

Application No: 17/6042N

Location: Land Off, CHURCH LANE, WISTASTON

Proposal: Application for the approval of details of the appearance, landscaping, layout, and scale being matters reserved under approval APP/R0660/W/15/3136524 (LPA ref: 14/3024N)

Applicant: Bloor Homes (North West) Ltd

Expiry Date: 18-May-2018

SUMMARY

The principle of the proposed development has already been approved and is considered to be acceptable.

The development would provide affordable housing in accordance with the outline S106 Agreement and this is considered to be pepper-potted across the site. The mix of units within the open market housing on site is considered to be acceptable.

The Open Space provision and LEAP on the development site is acceptable and final details will be secured through the suggested conditions.

The development is considered to be of an acceptable design and would not have a detrimental impact upon residential amenity.

The highways impact was considered as part of the outline application and the internal road layout and parking provision is considered to be acceptable.

The ecological impacts and landscape impacts of the development would be acceptable and final details will be secured through the imposition of planning conditions.

The proposed development would not have an impact upon the trees on the site.

The drainage and land levels details will be dealt with as part of the condition attached to the outline consent.

Subject to the recommended conditions, the layout, scale, appearance and landscaping of the development are acceptable.

On this basis this Reserved Matters application is recommended for approval.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR REFERRAL

This application is referred to Strategic Planning Board at the request of Cllr Simon for the following reasons;

- 1. Insufficient consideration has been given to the layout of the affordable housing within the layout.*
- 2. The 2016 Wistaston Ward Profile on the Cheshire East website states that 26.2% of Wistaston's population is over 65 years of age. Not enough consideration has been given to the number of bungalows proposed for this current scheme.*

PROPOSAL

This is a Reserved Matters application for the erection of 300 dwellings. Access via Church Lane to the east of the site was approved as part of the outline application 14/3024N.

The development would provide dwellings which would vary from single to two stories in height and would include 30% affordable housing provision (65% would be rented and 35% would be intermediate tenure). The development would vary from 1 bed to 5 bed units.

The development would include a LEAP and extensive areas of open space including ecological mitigation. The open space/ecological mitigation would be provided in an E shape and would be located to the northern, western and eastern boundaries of the site and through the central spine of the site alongside Wistaston FP1.

SITE DESCRIPTION

The site of the proposed development extends to 13.88 ha and is located to the northern side of Church Lane, Wistaston. The site is within Open Countryside and has been removed from the Green Gap by Policy PG5. To the south of the site is residential development fronting Church Lane. To the south-west corner of the site is an existing bowling green, tennis courts and school playing fields. To the north and west of the site is agricultural land and to the north east is an area of recreational open space.

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

The site includes a small pond to the south-west corner of the site. To the eastern boundary of the site is a watercourse known as Wistaston Brook. The land levels drop to the eastern boundary of the site.

Two Public Rights of Way cross the site from north to south (Wistaston FP1 and Wistaston FP2).

RELEVANT HISTORY

14/3024N - Outline application for a proposed residential development of up to 300 dwellings, site access, public open space, landscaping and associated infrastructure – Appeal against Non-Determination – Appeal Lodged – Appeal Allowed 20th September 2016

13/2649N - Outline planning application for proposed residential development of up to 300 dwellings, highway works, public open space and associated works – Refused 13th January 2014 – Appeal Lodged – Appeal Dismissed 26th February 2015.

13/1828S - EIA scoping request for Environmental Statement – Scoping letter issued 30th May 2013

13/1395S - EIA screening for land off Church Lane – EIA Required 18th April 2013

NATIONAL AND LOCAL POLICIES

Cheshire East Local Plan Strategy (CELP)

PG1 – Overall Development Strategy
PG2 – Settlement Hierarchy
PG6 – Open Countryside
PG7 - Spatial Distribution of Development
SC4 – Residential Mix
CO1 Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 8 – Renewable and Low Carbon Energy
SE 9 – Energy Efficient Development
SE12 – Pollution, Land Contamination and Land Instability
SE 13 Flood Risk and Water Management
IN1 – Infrastructure
IN2 – Developer Contributions

Crewe and Nantwich Local Plan

The relevant Saved Policies are:

NE.4 (Green Gaps)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

Wistaston Neighbourhood Plan (WNP)

In this case the Wistaston Neighbourhood Plan was made on 7th December 2017 and the relevant Policies are relevant to this application

H1 – Scale of Housing Development
H2 – Affordable Housing
H3 – Tenure Mix
H4 – Settlement Boundary
H5 – Car Parking on New Development
D2 – Environmental Sustainability of buildings and adapting to climate change
D4 – Design of New Housing
D5 – Creation of New Accesses
GS3 – Woodland, Trees, Hedgerows, Walls Boundary Treatment and Paving
GS5 – Historic Environment
GS6 – Wildlife Corridors
TP1 – Footpaths, Cycleways and Public Rights of Way
TP2 – Traffic Congestion
TP3 – Improving Air Quality
TP4 – Walkable Neighbourhoods
TP5 – Bus Services
TP6 – Cycle Parking
TP7 – Identification of Underground Utility Assets
C2 – Provide for the sports needs of residents
C3 – Community Facilities
C5 – Contributions to Community Infrastructure

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

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

CONSULTATIONS

United Utilities: No objection.

Strategic Highways Manager: No objection subject to the imposition of a planning condition requiring design information for the emergency access.

Natural England: No objection in terms of Statutory Nature Conservation Sites. For advice on all other protected species refer to the Natural England standing advice.

Strategic Housing Manager: No objection.

Environment Agency: No objection.

Environmental Health: Conditions suggested in relation to an Environment Management Plan and contaminated land. Informatives suggested in relation to hours of construction and contaminated land.

CEC Public Open Space: The play area should contain 12 fixed items including a multi unit in line with the S.106 and to be in accordance with Fields in Trust Standards. The final levels for the LEAP area should be submitted prior to determination.

In the event that planning permission is granted a condition should be attached which requires the submission of a detailed planting plan for the area within and adjacent to the LEAP, the spinal green corridor and for the planting between the play facility and the nearest dwellings.

Policy SE6 allows for allotment provision, a contribution of £230.70 per family dwelling to improve Wistaston Allotments is therefore sought.

CEC Flood Risk Manager: At present, no information relating the drainage of the proposed development has been submitted. In order to enable us to comment on this application we will require the applicant to submit sufficient evidence to discharge the requested condition on application 14/3024N.

CEC PROW: Satisfied that the south east section of Footpath No.17 has the required 6 metre corridor within a 12 metre buffer zone as per the resolution by the PROW Committee

CEC Education: No comments received.

VIEWS OF THE PARISH COUNCIL

Wistaston Parish Council: Would like to make the following comments;

- The proposal is not in accordance with the agreed Public Rights of Way Department stipulation for a 6m area buffer zone, with north facing Driveways, 12 – 16m away from the rear of existing properties in Church Lane.
- The design brief makes reference to cycle and footpaths going onto Wistaston Park. This has not been approved by Wistaston Parish Council, who are the land owners responsible for this Park.
- Consultations and the 2016 Housing report in Wistaston's approved Neighbourhood Plan have shown a need for a small amount of affordable housing and the number is therefore expected to

be minimal, however, any groups of this type should be carefully dispersed within the development so as not to create ghetto pockets.

- A priority requirement shown in the Wistaston Neighbourhood Plan is the need to accommodate for the ageing population in the area in scale and character to reflect the Policy in Cheshire East's Local Plan. In keeping with this policy the ratio of bungalows should be similar to other Housing developments in the area of approximately 5% of the development and therefore should be increased from 4 to 16.
- The number of parking spaces per property should be increased in line with the Wistaston Neighbourhood Plan. A minimum requirement is 2 off road parking spaces for units having 1-2 bedrooms and for 3-5 bed roomed units 1 off road parking for each bedroom within the curtilage of the property.
- The children's playground should have adequate safety fencing to provide protection and particularly the surrounding pond areas should not pose any risks.
- The infrastructure spend on Section 106 is unfairly apportioned. For example almost two thirds of the total monies (£605,000) are for a Cheshire East capital scheme for a new Peacock Roundabout, which is outside of the Wistaston Parish. More should be spent in the Wistaston village. In particular the bottle neck entrance and exit to the new development across to Park Drive is going to be a main thoroughfare. This junction justifies traffic light management to reduce the high risks.
- The traffic flows will increase by over 1000 daily movements per day onto Church Lane with the main outflow routes being Church Lane, Park Drive, Broughton Lane and Wistaston Green Lane. All of these routes have serious problems, e.g. Congestion, Parking around the Church Lane School. The road surfaces in both Church Lane and Wistaston Green Road require resurfacing. A clearly defined Road improvement plan to reduce risks is requested.

REPRESENTATIONS

Letters of objection have been received from 42 local households raising the following points:

Principal of development

- Loss of Open Countryside and Green Gap
- Contrary to Local Plan Policies
- The development is showing a lack of accommodation for an ageing population
- The original application received hundreds of objections including from the MP, Chair of Cheshire East, Borough Councillors, the Parish Council, other community and environmental groups
- Loss of green land and a local amenity for Wistaston
- The site provides a green lung for the residents of Wistaston
- Concerns raised about the amount of social housing and the Housing Report for the Wistaston Parish Neighbourhood Plan has shown that the need for affordable housing in Wistaston is small and any delivery would be minimal
- Loss of Green Belt
- Merging of Crewe and Nantwich
- Loss of local identity
- Over dense development
- 150 houses would be more appropriate on this site
- There has been a large number of developments approved in Wistaston
- Limited sustainability energy provision within this development
- The development is contrary to the Willaston Neighbourhood Plan

- The proposed housing will only be purchased by rich commuters using HS2
- There are numerous errors within the supporting reports for this application
- Only four bungalows would be provided on the site
- The site is not sustainably located
- This application should not be determined under delegated powers
- The proposed dwellings will be purchased for buy to let

Highways

- The development is only served by 1 access point
- Poor visibility at the site entrance
- Queuing along Church Lane
- Increased traffic congestion at the junctions of Church Lane/Broughton Lane/Park Drive
- Problems over the narrow bridge over the brook at 'Joey the Swan'
- Pedestrian access at 'Joey the Swan'
- Traffic congestion at the recently constructed Co-op and gym at Huntbank Business Park
- A full Transport and Traffic Assessment should be constructed in advance of any housing development
- A roundabout should be provided at the junction of Church Lane and Crewe Road
- The bridge junction at 'Joey the Swan' needs to be redesigned
- Improvements to bus services will be required
- Increased risk of accidents at the Rising Sun junction
- Sufficient car-parking will be required
- Land levels mean that the proposed access will be dangerous in icy conditions
- Cumulative traffic impact from the approved development at the rising sun
- Insufficient car-parking has been provided on other developments in the area
- Traffic problems will increase at the Peacock Roundabout
- The Gladman application included modification to Church Lane between Park Road and Broughton Lane. There is no mention of this within this application
- Concerns about construction vehicles accessing the site
- Wheel washing facilities should be provided
- Traffic congestion at the Church Lane/Park Drive/Broughton Lane intersections which is an accident blackspot
- Traffic control and pedestrian crossings are needed
- High volume of traffic
- Increased risk of accidents at Middlewich Road and Wistaston Green Road
- Some of the garages on the proposed development are too small
- Danger to cyclists
- Disruption caused by roadworks to provide utilities to the site
- There is no provision of public transport

Public Rights of Way

- The diversion order of the unrecorded PROW states that it should be 3m wide. It appears to be less than 3m wide
- The proposal is not in accordance with the PROW stipulation which requires a 3m PROW within a 6m green zone and the connecting properties facing onto the drives and the footpath
- The footpaths on the site are well used especially by dog walkers

Green Issues

- Impact upon protected species which have been identified on and adjacent to Wistaston Brook and nearby woodland
- Pollution run-off into Wistaston Brook which is polluted with raw sewage during heavy rainfall
- If water is disposed into the Brook it will then lead to the River Weaver and potentially cause flooding in places like Northwich or Nantwich
- The site is of high biodiversity value
- Trees and wildlife will be affected by this development
- New tree planting will not replace the trees which are lost
- Lack of details in terms of the treatment of the wildlife corridor/buffer zone

Infrastructure

- Long waiting times at Leighton Hospital will be increased
- Concern over where the rainwater will be disposed
- Doctors surgeries are full
- Pressure on local dentists
- Local shops are under pressure
- Lack of information in terms of drainage and sewage from the site
- The site is a flood risk area

Amenity Issues

- The proposed development does not have new properties facing south towards the boundaries with 105 -123 Church Lane.
- The nearest property to the boundary with 109 Church Lane would be 8m
- Bungalows should be built adjacent to the existing bungalows

Design issues

- Over dense development
- Poor layout

Other issues

- Who will be responsible for maintaining the proposed/existing boundary hedgerows?
- Increase in dog fouling and litter

The full content of the objections is available to view on the Councils Website.

APPRAISAL

Principle of Development

The principle of residential development and the point of access has already been accepted following the approval of the outline application 14/3024N which was allowed at appeal.

The site was part of the Green Gap but has now been removed as part of Policy PG5 of the CELPS.

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

Housing Mix

Paragraph 50 of the Framework sets out that Council's should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. They should also identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). The WNP includes reference to housing mix within the vision for Wistaston where it states that *'Any additional new housing should meet the needs of people who already live or wish to move into the area. Affordability will be important, primarily low cost market housing especially for young people. It is also important to meet the needs of the older residents in the plan area who wish to downsize without leaving the area and are looking for housing which will meet their needs'*. However there are no specific policies relating to housing mix or older persons accommodation within the WNP (policy H3 relates to affordable homes only).

This development would provide;

- 16 x one bed units (which includes ground floor and first floor apartments)
- 44 x two bed units
- 103 x three bed units
- 147 x four bed units
- 8 x five bed units

All of the proposed dwellings would be two stories in height apart from the Tate house type which is a bungalow (total of four units) and the Morris and Medina units which are two and a half stories in height (total of 14 units). The proposed development would provide a sufficient mix and would comply with Policy SC4.

The call-in request from Cllr Simon makes specific reference to the provision of bungalows as part of the proposed development. As well as the Tate house type (4 in total) which is a bungalow and referred to above the development would provide a total of 10 ground floor apartments which would provide level access.

In this case it should be noted that the outline consent includes condition 5 which states as follows;

The application(s) for approval of reserved matters shall be substantially in accordance with the Development Framework plan issued as part of the Design and Access Statement (May 2014), page 39 and the Landscape Proposals 5481-L-07 Rev B. Building height and scale shall be substantially in accordance with the principles of the Design and Access Statement (May 2014, Ref 5481)

In this case the Design and Access Statement submitted as part of the outline application states that *'The development will provide for a broad mix of dwellings and house types, ranging from 2-5 bedroom units, offering a mix of market housing to suit all sectors from first time buyers to families'* and *'Within Wistaston, the vast majority of dwellings are two storeys in height with some single and 2.5 storeys, as such the development will seek to broadly reflect this range'*.

Based on the above the development would provide 14 level access properties and the proposed development would comply with the requirements of condition 5 imposed on the outline consent.

Affordable Housing

The site falls within the Crewe sub-area for the purposes of the Strategic Housing Market Assessment (SHMA) update 2013. This identified a net requirement for 217 affordable units per annum for the period 2013/14-2017/18. Broken down this is a requirement for 50 x 1 bed, 149 x 3 bed, 37 x 4+ bed general needs units and 12 x 1 bed and 20 x 2 bed older persons accommodation. The SHMA showed an over-supply of 2 bed units.

In addition to this information taken from Cheshire Homechoice shows that 70 applicants have identified Wistaston as their first choice. These applicants require 28 x one bed, 23 x 2 bed, 13 x 3 bed and 6 x 4+ bed units.

The current number of those on the Cheshire Homechoice waiting list with Wistaston as their first choice is 70. This can be broken down to 28x 1 bedroom, 23x 2 bedroom, 13x 3 bedroom and 6x 4+ bedroom dwellings.

The submitted plans show a mix and tenure split that is meeting the local need and is policy compliant. The applicant has now provided both an Affordable Housing Scheme and a phasing plan with dates showing the progression.

The development would provide the following affordable housing mix;

Rented

16 x one bed units
23 x two bed units
18 x three bed units
2 x four bed units

Shared Ownership

21 x two bed units
10 x three bed units

In this case the affordable units would be provided within 10 clusters and the location of the affordable units is considered to be acceptable.

Public Open Space

The S106 completed as part of the outline consent requires that the development provides 1.54 hectares of amenity green space (including the LEAP) and 3.05 hectares of natural green space (which includes retained ponds, wetlands, green infrastructure and habitat creation). In this case the developer has provided a plan to show how this could be provided but the final details including the landscaping would be secured via a planning condition.

In terms of children's play space this would be provided on site and the S106 Agreement completed as part of the outline consent requires that the developer provides a LEAP with 12 pieces of equipment. The applicant has provided a proposed section drawing through the proposed LEAP and Councils POS Officer has requested that the final levels for the LEAP are provided before the Reserved Matters application is determined. However the S106 only requires

the details of the LEAP (including grading) to be submitted prior to the commencement of development. As a result it is not possible to insist that full details of the LEAP and its levels are provided at this stage.

The requested contribution for allotment provision (£230.70 per family dwelling) cannot be secured as part of the reserved matters approval. Such matters should be considered at the outline stage when the principle of development is agreed.

Location of the site

A number of representations have been received which raise concerns about the location of the site and its sustainability credentials. In this case the principle of residential development has already been accepted.

Education

The education impact from this development is mitigated as part of the S106 Agreement which was completed as part of the outline application. The exact figures are calculated via a formula within the S106 Agreement which is dependent on the number of dwellings proposed as part of the Reserved Matters approval. Based on a scheme of 300 dwellings this development would require £171,312 towards primary education, £176,422 towards secondary education and £200,655 towards SEN.

Health

In this case it was determined that no health contribution would be required as part of the outline application.

Landscape

In this case the issue of the landscape impact was considered by the SoS as part of the appeal decision on this site. In this case it was found that:

'In terms of the effect on the visual character of the landscape, the Secretary of State agrees with the Inspector's reasoning and conclusions at IR117-120. He agrees that there is limited visibility of the site from other parts of the Green Gap (IR117), but that the development would have a significant effect on views presently available from the land surrounding the site, and within and approaching the footpaths crossing it (IR118). He agrees that although there would be a change of character, the evidence falls short of demonstrating that the land has such visual landscape quality in its own right as to make its loss unacceptable on this ground (IR118) and he agrees that any impact on the landscape would be limited to the site and its immediate environs (IR120). The Secretary of State notes that a large part of the Green Gap would remain and would remain accessible (IR118).'

As part of his planning balance the SoS found that any harm was outweighed by the benefits of this development.

The applicant has provided a plan which shows the extent of the natural green space and amenity green space and the extent of these areas is considered to be acceptable. There is scope within

these areas to provide an acceptable landscaping scheme but this will require further discussions with the developer and the relevant consultees (POS, Landscape and Ecology). The detailed landscaping scheme would be secured as part of a planning condition as the developer has provided only provided a landscape strategy plan at this stage and further landscape details will be required.

The section drawings which have been provided demonstrate that the development would not have any retaining structures and the levels changes would be of a natural finish. Final details of the proposed levels is subject to a condition attached to the outline consent. (Application 18/0538D is currently undetermined to discharge the conditions attached to the outline consent and those details will require updating following the determination of this reserved matters application).

Land Levels

The land levels on this site are subject to condition 7 which is attached to the outline consent which states as follows;

No phase of development shall commence until details of existing ground levels, proposed ground levels, and levels of proposed ground floor slabs in that phase have been submitted to and approved in writing by the local planning authority. Development of that phase shall proceed in accordance with the approved scheme of levels. There shall be no alteration of existing ground levels within the 1 in 100 flood outline.

In order to assist with the consideration of this Reserved Matters application the applicant has provided 11 sectional drawings through the edge of the development (including 3 to the dwellings to the south of the site).

Sections A-H show that the proposed dwellings would have Finished Floor Levels (FFL) very similar to the existing levels apart from section F which would include a slight increase by 57cm due to a localised dip in this part of the site.

Sections J-L relate to the proposed development and the existing properties on Church Lane (some of which are set at a lower level to the application site).

Section L shows that the proposed dwelling on plot 12 would be sited 39cm above the existing land level and would be higher than the nearest dwelling at 125 Church Lane which is set at a lower level to the application site (in this case the development would provide a 12.1m distance to the site boundary and 28m to the rear elevation of 125 Church Lane).

Section K shows that plots 33 and 34 would have a FFL 25cm above existing ground levels but this is comparable to the existing dwelling at 101 Church Lane with a distance of 20.1m to the boundary and 31m to the rear elevation of 101 Church Lane.

Section J shows that plots 48-49 would have a FFL the same as existing levels and this would be similar to the existing dwelling at 87 Church Lane with a distance of 12m to the boundary and 22m to the rear elevation of 87 Church Lane.

The proposed land levels for the site would be determined as part of the discharge of condition application 18/0538D (which remains undetermined) but the sections provided show that this can be done to an acceptable standard.

Highways Implications

A large proportion of the objections relate to the impact upon the safe operation of the junction to serve the development off Church lane and the wider traffic implications of the development. These issues were considered to be acceptable as part of the outline approval on this site and cannot be revisited at this stage.

To mitigate the highways impact of this development the following contributions were secured as part of the S106 Agreement; improvements to the A530 corridor (£300,000), improvements to the Peacock Roundabout (£605,000), provision of bus shelters within the vicinity of the site (£25,000) and traffic management measures contribution (£20,000).

In terms of the internal layout the proposed development would be acceptable and the highways officer has confirmed that *'the internal road layout and is considered acceptable in regards to highway adoption and design standards'*.

The parking provision (including internal garage dimensions) would comply with the relevant standards contained within the CELPS and policy H5 of the WNP.

Amenity

The Crewe and Nantwich SPD titles 'Development on Backland and Gardens' requires the following separation distances;

- 21m between principal elevations
- 13.5 m between a principal elevation with windows to habitable rooms and blank elevation
- In the case of flats there should be 30m between principal elevations with windows to first floor habitable rooms

In terms of the surrounding residential properties, these are to the south of the site. The properties which front Church Lane and adjoin the site are largely two-stories in height apart from the dwellings at 87-95 Church Lane which are bungalows.

The proposed dwellings have been orientated so that the front elevations face towards the PROW and the dwellings fronting Church Lane.

The rear elevations of the bungalows would face the front elevations of the dwellings on plots 48-53 (50-54 are bungalows and 48 and 49 are apartments). In this case the separation distances between these dwellings would vary from 22m between the front elevation of plots 48 & 49 (apartments) and 36m between plot 53 and 93 Church Lane. Although the apartments would fall below the separation distance of 30m the lounge window at first floor level facing towards 87 Church Lane would be secondary and could be obscure glazed to protect residential amenity. To the west of the dwelling at 87 Church Lane there would be a separation distance of 27m to the proposed dwellings on plots 224-226 which is considered to be acceptable.

The existing dwellings at 97-117 Church Lane would have a separation distance to the front elevations of the proposed dwellings at plots 30-39 of 26m-31m which is again considered to be acceptable and complies with the standards set out in the Crewe and Nantwich SPD.

The apartments on plots 18-19, 20-21, 40-41 and 42-43 would be two-storeys in heights and would have separation distances of 24m-34m to the nearest dwellings on Church Lane. Although the apartments on plots 40-41 and 42-43 would fall below the separation distance of 30m the only first floor window which is not a bedroom is a secondary lounge/kitchen window at first floor level serving plots 42-43 and could be obscure glazed to protect residential amenity.

The proposed dwellings on plots 12 would have separation distances of 28m between the nearest dwellings fronting Church Lane and this relationship is considered to be acceptable.

The Environmental Health Officer has requested a condition in relation to a construction environmental management plan. This condition is imposed on the outline consent (condition 10).

Air Quality

The air quality impacts from this development would be mitigated against by providing the proposed travel plan (condition 19 attached to the outline consent), bus stop improvements within the vicinity of the site (£25,000 secured as part of the S106 Agreement), dust control measures during the construction phase of the development (condition 10 of the outline consent) and electric vehicle charging infrastructure (condition 20 attached to the outline consent).

Trees and Hedgerows

This development would not result in any tree or hedgerow implications and the impact upon trees on this site is controlled via condition 14 (Arboricultural Method Statement) attached to the outline consent.

Design

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.”

Connections

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

The consented scheme only has a single point of vehicular access to the south-east off Church Lane whilst there is an emergency access/pedestrian access to the south.

Internally within the site the highway network has a loop road and a hierarchy of street design with varied road widths, shared services and a varied use of surfacing materials.

Pedestrian connectivity has also been improved to provide the retention of the PROW within the site and the connections north to the wider PROW network.

Facilities and services

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

This issue was considered as part of the outline application. The application site is within a sustainable location and is within walking distance of the shops, schools, employment, bus routes and leisure facilities.

Public transport

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

Again this issue was considered as part of the outline application. The application site is within a sustainable location and is within walking distance of the shops, schools, employment, bus routes and leisure facilities.

Meeting local housing requirements

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

In terms of the affordable housing on site and as discussed above the development would provide a mix of affordable housing and the developer intends to provide 30% affordable housing.

In terms of the open market housing this is discussed above and is considered to be acceptable.

Character

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

The design guide identifies that Wistaston is located within the Salt & Engineering Towns area. Wistaston is not an example settlement within the design guide but Crewe is identified as an example settlement. The design cues for Salt & Engineering Towns area include the following;

- The physical environment is heavily influenced by transport infrastructure in some larger settlements and the countryside through which they pass.
- A wide variety of building styles reflecting different periods in the growth of the towns.
- A predominance of red brick terraces and villas.
- Two-storey properties with steep roofed gables onto the street.
- Boundary walls often constructed from same material as main property.
- Subtle variation in detailing or colour palette creates variation between properties within long terraces.
- Properties often set to back of pavement providing strong enclosure to street.
- Brick of various shades and textures is the main building material.

- All eras of architecture are found within the settlement character area
- Long views to the Pennines (north east) and Sandstone Ridge (south west) are a key feature of many settlements.
- Flashes, rivers, canals and field ponds dominate and influence the countryside and settlements of this character area.
- Existing landscape features should be retained on site to preserve the landscape character.

There is a variation of house-types adjoining the site. The majority are two-storey in height although there are some single-storey units in the area (to the south along Church Lane). The age of the surrounding dwellings also varies. To the south the residential areas are characterised by grass verges with some tree planting. The dwellings surrounding the site vary from detached to semi-detached.

The surrounding dwellings have largely hipped roofs but there are some properties with pitched roofs located around the site. The dwellings in the locality of the site include a number of design features such as projecting gables (some with timber infill details but the majority in brick, render or hipped), bay windows (single and two-storey), window header and sill details (brick, arched and flat-topped) and chimneys. The materials in the locality are largely red brick and render properties with some hanging tile detailing. The roofs are largely tiled (relatively even split of red and grey).

The proposed dwellings would vary from single to 2.5 stories but would largely be two stories in height. The proposed dwellings would have a mixed roof design with both hipped and pitched roofs. The roof heights vary across the development which would add some interest. The height variation across the proposed development is consistent with the wider locality in this part of Wistaston and is considered to be acceptable.

Largely it is considered that the proposed development respects this character of the area. Many of the design cues within this location are incorporated into the development with a modern design. The development includes projecting gables (some with a timber and render infill), window design includes bay windows, brick cill and header details and brick banding).

The perimeter block type layout is at an appropriate density with corner turning houses providing active frontages and removing the requirement for prominent blank gables within the street-scene.

The proposed materials would match the first phase of the development and complies with the Cheshire East Design Guide.

Working with the site and its context

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

The site is currently open former farmland with no existing buildings with the retention of the majority of existing hedgerows to the boundaries of the site (apart from the hedgerow loss at the vehicular access point).

The development is sited on the flatter more central part of the site and would look outwards in all directions to the open countryside and ponds to the north and west, to the retained watercourse

and habitat to the east and the PROW to the south. The other PROW routes through the development would also be well overlooked to provide natural surveillance.

Creating well defined streets and spaces

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

The proposed dwellings are generally positioned well in a loose perimeter block layout, front doors face the street, blocks turn corners effectively in a variety of ways creating good passive surveillance and they do define the streets and spaces.

Easy to find your way around

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

The layout is legible with a wide variety of house types and a varied and interesting layout including corner turning blocks and properly terminated views all of this will aid navigation around the proposed development. The would be sited between the retained PROW which loop around the site and run through the centre of the site.

Streets for all

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

There is a clear hierarchy of streets with variations in materials and shared-space mews turnings. It can be seen that all streets are designed in such a way as to reduce vehicle speeds. There is a real potential for the streets to be used as social/play spaces, specifically the shared-space areas. Overall the streets are pedestrian and cycle friendly as well as being safe for vehicles.

Car parking

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

The level of off street parking is suitable and complies with the Councils standards. This is provided predominantly in curtilage on driveways to the front and side of homes and in small parking courts serving the terraces of smaller two and three-bed houses. These parking courts are landscaped with short runs of adjacent bays which are located close to properties and are well overlooked.

Public and private spaces

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

All areas of public open space are well overlooked and would feel safe. With regard to private space, every house has a private but independently accessible rear garden that is clearly defined and most homes also have gardens to the front.

External storage and amenity space

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

All houses have adequately sized rear gardens with external access that are suitable for the storage of refuse and recycling bins as well as potentially cycles.

Design Conclusion

On the basis of the above assessment it is considered that the proposed development does score well and on this basis it is considered that the design of the development is acceptable and would comply with the Cheshire East Design guide.

Ecology

Great Crested Newts

At the outline stage a small population of Great Crested Newts was recorded at one pond on the eastern boundary of the site and at one pond to the north-west of the site (no more than one GCN was recorded during any of the six trapping sessions). In the absence of mitigation the proposed development would result in the loss of a large area of relatively low value habitat and would also pose the risk of killing or injuring any newts present on site when the works were undertaken.

An outline great crested newt mitigation strategy was submitted with the outline application and a planning condition was attached to the outline consent requiring an updated ecological mitigation strategy to be submitted prior to the commencement of development of each phase of the site. Under the outline mitigation strategy it was proposed to enhance habitats for Great Crested Newts around the sites eastern, northern and western boundary and to mitigate the risk of killing or injuring newts through the removal and exclusion of newts from the development footprint using standard best practice methodologies under license from Natural England.

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 states that development will not be permitted which would have an adverse impact upon protected species.

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 the tests would be met as follows:

- The outline application was approved because at the time the Council was unable to demonstrate a 5 year housing land supply and there would be reasons of overriding public interest, including those of a social or economic nature with no satisfactory alternative
- There is only a small population of GCN on this site and there would be no detriment to the maintenance of the species population at favourable conservation status in their natural range. The proposed mitigation/compensation would be adequate to maintain the favourable conservation status of GCN. The compensation should include the provision of 1 additional pond on this site.

At this stage there is no detailed landscape/habitat creation proposals but the councils Ecologist has accepted that these could be secured by means of a condition in the event that consent is granted.

Buffer Zone (condition 11 attached to the outline consent)

Condition 11 attached to the outline consent states as follows;

The application(s) for reserved matters shall include an undeveloped buffer zone alongside and including the ponds, wetlands and Wistaston Brook, substantially in accordance with the scheme shown on drawing 5481-L-07 Rev B. No development shall take place until a timetable for the implementation of any works within the buffer zone and details of how the buffer zone will be protected during the course of development and managed and maintained thereafter, have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the buffer zone has been established in accordance with the approved scheme, and the management and maintenance shall thereafter be carried out in accordance with the approved details.

This condition does not specify the required width of buffer just that a buffer is to be provided. A sufficient buffer would be provided although it is accepted that there is a small pinch point at the end of the turning head between the dwellings on plots 174 and 204.

Hedgerows

The development would result in the loss of a section of hedgerow to facilitate the proposed site access. Suitable replacement planting has been proposed as part of the landscaping scheme for the site to address this loss.

Lighting

The application site offers limited opportunities for roosting bats. However bats are likely to commute and forage around the site to some extent. To avoid any adverse impacts on bats resulting from any lighting associated with the development a condition could be attached requiring any additional lighting to be agreed with the LPA.

White Letter Hairstreak

This priority butterfly species has been recorded in the locality of the application site. The application site is unlikely to be of significant importance for this species. However the development provides an opportunity to deliver an enhancement for this species through the appropriate planting of the Wych Elm, the larval food plant for the species. This matter could be secured by means of an appropriate condition if planning consent is granted.

Management Plan

A management plan is required to ensure that the required habitat creation works are established effectively. The applicant should submit a management plan once the landscaping of the scheme has been approved to include the required habitat creation proposals.

Some of the habitats proposed, such as the wild flower grassland, will require specific ground preparation works to ensure these habitats establish effectively. Therefore the submission of a method statement for the establishment of these habitats is also required.

Wildlife Corridors

The WNP identifies wildlife corridors to the western part of the site and along the northern and western boundaries. Policy GS6 of the WNP states that;

'All development proposals which are adjacent to the wildlife corridor network or other notable habitat should demonstrate substantial mitigation and avoidance measures to lessen any impact on wildlife will be required to demonstrate that there will be no net loss (and ideally a net gain) in biodiversity'

In this case the principle of housing development has already been approved on the site and the works within the wildlife corridor would be limited to land level grading to the eastern part of the site and the proposed play area. These works would not have any significant impact upon the wildlife corridor and the development would secure biodiversity enhancements on the site and within the wildlife corridor.

PROW

This application affects Footpaths nos. 1 (which runs north-south through the centre of the site), 2 (which runs north-west to south-east to the eastern part of the site) & 17 (which forms a loop through around site) Wistaston. Footpath 17 is the subject of a Public Path Diversion order of a previously unrecorded path which has been confirmed although not yet certified as it needs to be constructed before this can be done.

In terms of Footpath 17 this was subject to an application to divert it as the Public Rights of Way Committee meeting on 12th June 2017 (there is an application to vary the original diversion order as per the reserved matters plans but this is yet to be determined). The overlay plan below shows the revised plan with the diverted line of footpath no. 17 as a black dashed line, with the original alignment shown as a solid black line. The blue line shows the proposed variation of footpath no. 17 and the proposed diversion of footpath no.2



The minutes from the PROW Committee meeting dated 12th June 2017 state as follows;

'the Applicant had met with one of the Ward Councillors and a representative from the local residents. This had resulted in a second application being submitted, which had amended the proposed diversion so that the section of footpath running easterly from Public Footpath No.1 to points E and F would now run behind the houses on Church Lane – as shown as J-K-L on Plan TCPA/038(2), and within a green corridor which would be made up of a 3 metre wide tarmacked path within a 6 metre wide green zone with private drives to the north and the connecting properties facing southerly onto the drives and the footpath'

The PROW Committee then resolved as follows;

- 1. An Order be made under Section 257 of the Town and Country Planning Act 1990 to divert the Unrecorded Footpath on land off Church Lane, Wistaston, as illustrated on Plan No. TCPA/038(2), on the grounds that the Borough Council is satisfied that it is necessary to do so in order to enable development to be carried out.*
- 2. Public Notice of the making of the Order is given and in the event of there being no objections within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Acts.*
- 3. In the event of objections to the Order being received and not resolved, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.*

A number of the representations from residents and the Parish Council refer to the minutes from the PROW meeting which refer to the requirement for a 3m wide tarmacked path within a 6m wide green zone with private drives to the north and the connecting properties facing southerly onto the drives and the footpath. The amended plans show that the proposed scheme complies with this requirement.

The committee report for PROW Committee also makes reference to the following;

'In total between the rear boundaries of the existing houses and the front of the new properties there will be approximately 12 - 16 metres. This amendment is addressing those concerns raised by local residents about providing a 'buffer' zone containing the footpath at the rear of adjacent properties'

The amended plans now comply with this requirement.

Agricultural Land Quality

The issue of the loss of agricultural land was considered as part of the outline application and the loss was given limited weight by the SoS and planning Inspector.

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

As part of the outline application a Flood Risk Assessment (FRA) was submitted in support of the application. The outline application as considered to be acceptable by the Inspector and SoS subject to conditions regarding no alteration to the existing ground levels within the 1 in 100 flood outline (condition 7) and that a surface water drainage scheme is submitted prior to the commencement of development (condition 8).

The imposition of a foul drainage condition was not imposed as part of the outline consent as the SoS and Inspector considered that conditions which require compliance with other regulatory regimes will not meet the test of necessity in accordance with the Planning Practice Guidance and

reference was made to the Supreme Court Judgement in *Barratt Homes v Dwr Cymru Cyfyngedig (Welsh Water)*.

If the applicant requires any material change to part of the layout to accommodate an acceptable drainage scheme this would require the submission of a new application to be assessed.

As a result of the above the flooding and drainage implications are considered to be acceptable and will be dealt with through the discharge of conditions process.

CONCLUSIONS

The principle of the proposed development has already been approved and is considered to be acceptable.

The development would provide affordable housing in accordance with the outline S106 Agreement and this is considered to be pepper-potted across the site. The mix of units within the open market housing on site is considered to be acceptable.

The Open Space provision and LEAP on the development site is acceptable and final details will be secured through the suggested conditions.

The development is considered to be of an acceptable design and would not have a detrimental impact upon residential amenity.

The highways impact was considered as part of the outline application and the internal road layout and parking provision is considered to be acceptable.

The ecological impacts and landscape impacts of the development would be acceptable and final details will be secured through the use imposition of planning conditions.

The proposed development would not have an impact upon the trees on the site.

The drainage and land levels details will be dealt with as part of the condition attached to the outline consent.

On this basis this Reserved Matters application is recommended for approval.

RECOMMENDATIONS

APPROVE with the following conditions;

- 1. Approved Plans**
- 2. Prior to the commencement of the development the applicant to submit a strategy for the incorporation of features to enhance the biodiversity value of the proposed development. The submitted strategy should include proposals for the; enhancement of the existing ponds, provision of features for nesting birds including house sparrow and roosting bats, gaps in garden fences to facilitate the movement of hedgehogs, brash/deadwood piles, a rain water catchment strategy to ensure sufficient water is diverted to the existing ponds to maintain water levels and Wych Elm planting.**

- 3. Submission of a scheme of landscaping**
- 4. Implementation of the approved Landscaping – including a strategy for landscape, POS provision and biodiversity enhancements**
- 5. Prior to its installation details of any external lighting to be submitted and approved**
- 6. Prior to the commencement of development details of long term habitat and management proposals to be submitted and approved**
- 7. Prior to the commencement of development details of the LEAP to be submitted and approved**
- 8. Boundary Treatment to be submitted and approved**
- 9. Materials in accordance with the approved details**
- 10. Surfacing Details to be submitted and approved**
- 11. Obscure Glazing south facing first floor window – plots 40-41 serving a lounge and south-east facing elevation of plots 42-43 serving a kitchen/lounge**

In order to give proper effect to the Board's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice

