

Application No: 15/4967N

Location: Land East Of, Rope Lane, Shavington, Crewe, Cheshire

Proposal: Reserved Matters application seeking consent for appearance, landscaping, layout and scale following the approval of 14/3267N - Construction of up to 53 dwellings including details of access

Applicant: Wainhomes (North West) Ltd

Expiry Date: 08-Feb-2016

Summary

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

Social Sustainability

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

The impact upon infrastructure would be neutral.

In terms of the POS and LEAP provision this is considered to be acceptable.

Environmental Sustainability

Details of the proposed landscaping are considered to be acceptable.

With regard to ecological impacts, the development would have a neutral impact subject to mitigation.

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

The development would not have any significant impact upon the trees and hedgerows on this site.

Economic Sustainability

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

acceptable.

The development of the site would provide a number of economic benefits in the residential use of the site.

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

RECOMMENDATION

Approve with conditions

REASON FOR DEFERRAL

This application was deferred from the Southern Planning Committee meeting on 3rd February 2016 for the following reasons;

- *More information on flood risk*
- *Paul Reeves (Flood Risk Manager) be invited to attend the meeting when this application is considered*
- *Clarification on the maintenance of the Brook*

The applicant has now submitted a further drainage note and this will be discussed within the drainage/flood risk section of this report below.

PROPOSAL:

This is a reserved matters application for 53 dwellings. The issues which are to be determined at this stage relate to the appearance, landscaping, layout and scale of the development.

The access would be via the approved development (phase 1) which in turn is accessed off Rope Lane.

The development would consist of 2 to 5 bedroom units. All units would be 2 stories in height. The development would consist of the following mix:

- 18 x two bed units
- 7 x three bed units
- 25 x four bed units
- 3 x five bed units

SITE DESCRIPTION:

The site comprises 3.13ha of gently undulating undeveloped agricultural land located on the north western edge of Shavington. The site is described as Phase 2 of a wider development by Wain Homes. Phase 1 was granted following the appeal decisions as part of applications 11/4549N and 13/1021N. Phase 1 lies directly to the south of this site and at the time of the case officer's site visit the development was under construction and some of the dwellings appear to be occupied.

The site is defined by the A500 to the north and west. A small tree lined brook runs along the eastern boundary with the land beyond in equine and agricultural use. The site is bound by existing hedgerows, some of which contain trees. In addition, there are two hedgerows which project into the site.

Existing residential development lies to the south of the site fronting Rope Lane, Vine Tree Avenue and Northfield Place. Further west lies Shavington high school and leisure centre and Rope Green Medical Centre.

RELEVANT HISTORY:

14/3267N - Construction of up to 53 dwellings including details of access (outline) – Refused 25th September 2014 – Appeal Lodged – Appeal Allowed 6th August 2015

14/1534N - Variation of condition 1 (plans) attached to planning application 13/1021N. Land off Rope Lane, Shavington, Crewe, Cheshire CW2 5DA Development proposed for the erection of up to 80 dwellings – Approved 20th May 2014

13/2299N - Approval of details of the appearance, landscaping, layout and scale as required by condition 1 attached to the outline planning permission 11/4549N – Refused 30th May 2013

13/1021N - Approval of details of the appearance, landscaping, layout and scale as required by condition 1 of 11/4549N attached to the outline planning permission – Appeal Against Non Determination – Appeal Allowed 22nd January 2014

11/4549N - Outline Planning Permission for Erection of Up to 80 Dwellings Including Details of Access Land – Refused 21st March 2012. Appeal Lodged. Appeal Allowed 28th November 2012

POLICIES

National Policy:

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan:

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

The relevant Saved Policies are: -

NE.2 (Open countryside)

NE.4 (Green Gaps)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

As the examination of this plan has now been suspended, its policies carry limited weight. The following are considered relevant material considerations as indications of the emerging strategy:

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

Other Considerations:

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

CONSULTATIONS:

Environment Agency: No objection subject to the imposition of planning conditions.

ANSA (Public Open Space): No objections to the landscaping proposals in general. The footpaths need to be bitmac, and the path to the play area needs to be wide enough so as to permit maintenance vehicle access to it. The play area itself needs to be of LEAP standard for a development of this size.

CEC Flood Risk Manager: Conditions suggested.

CEC PROW: The legal status, maintenance and specification of the proposed paths in the public open space of the site would need the agreement of the Council as the Highway Authority. If the routes are not adopted as public highway or Public Right of Way with the provision of a commuted maintenance sum, the route would need to be maintained for use under the arrangements for the management of the open space of the site.

Pedestrian and cyclist routes should be designed and constructed to best practice in terms of shared use infrastructure and accessibility. Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists and pedestrians.

Should the development be granted consent, the developer should be conditioned to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted.

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

CEC Environmental Health: No objection subject to the imposition of planning conditions relating to Environment Management Plan, external lighting, noise mitigation scheme, bin storage and electric vehicle infrastructure.

CEC Head of Strategic Infrastructure: No objection.

Natural England: No objection in relation to statutory nature conservation sites.

CEC Strategic Housing Manager: No objection.

VIEWS OF THE PARISH/TOWN COUNCIL:

Shavington Parish Council: No comments received.

Rope Parish Council: No comments to make on this application.

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants and a site notice erected.

A letter of general observation has been received from one household raising the following points:

- The public footpath will be upgraded and will be used by dog walkers and new residents. It is requested that a six foot fence is erected along the side boundary 21th 1 Vine Tree Avenue to protect from a loss of privacy.

APPRAISAL

The principle of residential development has already been accepted following the approval of the outline application 14/3267N which was allowed at appeal.

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

Housing Mix

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

- Two bedroom – 12 units
- Three bedroom – 13 units
- Four bedroom – 25 units
- Five bedroom – 3 unit

This mix is acceptable as the majority of the development will be smaller family homes and would not be dominated by larger executive dwellings.

Affordable Housing

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

This is a proposed development of 53 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 16 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Wybunbury & Shavington is for 2 bedroom dwellings. The majority of the demand on Cheshire Homechoice is for 2 and 3 bedroom dwellings therefore a mixture of 2 and 3 bedroom dwellings (with a greater emphasis on 2 bedroom units) on this site would be acceptable. This application is for 12 rented units (all 2 bedrooms) and 4 intermediate units (all 3 bedrooms) which does not meet the requirements of the IPS. However as there is a need for this type of accommodation within the area of the application this would be acceptable.

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

In this case the external design detail and materials would be consistent with the open market dwellings and is considered to be acceptable.

In terms of the layout of the affordable housing this is located with three areas of the site (9 dwellings at the centre of the site, a further 5 dwellings to the east of the site and 2 dwellings to the west of the site).

The issue of pepper-potting was disputed as part of the Reserved Matters appeal on Phase 1 where the 24 affordable housing units were located in 3 groups (1 group of eleven dwellings, 1 group of ten dwellings and 1 group of three dwellings). As part of the appeal decision on Phase 1 the Inspector found that the Interim Planning Statement on Affordable Housing does not have development plan status and there is no reference to 'pepper-potting' as a means of promoting inclusive and mixed communities in the NPPF or in the saved local plan policies.

As a result the Inspector concluded on Phase 1 that;

'On the submitted layout the affordable homes are located on three different cul-de-sacs within the layout where they would share the roads and footpaths with nearby market houses. They form a significant proportion of the new development, so they would not appear to be marginalised or segregated. The proposed distribution would in my view be consistent with the objective in the NPPF of delivering a wide choice of quality homes and the creation of sustainable, inclusive and mixed communities. This benefit would extend beyond the development site to the wider village community'

Highways Implications

The wider traffic congestion issues in the locality and the point of access were considered as part of the outline application. The Unilateral Undertaking submitted as part of the outline application includes a contribution of £80,000 towards the provision of a pedestrian/toucan crossing on Rope Lane.

Given the approval for phase 1, the internal layout follows the same design and there are no objections to the proposal.

Amenity

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

21 metres between principal elevations

13.5 metres between a non-principal and principal elevations

In this case the separation distances proposed to the existing dwellings all exceed those set out within the SPD. The separation distances between the proposed dwellings are also considered to be acceptable.

The concerns raised in the letter of representation relate to Shavington-cum-Gresty FP14 which is on the southern edge of Phase 1. As this is not within the red-edge of affected by Phase 2 it is not possible to require an upgrade of the boundary treatment to the adjacent dwelling.

Light pollution

An external lighting scheme has been submitted as part of this application (in accordance with Condition 10 attached to the outline approval) and the Councils Environmental Health Officers have considered that the submitted details are acceptable.

Noise

The applicant has submitted a scheme of acoustic insulation with the application. The report recommends mitigation designed to ensure that occupants of the properties / occupants of nearby properties are not adversely affected by road noise from the A500. The mitigation recommended in this report (standard thermal double glazing and Passive Window Frame Vents, or similar) for living rooms and first floor bedrooms on Plots 93 to 104 inclusive has been considered by the Councils Environmental Health Officer and this will be secured through the use of a planning condition.

Air Quality

An Air Quality Assessment has been submitted with the application which considers a recreational area and several new properties adjacent to the A500. The assessment uses the Design Manual for Roads and Bridges (DMRB) screening method to assess the nitrogen dioxide concentrations for those receptors on site close to the A500.

No local verification of the model was possible due to a lack of monitoring locations near the site. The report concludes that air quality concentrations on site will be well within the air quality objectives for nitrogen dioxide.

There is no consideration of the likely wider air quality impacts and, in particular, those in Crewe and the Nantwich Road Air Quality Management Area (AQMA) where verification would have been possible. Given that the predicted margin of compliance with the national air quality limit values in the locality and the likely small impact in the AQMAs further information will not be requested.

Whilst this scheme itself is of a relatively small scale, and as such would not require a detailed air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

The cumulative impact of a number of developments in the area around Crewe and the AQMAs (regardless of their individual scale) has the potential to significantly increase traffic emissions and as such adversely affect local air quality for existing residents by virtue of additional road traffic emissions.

Modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new sustainable properties.

Disturbance during the construction phase of the development

In this case there is a construction management plan attached to the outline approval (condition 13).

Trees and Hedgerows

The submitted Arboricultural Impact Assessment and Method Statement identifies some minor ingress into Root Protection Areas (RPA) in respect of protected trees Oak (T1), Oak (T2), Oak (T3) and Oak (T8). In respect of Oaks T1-T3 the ingress is due to the positioning and available working space for a footpath link adjacent to and to the rear of Plot 89 and adjacent to Plot 80.

The Arboricultural Statement identifies the impact of the ingress as low and that this will be mitigated by the implementation of an Arboricultural Method Statement for a no dig pavement surface adjacent (Phase 5 of the submitted Arboricultural Method Statement).

As the footpath is a link within the proposed public open space, full adopted construction standards are not required and therefore a no dig solution is acceptable in these locations.

The proposed construction of a footpath adjacent to Oak (T8) will likely be required to be to adoptable standard, but is on the edge of the western and north western sections of the root protection area (RPA). The AIA states that the likely impact will be low, but no further detail has been submitted to determine whether this is achievable without impact upon the tree. An initial assessment suggests that the incursion within the RPA will not exceed 20% of existing unsurfaced ground as required by BS5837:2012 (para 7.4.2.3 of BS5837:2012 applies) and that the likely tolerance of the tree to any root disturbance taking into account the trees age, condition and vitality will probably not incur any long term implications for the trees health and safe well being provided additional precautionary protection measures are employed.

The position of the proposed dwellings provide a reasonable relationship/social proximity to retained trees. Accordingly the Council Tree Officer has no objection to the development subject to the imposition of planning conditions.

Landscape

A landscaping scheme has been submitted with this application and this has been considered by the Councils Landscape Architect who has stated that the proposed landscaping scheme is acceptable.

Design

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

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

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the

connections between people and places and the integration of new development into the natural, built and historic environment.”

In this case both of the reserved matters applications on Phase 1 were refused on the grounds that the development did not provide a sufficient quality of design in terms of the layout. As part of the appeal decision for application 13/1021N the Inspector did not agree that the layout was unacceptable and found that:

‘Whilst it will always be possible to find ways of improving any scheme, I am satisfied that the present scheme is firmly based on the layout principles advised in Manual for Streets and is not an example of poor design. It is concluded on the second main issue that the internal layout of the development is designed to an acceptable standard, having regard to the guidance in Manual for Streets’

The proposed layout for Phase 2 follows the layout and house-type design on Phase 1 and as such this reserved matters application is considered to be of an acceptable design.

The positive and externally orientated perimeter blocks are welcomed with all areas of open space, footpaths and highways well overlooked by the proposed dwellings. The density of 16.9 dwellings per hectare is appropriate due to the urban fringe location of the site.

The height of the proposed development would be two-storey which is consistent with the surrounding dwellings in this part of Shavington.

The layout plan includes a Country Park which includes additional planting. The Country Park forms a linear area of open space which would be located onto the northern and eastern boundaries of the site. The residential properties would be orientated so that the areas of open space would be well overlooked and the boundary treatments to rear gardens are obscured from view.

Tree planting is proposed to reinforce the streets within the site and this is consistent with Phase 1. This is positive in terms of place making and the existing hedge lines are retained as the basis for the landscape infrastructure and associated open spaces.

In terms of the detailed design the proposed dwellings include canopies, bay windows, sill and lintel details. The design of the proposed dwellings and their scale is considered to be acceptable and would not detract from this part of Shavington.

Ecology

Wybunbury Moss Ramsar, SAC, SSSI

The proposed development is located approximately 1.9km from Wybunbury Moss which holds a number of statutory designations for its nature Conservation value. In this case Natural England advise that the proposed development is not likely to effect any statutory designated sites.

Under regulation 61 of the Habitat Regulations the Council is required to undertake an ‘Assessment of Likely Significant effects’. This assessment was undertaken in respect of the outline application and concluded that the proposed development is not likely to have a significant

impact upon the features for which the statutory site was designated. Consequently, a more detailed Appropriate Assessment was not required.

Other Protected Species

An updated survey has been undertaken this survey has identified three setts around the boundaries of the site. In order to mitigate the risk of the sett being disturbed the submitted report makes a number of recommendations for alterations to the layout of the proposed development. These changes have now been made to the proposed scheme.

An access road is proposed within 15m of Sett 3. The submitted badger report recommends that the excavation of the road be undertaken under the supervision of an ecologist. It should be noted that the sett appears to be in only partially use during the latest survey and the Councils Ecologist advises that the level of mitigation required in respect of this sett would be dependant upon the level of activity at the time that the proposed development was undertaken.

If planning consent is granted a condition should be attached requiring an updated badger survey to be undertaken and a report including a revised mitigation proposals should be submitted to the LPA prior to the commencement of development.

Bats

No trees on site have been identified as having a high potential to support roosting bats. A number of trees have been identified as having lower levels of potential to support bats. These trees appear to be retained as part of the proposed development.

Swill Brook

If planning consent is granted a condition should be attached requiring the provision of an undeveloped buffer of 8m adjacent to Swill Brook. The buffer should be measured from the top of the bank of the brook and should be annotated onto the submitted plans.

Hedgerows

Hedgerows are a UK and local Biodiversity Action Plan (BAP) priority habitat and a material consideration. There is likely to be loss of a number of sections of hedgerow to facilitate site access roads. There is however opportunities for suitable replacement hedgerows to be provided as part of the Countryside Park associated with the proposed scheme.

In this case amended plans have been submitted which provide for replacement hedgerows.

Management plan

If planning consent is granted a condition should be attached requiring the submission of a habitat/landscape management plan for the Countryside park area.

Public Open Space

The amount of open space required as part of this development is 1,855sq.m and the proposed development includes a country park which would easily exceed the required level of POS. As such the development is acceptable in terms of the POS provision.

The Unilateral Undertaking also secures the provision of a 5 piece LEAP and this would be provided within the proposed country park. Details of the play equipment will be secured through the use of a planning condition.

Education

This issue of education capacity was dealt with as part of the outline application and the education department determined that no education contribution was required.

Flood Risk and Drainage

Part of the application site is located within Flood Zones 2 (medium probability of flooding) and 3 (high probability of flooding) along the boundary with Swill Brook with the majority of the site located within Flood Zone 1 (low probability of flooding). This watercourse flows in a north westerly direction towards the A500 where it is culverted beneath the road. The risk of flooding from this source will need to be appropriately mitigated.

The submitted FRA identifies that all residential buildings will be located in Flood Zone 1 (apart from one building which will be located in flood zone 2 and some private garden areas). The finished floor levels of the building in Flood Zone 2 will be raised above the 1 in 1000 year flood level and would remain dry in any such event.

The submitted FRA models the flood levels for Swill Brook (provided by the Environment Agency) and the flood level in the 1 in 1000 year event is 49.83m AOD at this point and the finished floor level of the building in Flood Zone 2 (plot 105) has been set at 50.55m (which is 0.72m above the 1 in a 1000 year flood level).

The submitted FRA calculates that the greenfield surface water runoff rate is 4.4 l/s/Ha and based on the developable area of the site being 2.25 Ha this equates to a maximum allowable runoff rate for the development of 9.9l/s. The FRA states that the maximum rate of discharge from the site will be limited to 9.9l/s by a flow control device within the drainage system with excess water stored within the site (it is proposed to store excess volume of water by creating a dry detention basin within the POS. This basin will be limited to a depth of 1m with slopes of a maximum 1 in 3 gradient).

In terms of ownership and maintenance, the applicant has confirmed that Swill Brooks is owned by Wainhomes to its centre with the other half owned by the adjoining landowner. Wainhomes have a duty to keep the brook clear and will be maintained by the management company looking after the open space.

In this case the Councils Flood Risk Manager, the Environment Agency and United Utilities have considered the flood risk implications from this development and all have raised no objection to the development subject to the imposition of planning conditions.

As a result the development is considered to be acceptable in terms of the flood risk implications.

PLANNING BALANCE

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

Social Sustainability

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

The impact upon infrastructure would be neutral.

In terms of the POS and LEAP provision this is considered to be acceptable.

Environmental Sustainability

Details of the proposed landscaping are considered to be acceptable.

With regard to ecological impacts, the development would have a neutral impact subject to mitigation.

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

The development would not have any significant impact upon the trees and hedgerows on this site.

Economic Sustainability

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

The development of the site would provide a number of economic benefits in the residential use of the site.

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

RECOMMENDATION:

APPROVE subject to the following conditions

- 1. Approved Plans**
- 2. Implementation of the approved landscape scheme**
- 3. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority**

- 4. Further notification if any contamination is discovered on the site**
- 5. The site shall be completed in accordance with the submitted Arboricultural Impact Assessment**
- 6. Arboricultural Method Statement for the footpath adjacent to Oak T8**
- 7. Compliance with the submitted scheme of acoustic insulation**
- 8. Compliance with the submitted External Lighting Details**
- 9. Electric Vehicle Infrastructure details to be submitted for approval**
- 10. Submission and approval of play equipment**
- 11. Provision of an 8m undeveloped buffer zone adjacent to Swill brook and the submission of proposals for the safeguarding of this buffer during the construction phase.**
- 12. Submission of updated badger survey and mitigation proposals prior to commencement.**
- 13. Submission of landscape habitat management plan.**

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 Principal Planning Manager (Regulation), in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

