

Application No: 15/4367N

Location: Kents Green Farm, KENTS GREEN LANE, HASLINGTON, CW1 5TP

Proposal: Reserved Matters Application for the Erection of 51no Houses, roads, public open space and associated works.

Applicant: Cheryl Wood, Stewart Milne Group Ltd

Expiry Date: 20-Nov-2015

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 and would be a benefit to this scheme.

Environmental Sustainability

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

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.

An update will be provided in relation to the impact upon the trees on 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

PROPOSAL

This is a reserved matters application for 51 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 taken from Crewe Road to the south of the site. The access point was approved as part of outline application 13/4240N.

The development would consist of 2 to 5 bedroom units. The development would consist of the following mix:

- 9 x two bed units
- 16 x three bed units
- 8 x four bed units
- 18 x five bed units

SITE DESCRIPTION:

The site of the proposed development extends to 2.67 ha and is located to the northern side of Crewe Road, Winterley. The site is within Open Countryside. To the northern boundary of the site is a tree lined watercourse known as Fowle Brook with residential development fronting Newtons Crescent and Fishermans Close beyond. To the west of the site is Kents Green Lane with the existing farmhouse and barns located onto this boundary. To the south west corner of the site are a number of trees which are protected by a Tree Preservation Order.

The land is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site.

The land levels drop to the northern boundary of the site.

RELEVANT HISTORY:

14/5871N - Outline planning application for the development of up to 60 dwellings with associated car parking, roads and landscaped open space – Application undetermined

14/1915N - Resubmission of 13/4240N - Outline planning application for a housing development dwellings with associated car parking, roads and landscaped open space – Withdrawn 26th August 2014

13/4240N - Outline planning application for the development of up to 70 dwellings with associated car parking, roads and landscaped open space – Refused 17th March 2014 – Appeal Lodged – Appeal Allowed 7th September 2015

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): There is a minimum requirement of 1,785sq.m of public open space. The location of the LEAP is considered to be acceptable.

Full plans must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works. The layout of the development should allow for natural surveillance from nearby properties.

CEC Flood Risk Manager: No objection subject to the imposition of planning conditions.

CEC PROW: No comments received.

CEC Environmental Health: No objection subject to the imposition of planning conditions relating to Construction Management Plan, piling, dust control and contaminated land.

CEC Head of Strategic Infrastructure: The revised highway layout is acceptable and I raise no highway objections to the application.

CEC Strategic Housing Manager: No objection

VIEWS OF THE PARISH/TOWN COUNCIL:

Haslington Parish Council: No comments received.

REPRESENTATIONS:

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

Letters of objection have been received from 15 local households raising the following points;

- There should be an amalgamation with the access to Kents Green Lane
- The proposed access is too close to the junction with Kents Green Lane
- The access will result in the loss of hedgerow to the Crewe Road frontage
- The proposed flats would overlook/cause loss of light to the existing dwellings which front Fishermans Close
- The flats should be removed from the scheme
- The flats should have a greater level of car parking
- The new dwelling are positioned too close to the existing farmhouse
- Special attention needs to be given to the rear boundary of plots 21-23 with the provision of hedgerow
- There is no reason to create a footbridge over Fowle Brook to link the existing housing to the proposed development
- The proposed plans do not accurately show the existing tree cover along Fowle Brook
- The landscaping should be implemented before the dwellings are constructed
- Increased flood risk from the development
- Winterley is not a sustainable location
- The development would be too dense
- Details need to be submitted for the retention and renovation of the existing farmhouse and barns (condition 9 attached to the outline planning permission)
- The boundary hedgerows should be maintained by a private management company
- The local schools are oversubscribed
- Impact upon Winterley Pool a Grade C SBI
- The provision of new housing in the open countryside is contrary to local plan policy NE.2
- Impact upon the rural character of Kents Green Lane
- The trees within the POS are covered by a TPO
- Poor sewage infrastructure in this location which has not been considered
- The access is located at a bend in the road which would be detrimental to highway safety
- Increase in traffic
- The site has poor pedestrian connectivity
- Flooding from Fowle Brook
- The access is opposite to a Grade II Listed Building
- Inadequate parking provision
- The impact upon local air quality

APPRAISAL

The principle of residential development has already been accepted following the approval of the outline application 13/4240N which was allowed at appeal.

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

Amended Plans

It should be noted that a number of the objections listed above relate to the provision of a block of flats. However following the concerns raised the block of flats was removed from the application and the amended plan was subject to a revised consultation period of 2 weeks until 18th July 2016.

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:

- 9 x two bed units
- 16 x three bed units
- 8 x four bed units
- 18 x five bed units

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 51 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 15 dwellings to be provided as affordable dwellings.

For the purpose of the SHMA the site is located in the Haslington and Englesea sub-area which identified a requirement for 44 new affordable homes per year between 2013/14 – 2017/18. This is made up of 1 x one beds, 11 x two beds, 19 x three beds, 10 x four/five beds and 1 x one & 1 x two bed older person dwellings.

In addition to this information there are currently 56 active applicants on Cheshire Homechoice who have selected Haslington (which includes Winterley) as their first choice, these applicants require 23 x one beds, 20 x two beds, 10 x three beds and 3 x four beds.

This application meets the requirement of 15 affordable units (11 x two bedrooms and 4 x three bedrooms). Of these 10 would be rented units and 5 would be intermediate units.

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 (7 dwellings at the centre of the site, a further 3 dwellings to the centre of the site and 5 dwellings to the east of the site).

The affordable layout is considered to be acceptable on this site.

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 £30,000 towards the provision of replacement bus stops on Crewe Road.

In this case the Councils Highways Officer has considered the internal layout of the development and has raised no objection to the development.

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 main properties affected by the proposed development are located to the north of the site with Fowle Brook and an existing and proposed area of open space between the existing dwellings and proposed dwellings.

In this case the dwellings on Fishermans Close face towards the application site and there would be a separation distance of over 50 metres between the nearest point of No 34 Fishermans Close and the nearest proposed dwelling, this increases to 59 metres between 42 Fishermans Close and the nearest proposed dwelling.

The dwellings on Newtons Crescent also face towards the application site and there would be a separation distance of over 50 metres between the side elevation of No 27 Newtons Crescent and the nearest proposed dwelling, this increases to 58 metres between the front elevation of No 56 Newtons Crescent and the nearest proposed dwelling and 51 metres between No 70 Newtons Crescent and the nearest proposed dwelling. All other properties on Newtons Crescent would have greater separation distances than the dwellings listed in this report.

The separation distances that would be provided as part of this application are over double the requirements contained within the SPD and as a result would be acceptable.

Light pollution

An external lighting scheme has been conditioned as part of the outline approval on this site (condition 18).

Noise

An acoustic assessment and scheme of noise mitigation has been conditioned as part of the outline approval on this site (condition 17).

Air Quality

A Travel Plan has been conditioned as part of the outline approval on this site (condition 28).

Contaminated Land

A contaminated land condition has been included as part of the outline approval on this site (condition 16).

Disturbance during the construction phase of the development

In this case there is a construction management plan attached to the outline approval (condition 19). This includes amongst other things the issues of dust and piling which are specifically referred to within the Environmental Health consultation response.

Trees

The application is supported by an Arboricultural Impact Assessment (AIA). The AIA incorporates a tree survey covering 19 individual trees and 20 groups of trees. The survey grades 7 individual trees and 14 groups of trees as grade A (high quality and value), 5 individual tree and 5 groups as Grade B (moderate quality and value) and 7 individual trees and 1 group Grade C (low quality and value).

The AIA indicates that the indicative layout would result in the removal of 5 individual trees (3 x Holly and 2 x Apple) and 1 group of trees (a group of 3 Holly) all afforded Grade C and 1 group of trees (a group of 3 Pear) rated as Grade B. All trees to be removed lie to the east and north-east of the existing farmhouse and none are protected or worthy of TPO protection.

The prominent TPO trees to the south-west corner of the site would be retained within the proposed POS and the trees along the green corridor adjoining Fowle Brook would also be retained.

In this case there are still concerns in relation to a number of locations where development works extend into the construction exclusion zone (CEZ) identified by the applicant's arboriculturalist. In this case negotiations are continuing and an update will be provided in relation to this issue.

In terms of the footpath along Fowle Brook and the proposed bridge the Councils Tree Officer considers that it would be possible to accommodate a proposed footpath within the CEZ with a suitable design methodology.

Landscape

A landscaping scheme for the site to secure replacement planting of the trees/hedgerows which are to be removed together with a scheme of landscaping the proposed open space and within plot curtilage will be secured through the use of a standard planning condition.

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 the design and layout of the scheme has been subject to negotiations with the applicant and the Councils Urban Design Officer.

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 19 dwellings per hectare is appropriate due to the location of the village on the edge of the settlement.

All of the proposed units would be two-storey in height apart from one house type (the Kellingside) which would be two and a half stories (of which there would be 6 on the site). The height of the development is consistent with the surrounding dwellings in this part of Winterley.

The layout plan includes a large amount of open space in three main areas (along the watercourse to the north, to the south-east corner and around the TPO trees to the south at the junction of Crewe Road and Kents Green Lane). The residential properties would mainly be orientated so that the areas of open space would be well overlooked and the boundary treatments to rear gardens are obscured from view.

The amended plans have increased the separation distance of the proposed housing to Kents Green Farm. The proposed relationship and arrangement is now considered to be acceptable.

There were also concerns about the positioning, height and design of the apartment block. However this has now been removed from the application.

In terms of the detailed design the proposed dwellings include canopies, projecting gables, 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 Winterley.

Impact upon the Setting of the Listed Building

There is a Grade II Listed Building to the south of the site at 288 Crewe Road. In this case the development would be off-set from this Listed Building which is located to the opposite side of Crewe Road with a separation distance from the nearest proposed dwelling at Plot 40 at 65 metres. On this basis it is not considered that the development would have a detrimental impact upon the setting of this Listed Building.

Ecology

Other Protected Species

An updated survey has been submitted. However due to the dense nature of the vegetation in the corner of the site where a sett was recorded previously the surveyor was not able to gain access to this area.

The existing survey is still less than 12 months old so the Council's Ecologist accepts that this application can be determined and if consent is granted then a condition for an updated survey to be submitted prior to the commencement of development.

Bats

An updated bat survey has been submitted. This survey has confirmed the continued presence of roosting bats within the buildings on site including a number that are proposed for demolition. Roosting appears to be by relatively small numbers of animals of a common bat species. There is no evidence to suggest that a maternity roost is present at any of the buildings proposed for demolition. In the absence of mitigation the proposed development would have a low impact on bats.

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,

- 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:

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements.

The NPPF advises that LPAs should contribute to 'protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy'.

The NPPF also states that the planning system should contribute to and enhance the natural and local environment by 'minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in

biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures’.

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In terms of the 3 tests, it is considered that:

- There are no satisfactory alternatives as the proposed development would provide much needed open market and affordable housing
- The derogation is not detrimental to the maintenance of Bats as a scheme of mitigation would be provided as part of the development.
- There are imperative social reasons of overriding public interest as the development would provide much needed open market and affordable housing

In order to mitigate the impacts of the proposed development the applicant is proposing the timing and supervision of the proposed development and also the provision of bat boxes and a bat loft as part of the development.

The Councils Ecologist advises that the proposed mitigation and compensation is sufficient to maintain the favourable conservation status of the species concerned.

Public Open Space

The amount of open space required as part of this development is 1,785sq.m and the proposed development would easily exceed the required level of POS with the submitted plans showing an area of 8,450sq.m. As such the development is acceptable in terms of the POS provision.

The Unilateral Undertaking also secures the provision of a LEAP and this would be provided within the site. Details of the play equipment will be secured as part of the agreed UU.

Education

This issue of education capacity was dealt with as part of the outline application and the Unilateral Undertaking agreed as part of the outline application includes contributions for both primary and secondary school provision.

Flood Risk and Drainage

The vast majority of the application site is located within Flood Zone 1 according to the Environment Agency Flood Maps although a small strip along Fowle Brook is located within Flood Zones 2 & 3. Flood Zone 1 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 is more than 1 hectare, a Flood Risk Assessment (FRA) has been submitted in support of the application. The

submitted plan shows that the area identified as Flood Zones 2 & 3 would not be developed as part of this development.

In this case the flood risk and drainage implications were considered by the Inspector as part of the approval of the outline application on this site. As part of his decision the Inspector stated that;

'A small portion of the site is said to be subject to flooding. Conditions are proposed to restrict development to Flood Zone 1 and to create a clear strip along the bank of the brook, and to require approval of details of surface water and foul drainage. Notwithstanding some local concern, it appears that subject to these measures the risk of flooding on the site and elsewhere would be adequately mitigated'

As part of the approval of the outline application the inspector then added a number of conditions relating to flood risk and the drainage of the site as listed below;

12. All built development located within Flood Zone 1
13. A scheme to limit surface water run-off and to manage the risk of overland flow to be submitted prior to the commencement of development
14. The provision of an undeveloped buffer alongside Fowle Brook to be submitted prior to the commencement of development
15. The disposal of foul water to be submitted prior to the commencement of development

The submitted FRA identifies the following recommendations for the development of this site;

- That a buffer zone is provided along the northern boundary limiting development to Flood Zone 1
- That finished floor levels are to be raised a minimum of +150mm above external ground levels.
- A surface water management strategy for the development will be required to manage and reduce the flood risk posed by the surface water runoff from the site. The developer will be required to ensure that any scheme for surface water should build in sufficient capacity for the entire site.
- Limiting the rate of surface water runoff generated by the site to discharge at a rate of not more than the existing greenfield rate as detailed in the FRA
- Provision of attenuation storage volume on the site to retain the 1 in 100 annual probability plus 30% climate change event volume, assuming the discharge rate given above

In this case the Inspector determined that the development could adequately mitigate any flood risk impacts and this is controlled through the imposition of planning conditions attached to the outline consent.

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

Other Issues

One of the letters of objection refers to the compliance with condition 9 attached to the outline consent. This condition states that;

Prior to the commencement of the development hereby permitted, details of a scheme for the retention and renovation of the farmhouse and two brick barns adjoining Kents Green Lane shall be

submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

There is no need to submit the details required by this condition as part of the Reserved Matters application as the condition trigger states that the details should be submitted prior to commencement of development.

A number of objections refer to the proposed pedestrian bridge across the Fowle Brook and that this would result in an increase in crime for the existing residents. This is not accepted as it is common practice that all new developments have good pedestrian connections with the surrounding settlements – such an approach is encouraged in local and nation policy. The provision of a bridge would be a benefit for both the future occupants and existing occupants in Winterley.

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 and would be a benefit to this scheme.

Environmental Sustainability

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

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.

An update will be provided in relation to the impact upon the trees 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. **Submission of a landscaping scheme**
3. **Implementation of the approved landscape scheme**
4. **Updated survey and mitigation for other protected species**
5. **Revised Arboricultural Method Statement (AMS) to take account of any encroachment into CEZ and to include contact details for key site personnel.**
6. **Site specific engineer designed construction details for any areas of development encroaching into identified construction exclusion areas.**
7. **Tree protection in accordance with revised AMS**
8. **Submission and approval of land level details**
9. **Boundary Treatment details to be submitted for approval**
10. **Details of the proposed bridge to be submitted and approved**
11. **Details of the proposed LEAP to be submitted and approved**
12. **Open Plan Estate/Removal of permitted development rights for means of enclosure forward of building line**

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.

