produced by JSP Ltd)

- Arboricultural Assessment (Produced by FPCR)
- Arboricultural Impact Assessment and Method Statement (Produced by RPS)
- Ecological Protection Plan (Produced by Bovis Homes)
- Building for Life 12 Assessment (Produced by Barratt Homes)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principal of Development

The principal of residential development has already been accepted following the approval of the outline application at appeal (12/2440N).

Affordable Housing

The IPS states that in order to ensure full integration with open-market homes the affordable units should not be segregated in discrete or peripheral areas and therefore should be pepper-potted within the development. The location of the affordable housing is acceptable and constitutes pepper-potting throughout the development. Furthermore the IPS outlines that on larger schemes where the delivery of the affordable housing will be phased, the maximum proportion of open market homes that may be completed before the provision of all the affordable units may be increased to 80% subject to a high degree of pepper-potting.

The residential and tenure mix offered as the affordable housing provision is acceptable and meets identified housing need and includes a range of house types. The applicant is offering 80 of the units as affordable, this equates to 30% of the total number of dwellings as is compliant.

The applicant in their Affordable Housing Statement has confirmed that the units will be constructed to achieve Level 3 of the Code for Sustainable Homes. However they have not confirmed that the affordable housing units will be constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007), or confirmation that the units will be tenure blind. The IPS states that the external design, comprising elevation, detail and materials should be compatible with open-market homes on the development and goes on to say the affordable homes should be constructed in accordance with Homes and Communities Agency Design and Quality Standards (2007) (HCA DQS).

Amended plans have been received which confirm that the space standards of the apartments of now meet the HCA DQS but at the time of writing this report an amended affordable housing statement was awaited to reflect this.

Highways Implications

The point of access and the wider traffic congestion issues in Nantwich were dealt with as part of the outline application.

The outline application gave approval for a simple priority junction to the development from Queens Drive, close to the junction with Marsh Lane.

To mitigate the congestion traffic impact of this development the following contributions have been secured as part of the S106 Agreement:

- Public Transport Contribution - £50,000
- Taylor Drive Improvement Contribution - £235,000

There is also a condition that states:

None of the dwellings hereby permitted shall be occupied until the existing signal junction at Waterlode/High Street/Welsh Row has been improved in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. The details to be submitted shall include revised staging for right-turn vehicles, additional signal equipment and controller changes, and revised carriageway markings.

In terms of the proposed layout, this would accord with Manual for Streets and the Highways Officer has raised no objection to the internal highways design.

Amenity

In terms of the surrounding residential properties, these are mainly to the north of the site. The submitted layout plan shows that there would be a distance of between 18.5m and 33m to the dwellings to the north. Given the existing boundary hedgerow, the orientation of the properties and separation distances involved it is considered that the development would not have a detrimental impact upon residential amenity.

As a result the development would accord with Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan.

Landscape

The landscape impact was considered as part of the appeal decision and the Inspector found that:

'Any residual landscape and visual effects are, at worst, moderately adverse at the outset, reducing to slightly adverse in the longer term. As a consequence, and bearing in mind the proven need for sustainable growth in the region, it can be concluded that the site can be sensitively developed in a way that reduces any harm to the visual amenity of the countryside to an acceptable level, when balanced against the benefits that will accrue from the development'

In terms of the landscape scheme there have been improvements to the scheme following negotiations with the applicant. This has been seen a number of improvements including the partial opening up of the boundary with the canal at the request of the Canals and Rivers Trust.

However there are some inconsistencies between the landscaping shown on the submitted plans and as a result it is necessary to attach a condition to say that the landscaping scheme shall be submitted as part of the planning conditions and this should be based on the submitted composite layout plan.

Trees and Hedgerows

The application includes an Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS). The AIS incorporates an updated tree survey. The report comments that the trees within the site are of public visual amenity value as they form a distinct feature in the surrounding landscape and have a contribution to the character and appearance of the locality. Specific reference is made to a veteran tree in the north east corner of the site and to trees in decline around the pond.

The AIA identifies that one poor quality tree will be removed due to condition and that other trees will require some pruning to facilitate the erection of fencing. A schedule of recommend work is provided.

The line for protection on the above plans is acceptable for trees but does not cover hedgerows. This issue could be resolved through the use of a planning condition.

On balance it is considered that the impact with the trees/hedgerows is considered to be acceptable and would comply with Policy NE.5 (Nature Conservation and Habitats) of the Local Plan.

Design

This is a reserved matter application for 268 dwellings including apartments. Outline planning approval was granted on appeal under planning reference 12/2440N for up to 270 units.

Whilst the original outline illustrative masterplan had its drawbacks, it made an attempt to create a sense of place and distinctiveness. This and the associated parameters plan identified a structure permeated by green space and landscape. There has been significant deviation from the spatial form identified in the illustrative masterplan and parameters, but from discussions at pre-application this has arisen primarily as a consequence of a previously unrecognised pipeline and easement on the southern part of the site.

The net effect of this is that open space permeating through the site has now been lost with all of the open space consolidated in the south eastern part of the site, bar 1 or 2 incidental areas.

The composite layout shows more tree planting and greening of the Main Street, but within the margins of the street usually provided as pavement or service strip. There is a discrepancy between this and the Planning Layout and detailed landscape scheme, which indicates fewer trees and gives only partial indication of hedging, particularly on the Main Street.

Character areas have been adapted and there have been some changes in response to the earlier consultation response from the Councils Urban Designer. The main improvement is in terms of de-formalising the character of the Rural Lane and the Waterside Lane adjacent to the canal.

Connectivity has been improved with 3 links onto the canal side and 4 onto the public right of way to the south and a pedestrian connection onto Marsh Lane.

Street hierarchy has been improved on the Composite Layout provided that its principles are fully delivered. The Composite layout shows the Main Street as a landscape characterised shared

surface design. A condition will be attached to ensure that a landscaping scheme (including hard landscaping) is submitted and that this follows the composite layout plan.

In terms of the detailed design of the dwellings they are the standard Bovis and Barratt House Types which have been used elsewhere in the Borough. It is considered that the design of the units is appropriate and that the development would not appear out of character with the housing to the north of the site.

In terms of the height of the dwellings the vast majority of the dwellings on the site would be two storeys in height; this includes the dwellings which would back onto the dwellings fronting Queens Drive. There would be some taller two and a half-storey units and three-storey units (including the apartments) and these would mainly be located to the centre of the site. In this case it is considered that the proposed heights are acceptable.

Details of the proposed boundary treatment will be secured by condition as there are numerous locations where close boarded timber fencing would be prominent from the public realm which is not considered to be acceptable.

Following negotiations with the applicant it is considered that the design of the scheme is appropriate and that it accords with Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan.

Ecology

Bats

There is no evidence of a roost being present at this site. The submitted Ecological protection plan states that all trees and hedgerows likely to be utilised by bats will be retained as part of the proposed development.

The proposed development could however result in a low impact on bats due to increased lighting, noise and disturbance. The adverse impact of the development upon bats, in the absence of mitigation, is likely to be low. The Council's Ecologist advises that any disturbance of bat foraging/commuting habitat will be at least partially compensated for through the creation of the new ponds, hedgerows and tree planting proposed on site.

Great Crested Newts

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 (Protected Species) states that development will not be permitted that would affect protected species or their places of shelter or breeding.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case Great Crested Newts have been identified as breeding at two ponds just outside the boundary of the proposed development. The population is of a medium size. Whilst no ponds will be lost as a result of the proposed development it is likely that the development would result in a moderate impact on the local Great Crested Newt population through the loss of intermediate and distant terrestrial habitat. Additionally the development would also pose the risk of killing/injuring or disturbing any animals present within the development footprint.

To mitigate the risk posed to individual animals the applicant's ecologist recommends the erection of exclusion fencing and clearance of newts from the development footprint using standard best practise methodologies under license from Natural England.

The area required for habitat mitigation has been marked upon a plan included with the design and access statement. The area of habitat creation is shown as being subject to a different landscaping treatment to the plan and open space areas. This is considered to be acceptable by the Council's Ecologist.

To reduce the risks of invasive non-native species and fish being introduced into the new great crested new ponds it is essential that the ponds are fenced effectively to limit direct public access. This will be secured through the use of a planning condition.

Otters

The application itself does not offer any significant habitat for this European protected species. However there are records for this species in the general area including the canal adjacent to the

western boundary of the site. The Councils Ecologist advises that the canal is likely to be used on a transitory basis by Otters.

The submitted Ecological Protection Plan states that there may be some negative impacts on otters associated with the proposed development. The Councils Ecologist advises that this is likely to be low and it is not likely that the proposed development would result in a breach of the habitat regulations in relation to otters.

The submitted Ecological protection plan specifies a number of mitigating proposals including the provision of a buffer zone adjacent to the Canal. Some existing vegetation on the western boundary of the canal will be retained and that this is supplemented by some additional planting. This would form an acceptable buffer between the canal and the proposed housing.

Other Protected Species

The proposed development is likely to result in the loss of foraging habitat utilised by other protected species. The Councils Ecologist advises that in the absence of mitigation the proposed development would have a low impact upon this protected species. In this case the amenity and wet grassland habitats proposed for the retained open space area would at least partially compensate for the low level impact on this species.

Hedgerows

It is proposed to open up a section of the western boundary of the site. The Councils ecologist advises that this is overall this is unlikely to have a significant adverse impact upon nature conservation interests.

Conditions

If planning consent is granted a condition would be required to secure the implementation of the submitted Ecological Protection Plan.

Public Open Space

The outline consent includes a condition which requires the provision of the following:

- A minimum of 9,450sqm of open space (comprising 4,050sqm of shared recreational open space and 5,400sqm of children's play space)
- A children's play area with at least 6 pieces of equipment for younger children and 6 pieces for older children
- A Multi Use Games Area (MUGA)

In this case the applicant is proposing the following:

- 18,200sqm of open space (including shared recreational open space, children's play space and ecological mitigation)
- A children's play area with 6 pieces of equipment for younger children and 6 pieces for older children.
- The provision of a MUGA

Therefore the quantity of open space and children's play space meets the requirement of the condition attached to the outline consent. However the POS Officer had raised a number of concerns relating to the following:

- Lack of floodlighting to the MUGA
- The grass mounding creates a maintenance problem
- Natural Boulders within the seating area are not acceptable
- Bowtop railings with a minimum of 16mm diameter should be provided to enclose the play areas.
- The wood/plastic equipment is not adequate and is prone to vandalism. Metal equipment will be required.

In response to these issues the provision of floodlighting to the MUGA in close proximity to the ecological mitigation is not considered to be appropriate as it would deter bats and will not be secured as part of this application. The applicant is also concerned about anti-social behaviour and light pollution.

The applicant has confirmed that the grass mounding and boulders will be replaced with benches and that the bowtop railings would be provided. An amended plan was requested at the time of writing this report.

In terms of the materials of the children's play areas negotiations were continuing with the applicant and an update will be provided.

Education

This issue was dealt with as part of the outline application and as there is a capacity issue at the local primary schools. The education department requested a contribution of £292,850 towards enhancing the capacity of the local primary schools and this was secured as part of a Unilateral Undertaking (UU). In this case the UU does not specify which schools where this sum would be spent and just specifies that it would go towards *'the costs of accommodating additional primary school children generated by the development'*.

Flood Risk and Drainage

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site exceeds 1 hectare, a Flood Risk Assessment has been submitted as part of this application.

The Environment Agency and United Utilities have been consulted as part of this application and have raised no objection to the proposed development. The conditions suggested by the EA and UU were attached to the outline consent apart from the following which will be attached to this reserved matter application:

- The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water and any potential floodwaters from the Shropshire Union Canal, has been submitted to and approved in writing by the local planning authority.

Public Rights of Way

Immediately to the west of the site, the towpath of the Shropshire and Union Canal is a designated PROW (Edleston FP8) and within the site is a bridleway (Edleston BR1).

The S106 for the outline application secures the following contributions towards the PROW network:

- Canal tow path contribution - £53,888
- Footpath and Cycle path contribution – £12,000 towards resurfacing the path between Shewbridge Road and Wellington Road - £38,000 towards the costs of assessing River Weaver bridges and the necessary works
- Level crossing contribution towards southern boundary - £10,000

As part of the negotiations with this application there have been an increased number of connections from the site onto the canal towpath and the bridleway Edleston BR1 which is considered to be acceptable. However there is limited information in terms of the resurfacing of the bridleway and this will be secured through the use of a planning condition.

10. CONCLUSIONS

The principal of development has already been accepted as part of the outline approvals on this site.

It is considered that the development is acceptable in terms of affordable housing provision providing an acceptable Affordable Housing Statement is submitted by the applicant.

The provision of the access point was accepted as part of the outline application 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 is considered to be acceptable.

Matters of contaminated land (condition 20 on the outline consent), and noise impact (condition 19 on the outline consent) can also be adequately addressed through the use of conditions. The separation distances to the adjoining existing and proposed dwellings mean that there would not be a detrimental impact upon residential amenity through loss of outlook, loss of light, overbearing impact or loss of privacy.

The impact upon local education is considered to be acceptable and a contribution has been secured as part of the Unilateral Undertaking for the outline consent.

The amount of POS and children's play provision to be provided on site is considered to be acceptable. An update will be provided in relation to the children's play space.

With regard to ecological impacts, the Council's ecologist is satisfied with the impact of this development and the areas of ecological value would be retained on this site.

Details of the proposed landscaping would be secured through the use of a planning condition.

There would be some limited hedgerow loss along the canal frontage and the majority of the trees would be retained on this site.

The development is considered to be of an acceptable design and complies with the Local Plan Policies and guidance contained within the NPPF.

There are no drainage/flood risk implications for this proposed development.

The comments of the objectors/consultees are noted but following the design negotiations which have been secured (including improved linkages) it is considered that the proposal would comply with the relevant local plan policies and would not compromise key sustainability principles as set out in national planning policy. Therefore there is a presumption in favour of the development and accordingly it is recommended for approval.

11. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Approved Plans**
- 2. Materials in accordance with the submitted details**
- 3. Details of post and rail fence to surround the ponds to be submitted and approved**
- 4. Landscaping details to be submitted to the LPA for approval in writing (to be based on the composite layout plan)**
- 5. Implementation of the approved landscape scheme**
- 6. Boundary treatment details to be submitted for approval in writing**
- 7. Implementation of the submitted Ecological Protection Plan.**
- 8. Details of the resurfacing of the bridleway through the site to be submitted to the LPA for approval in writing**
- 9. Details of existing and proposed land levels to be submitted to the LPA for approval in writing**
- 10. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water and any potential floodwaters from the Shropshire Union Canal, has been submitted to and approved in writing by the local planning authority.**
- 11. Prior to development, an addendum to the AMS will be required to provide details of key personnel and to make clear that arboricultural supervision is to be provided by the applicants arboricultural consultant.**
- 12. Hedgerow Protection Details**
- 13. Affordable Housing to be provided in accordance with the submitted Affordable Housing Statement**

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 Strategic & Economic Planning, in consultation with the Chair (or in his 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.

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