

Application No: 18/2492N

Location: Land South Of, NEWCASTLE ROAD, SHAVINGTON

Proposal: Approval of matters reserved in outline planning application 12/3114N (appearance, landscaping, layout and scale) for residential development comprising 157 dwellings (including 47 affordable homes), public open space and associated works.

Applicant: Sean McBride, Persimmon Homes (North West) Ltd and Mac

Expiry Date: 01-Nov-2018

## **SUMMARY**

The application site lies within the Wybunbury/Shavington Triangle which is allocated under policy LPS 9 of the CELPS for the delivery of around 400 new homes. The principle of residential development on the site has also been established through outline approval to construct up to 360 dwellings on this site. This application considers the Approval of Reserved Matters, which comprises layout, scale, appearance and landscaping for a development of 152 dwellings constituting the second phase of the scheme. Details of access were determined at outline stage and secured vehicular access to the site from Newcastle Road.

The proposal provides the required amount of affordable housing with an appropriate mix of housing. A series of amendments to design and layout of the proposal have been secured during the course of the application ensuring the proposal achieves an appropriately designed residential development which accords with the overall principles for the development of the Shavington Triangle and the CEC Design Guide. The scheme achieves an acceptable relationship with the both the character of Phase 1 of the scheme and the locality, without material harm to neighbouring residential amenity and also provides sufficient amenity for the new occupants.

Appropriate public open space including a Neighbourhood Equipped Area for Play (NEAP), MUGA and Allotments will be provided in accordance with the requirements of the S106 Agreement accompanying the outline approval. The proposed routing of the PROW through the development and green space is also considered acceptable.

Tree and hedgerow losses have been accepted and would be mitigated in the proposed landscaping scheme for the site. The proposals for phase 2 will not have any significant ecological impact and not result in the loss or deterioration of irreplaceable wildlife habitats. Mitigation for the impact of the proposal on local infrastructure including education, healthcare provision and outdoor recreation was secured at outline stage as part of the S106 legal agreement.

The LLFA consider the proposed surface water drainage arrangements to be acceptable and which will adequately mitigate the residual risk of flooding from surface water and not increase the risk of flooding to neighbouring properties.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the Borough of Crewe and Nantwich Local Plan, the Wybunbury Combined Parishes Neighbourhood Plan, the Shavington Neighbourhood Development Plan and advice contained within the NPPF.

**RECOMMENDATION : APPROVE subject to conditions**

## **DETAILS OF PROPOSAL**

This application seeks approval for Reserved Matters relating to the appearance, landscaping, layout and scale of 152 dwellings, and associated open space and infrastructure of the second phase of development within the Shavington/Wybunbury Triangle.

The main access point serving the site via Newcastle Road was approved as part of outline application 12/3114N. Vehicular access to Phase 2 is from connections to three access roads leading from Phase 1.

The proposed 152 dwellings will be made up from 106 market dwellings and 46 affordable units. These will comprise of a mix of detached houses, mews housing, bungalows and apartment units ranging from 1-4 bed units.

The development will provide public open space including amenity green space and recreational and play facilities, incorporating a neighbourhood area of play (NEAP), multi-use games area (MUGA) and allotments in accordance with the S106 Agreement accompanying the outline approval.

Revised plans and additional information have been received during the application process in response to issues raised by the Council. This has been predominantly in relation to design, but also in respect of the provision of open space/recreation facilities, levels, drainage and enhanced planting/landscaping including buffer areas alongside the site boundaries with existing properties of Stock Lane and Dig Lane.

### **The Application Site**

The site is former farmland, covering 5.61 hectares and forms the second phase of the wider Shavington/Wybunbury Triangle allocation under CELPS Policy LPS 9. It is subject to outline planning approval 12/3114N, subsequently varied by 14/1160N, which relates to erection of up to 360 dwellings, a local centre, open space provision, landscaping and associated engineering works within the Shavington/Wybunbury Triangle allocation.

Reserved Matters approval (Ref: 14/3039N) was granted in December 2014 for Phase 1 of development within the Shavington/Wybunbury Triangle site for 200 homes which is now at advanced stage of construction.

This site (phase 2) extends around the western, southern and eastern edges of the wider Shavington Triangle site. It also wraps the adjoining Phase 1 development to the north, east and west which is at an advance stage of construction.

The site is made up of a number of fields of varying size, the majority of which were in arable use. In the south-western corner are two smaller fields of semi-improved grassland used as paddocks.

To the south/south-west and east, the site is bounded by the rear gardens of existing properties along Dig Lane and Stock Lane. The northern boundary of the site is adjoined by a small area of agricultural land beyond which is the small modern residential estate at Huntersfield. The north-eastern boundary adjoins an area of retained agricultural land.

The route of a PROW consisting of Shavington FP11, Wybunbury FP16 and Hough FP21 runs site east/west through the site from Stock Lane to the edge of phase 1, and then turns to follow a north/south route to Newcastle Road.

The site straddles the boundary between Shavington-cum Gresty and Wybunbury Parishes.

## **RELEVANT HISTORY**

**18/5851N** - Variation of Condition 1 on approved application 16/5516N - Reserved matters (appearance, landscaping, layout & scale) for residential development comprising 200 dwellings (30% affordable) and creation of public open space, in relation to outline approval 12/3114N - Approved 22<sup>nd</sup> July 2020

**16/1698N** - Changes to section 106 agreement - Affordable housing on application 12/3114N - Outline Application for Residential Development of up to 360 Dwellings, Local Centre of up to 700 sqm (with 400 sqm being a single convenience store), Open Space, Access Roads, Cycleways, Footpaths, Structural Landscaping, and Associated Engineering Works - Modified 11th January 2017

**16/5516N** - Variation of Condition 1 on approved application 14/3039N - Reserved matters (appearance, landscaping, layout & scale) for residential development comprising 200 dwellings (30% affordable) and creation of public open space, in relation to outline approval 12/3114N. Approved 17<sup>th</sup> February 2017

**15/4953N** - Non-material amendment (changes to highways, footpaths and plot positions) to approved application 14/3039N - Reserved matters (appearance, landscaping, layout & scale) for residential development comprising 200 dwellings (30% affordable) and creation of public open space, in relation to outline approval 12/3114N – Approved 24<sup>th</sup> November 2015

**15/3386N** - Removal of condition 30 (Number of dwellings) on previous permission 12/3114N; Outline Application for Residential Development of up to 360 Dwellings, Local Centre of up to

700 sqm (with 400 sqm being a single convenience store), Open Space, Access Roads, Cycleways, Footpaths, Structural Landscaping, and Associated Engineering Works.  
UNDETERMINED

**15/3329N** - Non material amendment to approved development 14/3039N: realignment of fence to plots 12, 29, 42; minor repositioning of plot 50; plots 28, 32, 57, 121, 178 are to be handed – Approved 10<sup>th</sup> August 2015

**14/3039N** - Reserved matters (appearance, landscaping, layout & scale) for residential development comprising 200 dwellings (30% affordable) and creation of public open space, in relation to outline approval 12/3114N – Approved 11<sup>th</sup> December 2014

**14/1161N** - Variation or removal of Condition 30 of Planning Permission 12/3114N - Outline application for residential development of up to 400 dwellings, local centre of up to 700 Sq M (with 400 Sq M being a single convenience store), open space, access roads, cycleways, footpaths, structural landscaping and associated engineering works – Withdrawn 18<sup>th</sup> August 2014

**14/1160N** - Variation or removal of Conditions 48 - 51 Inclusive of Planning Permission 12/3114N - Outline application for residential development of up to 400 dwellings, local centre of up to 700 Sq M (with 400 Sq M being a single convenience store), open space, access roads, cycleways, footpaths, structural landscaping and associated engineering works – Approved 11<sup>th</sup> November 2019

**12/3114N** - Outline Application for Residential Development of up to 360 Dwellings, Local Centre of up to 700 sqm (with 400 sqm being a single convenience store), Open Space, Access Roads, Cycleways, Footpaths, Structural Landscaping, and Associated Engineering Works – Approved 23<sup>rd</sup> January 2014

## **POLICIES**

### **Cheshire East Local Plan Strategy (CELPS)**

LPS 9 - The Shavington/Wybunbury Triangle

PG 1 - Overall Development Strategy

PG 2 - Settlement Hierarchy

PG 7 - Spatial Distribution of Development

SD 1 - Sustainable Development in Cheshire East

SD 2 - Sustainable Development Principles

SE 1 - Design

SE 2 - Efficient Use of Land

SE 3 - Biodiversity and Geodiversity

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 6 - Green Infrastructure

SE 8 - Renewable and Low Carbon Energy

SE 9 - Energy Efficient Development

SE 12 - Pollution, Land contamination and Land instability

SE 13 - Flood Risk and Water Management

CO 1 - Sustainable Travel and Transport  
CO 2 - Enabling Business Growth Through Transport Infrastructure  
CO 4 - Travel Plans and Transport Assessments  
EG 1 - Economic Prosperity  
EG 3 - Existing and Allocated Employment Sites  
IN 1- Infrastructure  
IN 2 - Developer Contributions  
SC 1 - Leisure and Recreation  
SC 2 - Outdoor Sports Facilities  
SC 4 - Residential Mix  
SC 5 - Affordable Homes

The Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy Local Plan that still apply and have not yet been replaced. These policies are set out below.

### **Crewe and Nantwich Replacement Local Plan**

BE.1 – Amenity  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
BE.6 – Development on Potentially Contaminated Land  
BE.16 – Development and Archaeology  
NE.5 – Nature Conservation and Habitats  
NE.7 – Sites of National Importance for Nature Conservation  
NE.8 – Sites of Local Importance for Nature Conservation  
NE.9 – Protected Species  
NE.11 – River and Canal Corridors  
NE.17 – Pollution Control  
NE.20 – Flood Prevention  
NE.21 – New Development and Landfill Sites  
TRAN.3 – Pedestrians  
TRAN.5 – Provision for Cyclists  
RT.9 – Footpaths and Bridleways

### **Wybunbury Combined Neighbourhood Plan**

Made on the 6<sup>th</sup> April 2020.

Policy H1: Location of New Houses  
Policy H2: Housing Mix  
Policy H4: Design  
Policy H5: Adapting to Climate Change  
Policy E1: Woodland, Trees, Hedgerows and Boundary Fencing  
Policy E3: Biodiversity  
Policy E5: Landscape Quality, Countryside and Open Views  
Policy F1: Public Rights of Way  
Policy TI1: Traffic Management  
Policy TI2: Parking  
Policy TI3: Traffic Generation

## Policy TI4: Drainage

### **Shavington Neighbourhood Development Plan**

Regulations 17 and 18 Examination stage. The Shavington NDP examination began on the 11 September 2020 and closed on the 11 December 2020.

HOU1 – New Housing  
HOU2 – Housing Mix and Type  
HOU3 – Housing for Older People  
HOU4 - Local Character and Housing Design  
ENV1 – Footpaths and Cycleways  
ENV2 – Trees and Hedgerows  
ENV3 – Water Management and Drainage  
COM3 – The Provision of New Open Space Facilities  
TRA1 – Sustainable Transport  
TRA2 - Parking

### **Other Material Considerations**

National Planning Policy Framework 2019 (NPPF)  
National Planning Policy Guidance (NPPG)

## **CONSULTATIONS**

**Strategic Highways Manager:** No objection, subject to condition.

**Environmental Protection:** No objection. Issues relating to contaminated land, air quality, hours of construction, noise mitigation, Piling and Dust Management, external lighting details in respect this phase of development will be addressed under the conditions of the outline approval.

**Strategic Housing Officer:** No objection.

**Leisure Officer:** No objection subject to conditions.

**United Utilities:** No objection

**Natural England :** No objection

**Public Rights of Way Unit (PROW):** No objection to amended layout subject to conditions requiring details of the width, surfacing and road crossings of the PROW and requirement for the applicant to undertake a further legal order to regularise route of footpath Hough 21 along access road.

**CEC Flood Risk (LLFA):** No objection

**Environment Agency:** No objection

**Wybunbury Parish Council:** Objects.

Comments received (July 2018) to the originally submitted proposals ;

“1.0 Despite assurances in Phase 1 that a robust SUDS system would be in place, the current phase II site has been waterlogged for much of the past 2-year construction phase. We ask that the SUDS water retention area should be constructed with most urgency BEFORE any development of Phase II is undertaken.

2.0 The SUDS system must meet with CEC Flood & Drainage officer & EA approval when completed.

3.0 The SUDS system should also be approved by Natural England in terms of its environmental impact on wildlife, its proximity to Wybunbury Moss as well as safeguarding existing wildlife on the site.

4.0 Inadequate surface water drainage from phase 1 of the site has created on-going issues throughout construction and created lying water on the phase II fields. This has created water-logging and surface water issues for the residents of Dig Lane which will be exacerbated if the SUDS systems are not adequately addressed. United Utilities have already investigated these issues at 43A Dig Lane (03.04.2018 CAS18-0018-3543). Manholes and drains were working satisfactorily as was the near-by pumping station. The engineer identified the pooling of water at the bottom of the garden was surface water or ground water and that excavation works on the adjacent phase I site was likely to have disturbed the water table.

5.0 The Parish Council notes that the proposed wildlife corridor behind the Dig lane properties (as recommended in condition 50 of application 12/3114N) has been omitted from the phase II plan. We are aware that application 14/1160N sought to have conditions removed but the Strategic Planning Board advised that in relation to the inclusion of a wildlife corridor behind Dig Lane, single storey dwellings behind the bungalow on Stock Lane and the removal of 3-storey dwellings from the design,

“We ask that the Board will scrutinise any reserved matters application very carefully to ensure that an adequate standard of amenity is maintained for existing residents.”

NO mitigation measures have been proposed to defray the loss of this ecology site that adequately compensate the local flora and fauna, Dig Lane residents and the wider area, for the loss of the wildlife corridor.

6.0 The large 2 storey house to be built at the rear of No's 91-97 Dig lane will overpower & dominate the 4 No bungalows, will cause them to lose the pricey & benefits off their rear gardens they have at present & enjoyed over the last 50 years.

7.0 There is no statement or reference from the developer regarding the foul common sewer at the rear of all the properties in Dig lane or the properties in Stock lane No's 96-120.

This sewer will lie under the rear gardens, houses or roads for Phase II of this development. United Utilities have already stated the detailed conditions for building around and access to the public sewer. The developer must provide appropriate assurances regarding how these will be met BEFORE development commences. As this is a reserved matters application, this issue needs to be resolved before planning approval is given. This is essential in order to avoid a repetition of retrospective permissions encountered in phase 1 (18/1932D) where failure to adequately design around the public sewer has resulted in raised land levels (and subsequent raising of the property heights within the development).

8.0 The residents of No's 13-17 Dig Lane are concerned that the site drawing showing ownership of the land at the rear of their properties is not accurate & ask that this be verified before any decision on this application is made.

9.0 The properties to the rear of No's 72/70 & 78 Stock Lane are built up to the rear garden fence of these properties which was not originally agreed in the outline planning application

approval & should be bungalows, these properties of whatever type will dominate the rear aspect of these properties & taking away their privacy & benefit of their rear gardens.

10.0 S106 Agreement: The latest S106 agreement for phase 1 of this development was signed 15.02.2016 and section 5.15 (page 21) is clear "...not to allow the occupation of more than 90% of dwellings comprised in the development until the Open Space has been provided on the site in accordance with the schedule".

The development referred to here is Phase 1 (12/3114N) and means that all Open Space requirements must be met before the 180th house (of the 200 proposed) is occupied. In the interest of resident amenity on phase I and in relation to the future residents of phase II, this application (18/2492N) must be conditioned NOT TO COMMENCE until the Open Space commitment has been met and all conditions related to it discharged by CEC. (This will include the MUGA, 12-piece play area, 16 piece outdoor gym, allotments and open space areas).

11.0 The interconnecting water retention pipes and ditches between ponds in Phase II should be put in place at the same time as the site roads for Phase II and the SUDS. This will prevent the problem of standing water and water-logging experienced during construction thus far, due to historic field drainages system being damaged by careless construction excavations and so interfering with the usual drainage mechanisms into the ponds or water courses on the site.

12.0 That these areas also have the stipulated tree planting carried out this autumn to replace the original green environment that has been removed to allow the house building on the site. To date there does not seem to be any hedge planting designated this also could be incorporated into the green corridors across the site.

13.0 We would request that the developer enter into an agreement with the CEC PROW officer to extend the hard-surface to the PROW from phase II to Stock lane along with the appropriate litter bins on the foot paths & green walk corridors. This will improve resident amenity, maintain a semi-rural aspect to the development in keeping with the CELP Design statement."

Significant revisions to the scheme were subject to full re-consultation in August/September 2020. A further objection has been received from the Parish Council (January 2021) ;

- Concerns have been raised in relation to the lack of consultation on amended proposals and also in terms of insufficient liaison with the Parish Council during the consideration of the application.

- "The removal of surface water from the site (both highway & residential) due to the fact of a high water table, which Persimmons drainage engineers admit to. This means that soakaways cannot be used on this site, so it is Persimmons intention to use the proposed pond & interconnecting ditch system to funnel the surface water from the site to the water holding area "SUDDs" which will then allow it to flow in what they say is a controlled way under Dig lane then into the Cheer Brook water course. In periods of heavy rain the Cheer Brook already floods the fields along its length to the Vagrants playing field as well as Haymoor Green Rd where it passes under in a culvert. As the network of ponds & ditches has to wind its way through the estate, to achieve the correct falls from the service roads & properties they are intending to raise the ground levels behind Dig lane & Stock lane to achieve the correct falls from the new properties to the pond & ditch network. This will have the same effect as CEBC are having with the Cherry Tree estate of Newcastle Rd Shavington in that the rear gardens of the properties surrounding this estate flood whenever there is any rain. Already the properties 91 to 113 Dig lane are having problems with their rear gardens



flooding before a property is built behind them due to the drainage network of land drains to ponds & ditches being damaged or cut through.”

- “The residents lower down Dig lane are already having problems with raw sewage & water flooding their gardens in this last month, reportedly due to pipe work being cross connected or damaged at the rear of their properties”

- Request that the application is not determined until these concerns have been satisfactorily addressed

**Shavington Parish Council:** Comments as follows

- Request that there should be no dormer windows inserted into bungalows.
- Affordable homes should be built first, or close to the start date of the development.

## **OTHER REPRESENTATIONS**

A total of approximately 83 representations have been received raising objections on the following grounds;

- Phase 1 of the development provides 200 dwellings and this phase two applications is for 160 dwellings, taking the total to 360 units, which is the approved maximum for the site. However, these two phases only cover around 70% of the site area, with the north east corner of the site still remaining available for development and therefore these proposals are attempt to cram more dwellings on the site to around a total of 450.

- Cheshire East can demonstrate a housing supply in excess of 5 years and no need to approve an increase in numbers on this site which would be unacceptable in design terms and put further strain on local infrastructure

- Outline approval was granted in spite of over 800 objections and therefore it is time to re-assess this development and impact of this scheme

- Development not needed given number of major housing developments within a 3 mile radius

- Further "affordable housing" is not needed,

- Increased strain on capacity of existing infrastructure and services including schools, doctors, hospitals etc.

- Lack of demand for development as many unsold properties remain within Phase 1

- The original outline approval (12/3114N) secured the provision of a Convenience store, allotments (20 spaces), a multi-use games area and an outdoor play area. None of these amenities are provided in Phase 1 and the Phase two application still does not provide for the convenience store or all of the allotment plots, despite accounting for the full allocation of 360 dwellings.

- As Phase 1 is nearing completion, open space facilities secured by S106 agreement should now be provided to ensure resident amenity for both the current part of Shavington Park (Phase 1) and the second phase as it is 'built out'. No phase 2 construction (18/2492N) should commence until the S106 conditions are met in full.

- Residents of phase 1 not advised of further development within site

- Residents of phase 1 have been paying for estate maintenance including for areas not built.

- Prior to commencement of Phase 2, Phase 1 should be completely finished

- Density and character of development out of keeping with properties adjoining the site

- Overdevelopment of the site.

- Cramped form of development out of character with locality

- Substantial houses back onto existing bungalows contrary to original planning requirements.
- Development over-bearing and out of scale
- Overlooking and loss of privacy
- Loss of outlook and view from existing properties
- Part of Phase 1 has an artificially high level which is substantially above the natural land level. If phase 2 continues to increase land levels over its entirety, then the detrimental effect on both privacy and drainage will be very severe
- Proposed raised levels will result in loss of privacy, light and security for existing properties on Stock Lane & Dig Lane
- Drainage on Phase 1 not working as planned, with local pooling and water logging. No evidence of suitable drainage for Phase 2 within this application
- Levels of Phase 2 will need to be raised considerably to allow surface water to run into the Storage Basin. Site sections show that the ground levels of new houses will be above the level of the gardens of the properties backing onto the site.
- The increase in height of site will exacerbate existing flooding problems. Ground around Phase 1 has been waterlogged to a degree not seen before and caused extensive flooding of gardens backing onto the site.
- Land drainage is required to run along the back of Dig Lane and Stock Lane to accommodate the water run off from Phase 2
- The Environment Agency stated that the site must "Ensure that the Development will not increase flood risk to Existing Properties".
- Rerouting of main foul sewer re-routing appears to ignore outflow from numbers 110,112, and 114 Stock Lane
  - exacerbate existing traffic/highway safety issues
- Roads within phase 1 are not wide enough to accommodate additional traffic
- Insufficient parking provision within Phase 1 resulting in on road parking problems
- Increasing traffic flow to service these additional properties will be dangerous, noisy and disruptive
- Why is an emergency access road onto Stock Lane necessary if the original road layout was considered acceptable?
- Loss of wildlife habitat and harm to protected species including Great Crested Newts
- Loss of trees and hedgerows
- Site is an ecologically rich area because of the varied habitat of brook, wetlands, scrub and hedgerows and also in close proximity and feeder areas to Wybunbury Moss SSSI. Therefore, as originally required by outline approval a wildlife corridor should be provided to the rear of Dig Lane.
- Wildlife corridor behind Dig Lane has not been provided as required by Condition 50 of the original outline consent.
- Loss of green space potential agricultural land
- Negative visual impact on the landscape and loss of views across the Shavington Triangle. Wybunbury will no longer be a village in its own right and directly join to Crewe
- The 5 metre buffer zone should be increased to at least 10 metres in width order to reduce noise & light pollution for the existing residents.
- More details need to be provided of planting within "buffer zone" and access gates
- Close proximity of development to existing trees along boundary with Dig Lane will result in potential root damage and overshadowing of new properties
- Lack of Boundary fencing alongside properties of Stock Lane and Dig Lane with buffer areas will result in security problems
- Further details required of footpath routes and surfacing

- disregard to the conditions applied to the original outline planning approval 12/3114N
- Doubtful that landscaped areas/wildlife habitat of either the present site or phase 2 will be managed to an acceptable standard
- Measures required to mitigate noise, dust and piling during construction
  - Reduction in quality of life and community spirit
- Increased noise and disturbance
- Increase in crime and anti-social behaviour
- Reduction in property value

The following objection was received from Cllr Janet Clowes;

*1. This application is opposed by the CEC PROW Team due to inappropriate design of Hough FP21 which is inadequately separated from the main highway, running along an unadopted shared drive, a space shared by vehicles and with no greenspace.*

*2. This application is opposed by the CEC Arboricultural Team as no Arboricultural Impact Assessment has been submitted. It should be noted that pre-permission developer activity on this site in June had to be halted by the CEC Arboricultural Team as significant stretches of established hedgerow and mature trees were being stripped out.*

*3. Despite clear direction from the CEC Design Officer in 2012/13, land and property levels at the boundaries do not reflect existing land levels and the property heights of adjacent established dwellings on Dig Lane. Whilst this revised reserved application offers like land levels and a mix of true bungalows and dormers to the rear of bungalows on Stock Lane, this design requirement has been ignored in relation to bungalows on Dig Lane which it is proposed will be dominated by the massing of three substantial family homes (South-East of site) at the end of their gardens.*

*4. Land levels remain a concern in relation to existing residents on Dig Lane as it is now proposed that they will need to be higher to allow gravity-flow surface water drainage. This was not part of the original outline plan nor was it referred to in the 2012 Flood Risk and Drainage Strategy.*

*5. Drainage was an issue on this site prior to development BUT the 2012 Flood Risk and Drainage Strategy was accepted as an acceptable mechanism for controlling surface water drainage through the narrow culvert that runs under Dig Lane into the Cheer Brook. Sadly phase 1 development revealed a rising main that the developer had been unaware of and the high volume road drains, open culverts and holding tank on site have failed to offer an effective holding system thus far. Large areas of the Phase 2 site have remained waterlogged over most of the past 4 years during development, with pond expansion the norm in the SE Corner of the site.*

*6. The fact that the 'new' drainage report relies extensively on data from the 2012 Strategy offers residents no reassurance – particularly for those residents whose gardens on Dig Lane adjacent to the UU pumping Station, have remained waterlogged and unfit for amenity use since Phase 1 began. If Phase 2 house levels are to be raised to allow gravity drainage, these issues can only get worse.*

7. The 2013 Outline Permission identified a 'Green Corridor' along the back of Dig Lane, in part to ameliorate drainage issues but also to provide alternative ecological habitat for the extensive wildlife that was known to be present on the original greenfield area and wet areas.

This has been systematically reduced to a 5m buffer zone to be maintained by a maintenance company. There is no obvious boundary treatment to secure the rear of properties on Dig Lane and there appears to be only a 'knee-railing' marking the boundary between the rear gardens of phase 2 dwellings and the buffer zone. This offers little security or privacy in terms of residents outside garden and amenity space. In short this arrangement:

- fails to offer any 'Biodiversity Net gain' as recommended in the 2019 NPPF and
- fails therefore to comply with Policy H4 (a, k, l) and Policies E1 (Woodland, trees, hedges and boundary fencing), E2 (Wildlife Corridors) and E3 (Biodiversity) of the Wybunbury Combined Parishes Neighbourhood Plan (made 02.2020)

8. I am concerned that the allotments identified in the outline stage have not been explicitly included in these plans. The Developer suggests that these remain as a condition of the outline application thus avoiding the necessity to include them in this phase of the development. This suggests that they may be postponed indefinitely (until phase 3 is brought forward).

This is unacceptable. ALL Amenity spaces must be developed as part of Phase 2 (Outdoor gym, MUGA, Play Area, Allotments etc – as in the outline permission). Phase 1 residents have already been waiting 5 years for these provisions and are already being charged maintenance fees for services that are not yet available to them.

9. Whilst the Environment Agency approve this application in principle, they make it very clear that no development should take place until the developer obtains the correct Environmental Permits that will enable controlled drainage from the site's SUDS into the main river system (The Cheerbrook via the culvert under Dig Lane). This is not yet the case.

10. The developer has not yet explained how significant existing drains, that run around the south of the site behind dwellings serving Dig Lane and Stock Lane residents, will be protected and maintenance access preserved as this development comes forward. Nor have United Utilities submitted comment on this particular issue. The debacle over the rising main in phase 1 highlights the need for early consideration of this matter before houses are under construction. In light of the above material concerns, I ask that this application is **REFUSED** in its current form until these matters have been comprehensively addressed.

## **APPRAISAL**

### **Key Issues**

- Principle of development
- Housing
- Layout & Design
- Amenity
- Landscape
- Flood Risk/Drainage
- Highways

- Ecology
- Trees and hedgerows
- Public Open Space
- Public Right of Way

## **Principle of Development**

The application site lies within the Wybunbury/Shavington triangle which is allocated under policy LPS 9 of the CELPS for the delivery of around 400 new homes. It is considered that the proposals meet the requirements of policy LPS 9 as they relate to this site.

This application relates to the acceptability of the proposed development in context of the reserved matters as the principle of erecting up to 360 dwellings has already been granted under outline planning approval for this allocated site. 200 dwellings were subject to reserved matters approval for 1 and 152 units are proposed by this application to be accommodated within Phase 2.

It is accepted that further development within the north-eastern corner (Phase 3) of the triangle allocation would result in the total number of dwellings exceeding 360 units, and therefore require further planning approval, as this would be outside the terms of the outline permission. However, given the limited developable area remaining within Phase 3, it is considered that the final development of the Shavington/Wybunbury Triangle allocation would accommodate around 400 dwellings as stipulated by policy LPS 9.

Details of the layout, Scale Appearance and Landscaping are the principal matters for consideration in relation to this Reserved Matters application. The relevant issues and details of all relevant technical matters are discussed within the report. It is however considered that following revisions to the design and layout of the scheme ensures that the proposals accord with the Statement of Design principles and master plan for the overall development of the triangle site secured under Condition 29 of the outline approval.

The overall development of the triangle site is bound by the terms of the Section 106 agreement which secured the following:

- Affordable housing provision (30%)
- Education contribution for securing of additional primary school places site
- Highway contributions including bus stops on Newcastle road, provision of evening bus service and strategic transport improvements
- Provision of Neighbourhood Equipped Area of Play (NEAP), Multi-Use Games area (MUGA) and allotments.
- Open Space provision and management
- Off-site ecology contribution for habitat creation within The Meres and Mosses Natural Improvement Area.

This application has been revised to ensure that requirements of the S106 Agreement are met. In particular the site layout now includes a Neighbourhood Equipped Area of Play (NEAP), Multi-Use Games area (MUGA) and allotments. These elements are required to be provided as elements of the second phase of the Shavington triangle development in

accordance with Statement of Design Principles approved under condition 29 of the outline approval.

Significantly, the S106 Agreement also states that these recreational facilities should be provided and available for use before 90% of dwellings (360) of the development are occupied. Consequently, given the timescales specified for the provision of these elements, there is no reasonable basis on which to prevent the development of phase 2 prior to provision of these facilities. In addition, a local centre, including the provision of a convenience store and residential units will form part of the third and final phase of the Shavington triangle development.

It is also important to note that planning approval 14/1160N varied the original outline planning approval 12/3114N relating to development of the triangle site. This variation included the removal of Conditions 48 (no three storey development), 50 (wildlife corridor to the rear of Dig Lane) and 51 (provision for bungalows to back on to existing bungalows of Stock Lane). These conditions were removed on the basis that they did not adhere to the relevant conditions tests stated by the NPPF and were specifically not considered as necessary as these were matters which should be addressed at the Reserved Matters stage. Furthermore, the wildlife corridor referred to under Condition 50 was not required for ecological reasons, but rather to protect the residential amenities of adjoining properties of Dig Lane.

Nevertheless, the amended proposals of this application have largely addressed the original objectives of the conditions which were removed by 14/1160N. Three storey development is not incorporated within the Phase 2 of the scheme, a landscape buffer area is proposed along the site boundary between new dwellings and existing properties of Dig Lane (and also Stock Lane), and the layout also ensures that provision is made for bungalows to back onto existing bungalows of Stock Lane.

The principle of the development is therefore acceptable.

## **Housing**

In accordance within the S106 agreement and CELPS Policy SC5, 30% affordable housing (46 dwellings) is provided within the scheme.

A revised affordable housing statement has been provided which addresses the housing officer's objection to the application. An appropriate mix of property sizes and tenure split is proposed with affordable units being satisfactorily distributed throughout the site. In terms of tenure, 30 units are for rent, and 16 units will be available as Intermediate affordable units. The overall provision includes;

- 25% to be provided as 1 bedroom housing;
- 40% to be provided as 2 bedroom housing;
- 20% to be provided as 3 bedroom housing;
- 15% to be provided as 4 bedroom housing

The proposed mix includes a variety of house types including bungalows , 1 bedroom cottage style apartments, 4 bedroom detached properties, to meet affordable housing requirements

### Affordable/Social Rent Dwellings

- 3 - three- Bed Mews Houses (Barton)
- 4 - two- Bed Houses (Alnmouth)
- 12 - two- Bed Bungalow (Maddison)
- 11 – One- Bedroom cottage-style apartments

### Intermediate Dwellings

- 5 - three Bed Semi-detached Houses (Barton)
- 4 - two Bed Bungalows (Maddison)
- 4 - two Bed Detached Houses (Hornsea)
- 3 - four Bed Detached Houses. (Kendal)

Policy SC4 of the Cheshire East Local Plan requires developments to provide a reasonable mix of housing types, tenures and sizes to help support the creation of mixed, balanced and inclusive communities. The proposed 152 dwellings will be made up from 106 market dwellings and 46 affordable units. A range of housing units are being proposed ranging from 1-4 bedroom units and include 1-bed apartments offering ground floor single storey entry, bungalows and semi- detached /detached family houses.

This general makeup of dwellings would provide a good mix of type, size and coupled with the affordable provision. The proposal would provide a diverse community and would fit in with the existing residential development which varies in terms of its size and type. As such, the scheme is found to comply with Local Plan Policy SC 4.

### **Layout / Design**

Policies SD2 and SE1 of the CELPS expect housing developments to achieve Building for Life 12 (BfL12) standard, and that development proposals consider the wider character of a place in addition to that of the site and its immediate context, to ensure that it reinforces the area in which it is located. These principles are also reflected in the CEC Design Guide. BfL12 uses a traffic light system, with the aim of eliminating reds, whilst maximising the number of greens. The Council's Design Officer has undertaken a BfL12 assessment of the application, which is reflected in the commentary below.

#### 1. Connections – GREEN

The issues addressed by this criterion relate to where the scheme integrates 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 Design Officer advises that satisfactory consideration has been given to the relationship of the site to neighbouring properties with the density and height of development being satisfactorily reduced at the edges of this site

A series of cross-sections have been submitted across the site and at the boundaries of the development with adjoining properties to indicate proposed site levels. In most instances

finished levels increase at various points within the site, but care has been taken to ensure these are maintained at the same level at the site boundary. In several locations along the boundary where the development has a closer relationship with existing properties of Dig Lane, the scheme proposes bungalows in addition to setting development further back into the site from the boundary

Significantly, landscaped buffer areas are also proposed along the western and southern boundaries of the site shared with properties on Dig Lane and Stock Lane to filter views of the site and achieve greater separation between built form and existing properties. As set out in the landscape section below the nature, extent and specification of planting within the buffer is considered acceptable.

The pedestrian connections into and within the development have been enhanced, with the southern gateway entrance of the PROW into the development passing through greenspace and then a block paved street. The PROW forms a spine through the site in the form of an enhanced footpath/cycleway running adjacent to or through greenspace, with connections to the main areas of formal space and different parts of the neighbourhood.

The stronger and more purposeful gateway from the south, multiple connections with phase 1 and a positive approach has been adopted to integrate the new alignment of the PROW, all of which further strengthen the connectivity of the proposal.

## 2. Facilities and services - GREEN

A range of open space/play space elements are provided which create a centrepiece for the entire development; these areas would be well connected to housing via the enhanced PROW running through the centre of the site and would be well surveyed by adjoining housing.

In conjunction with the open space elements, there are local facilities in the village which are reasonably accessible and there is the potential of additional facilities being developed on site in time, which have already been approved at outline stage.

## 3. Public Transport – GREEN

The main cycle/pedestrian way through the site connects Stock Lane and Newcastle Road via the upgraded PROW. The Stock Lane entrance into the site has been enhanced and made more welcoming, whilst connection utilising the PROW has been provided for in the layout. This connects the spine of the site through to the main public transport corridors nearby.

## 4. Meeting Local Housing requirements – GREEN

A range of house types are proposed including 1- bed apartments, bungalows and family houses. Housing mix and tenure plans have been provided evidencing the distribution and mixing of house and tenure types and the extent of their pepper potting.

The scheme has been amended to ensure satisfactory pepper-potting of affordable housing plots throughout the development including within the north-western part of the site.



## 5. Character – Borderline GREEN

The layout provides a framework that creates a positive structure of streets and spaces and a distinct hierarchy of street type. It also provides an outward looking development overlooking the main public spaces and the countryside and landscaped edges.

The approach to character areas and associated detailing has progressed in a positive manner. There is more distinction between the two proposed character areas which are refined into two groupings identified as The Green (areas fronting POS) And Urban Edge (areas which interface with adjoining established homes or are set within the heart of development blocks). In addition feature areas of the site are further defined by enhanced building detailing and grouping. Therefore the change in character will be more discernible and certain areas of the site made more memorable and distinctive. A variety in materials and finishes is proposed and duo tile types are shown for focal plots

There has been improvement in detailing of range of house types including the use of extensive Cheshire boarding on feature buildings and chimneys have been introduced to help punctuate roofscape. Cheshire boarded semi-dormers are included for specific house types (e.g. the Lockwood) albeit ideally these could be enlarged a little, to improve proportions.

However these improvements are based on standard house types, even within bespoke parts of the site, which limits the degree of architectural quality which can be achieved. However these improvements have enhanced the appearance of house types and ensure they are locally relevant. A condition is recommended to secure appropriate details of facing materials and finishes

A significant improvement within the scheme is the gateway space off Stock Lane accommodating the PROW. Given the proposed landscape treatment, it is considered that this has the potential to become a distinctive and positive part of the site, creating a very attractive pedestrian gateway into the scheme.

In addition landscape enhancement of the rear parking court off the Mews street help to create a space that has the potential to be attractive with and without vehicles, with the potential for informal use as social space too.

The Design Officer considers that overall the changes to the design and layout have enhanced the character of the scheme and make it feel more place led. Although more could have been done in terms of architectural quality, in character terms, the scheme has improved significantly during the course of the application and accords with principles of the CEC Design Guide.

## 6. Working with the site and its context AMBER

This and phase 1 incorporate elements of Green and Blue Infrastructure (GI and BI), ecological features and SUDs features are designed into the layout. This provides the potential for a strong framework for the site.

As set out in the “Connections” criterion above, the Design Officer has advised that satisfactory consideration has been given to site levels and relationship of the site to

neighbouring properties. In particular the amendments to the layout secured during the course of the application ensures that the density and height of development has been reduced around the edges of the development. This has resulted in the numbers of units being reduced from the initial submission, which has loosened the layout at the site edge and within other parts of the site. It is recognised that pocket of higher density pockets within the scheme are inevitable given the requirement to enable a reasonable spread/typology mix of affordable housing across the site.

The external works drawings and accompanying sections indicate the extent of raised ground levels in places, resulting in retaining structures in certain areas of the layout, which are largely to the rear and hidden but where, in the south western part of the site, it relates closely to an existing hedgerow with trees. However, further information is required as regards the extent/location of retention structures, their design and how they will be constructed, especially in proximity to existing trees/hedges.

#### 7. Creating well defined streets and spaces – GREEN

The Design Officer considers the arrangement to be positive, with perimeter blocks and outward facing development, overlooking public space and onto streets. A number of corner turning house types have been included to ensure active frontages to spaces and streets.

The proposed landscape details have provided hedgerow and tree planting to strengthen the street edge throughout the development. Although potential for planting has been required to take account of proximity of some properties to the highway and the requirement for service verges.

The enhancements to the gateway space off Stocks Lane have created a much more positive axis into and through the site providing an enhanced setting for the PROW and a stronger green focus for this part of the scheme.

#### 8. Easy to find your way around – GREEN

The general approach to creating character areas has been strengthened, and the southern gateway into the site has been designed to become a feature space within the scheme. Other focal locations/areas are identified by townscape features or buildings with specific detailing.

The Design Officer has emphasised that there has been a committed effort to elevate the character and quality of the scheme in key locations, which will enhance legibility within the scheme.

An additional trim trail has been added to the area of open space in front of plots 324-325 with additional hedgerow and tree planting to assist in delineating the boundary between public and private space.

#### 9 Streets for All - GREEN

The development has a defined street hierarchy and designed to calm traffic to a 20mph design speed.

The Design Officer advises that the positive approach which the scheme has taken to materiality in terms of following the principles of the design guide should be acknowledged, given phase 1 of this development originates from before the adoption of the CEC Design Guide. However, by following this approach it has given a significant lift to the quality of the streets and their functioning as social spaces where street design and materiality will help to define it as an area with pedestrian priority and encourage lower traffic speeds.

#### 10. Car parking - **borderline GREEN**

The majority of the parking is provided in ways to minimise its impact upon the street scene, employing integral and side of property solutions.

The parking court in the west has been enhanced with the inclusion of pergolas over the central section of parking and for bin stores.

Although frontage parking areas have been enhanced incorporating the use of blockwork and visitor parking, the Design Officer considers that ideally the western section of the mews street should be enhanced by the inclusion of frontage gardens/landscaping to help break up the hard landscape and create definition of the boundary between public and private. This would enable a green to be awarded.

#### 11. Public and private spaces – **AMBER**

The gateway space for the PROW off Stock Lane has been significantly enhanced, providing a dedicated 'green' route for the PROW through the gateway space. These changes have given the area a much stronger focus and place quality, supplemented by the changes to building detailing/character in this area.

The amended scheme includes a NEAP, MUGA and allotments. There are also a number of other incidental spaces alongside the pedestrian routes within the scheme. Although small, an informal space on the western side of the site has been enhanced through the provision of a trim trail, The Design Officer considers that more planting should be included around the play elements (e.g. trees in the hedge and shrub planting) and in the small space south of the private drive, with hedge defining the front and side boundary of plot 323. This criterion is very close to being a green, and with these refinements a green could be awarded.

#### 12. Bin and other Storage – **GREEN**

Bin and external storage information is provided, which identifies the location of bin collection points. There is sufficient space for bins to be stored in rear gardens or flagged paths to the side and rear of homes. Cycle storage is provided in either garden sheds located in rear gardens or in detached/integral garages, and in cycle stores within communal areas to the rear of proposed apartments. The provision of cycle and bin storage will be secured through planning conditions.

### **Summary**

There have been numerous amendments to the proposal which have addressed issues that have been raised with the applicant during the course of the application.

Significant improvements have been made to the layout and design of the scheme, resulting in most criteria achieving green in the assessment.

Phase 1 was conceived prior to the adoption of the CEC Residential Design Guide and therefore did not include street design principles or materiality as set out in the design guide. However Phase 2 actively seeks to transition from Phase 1, so that the principles of the design guide are carried into this phase with a stronger hierarchy influenced by street type and materiality.

Therefore in comparison to the initially submitted scheme and indeed Phase 1 of the development already constructed, a significant enhancement in design quality has been achieved, better reflecting the standards set out in the Design Guide.

As a result the design of the scheme has therefore developed to a point where it is considered to be acceptable, when considered against the requirements of policies SD2 and SE1 of the CELPS, and the CEC Design Guide.

## **Amenity**

Policy BE.1 of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance Policy SE1 of the CELPS further states that development should ensure an appropriate level of privacy for new and existing residential properties.

The Crewe and Nantwich Supplementary Planning Document (SPD) relating to new residential development states that to maintain an adequate standard of privacy and amenity between residential properties interface distances should be achieved of 21 metres between principal elevations, and 13.5 metres between a non-principal and principal elevations. However the CEC Design Guide states that separation distances should be seen as guide rather than a hard and fast rule. The Design Guide does however acknowledge that the distance between rear facing habitable room windows should not drop below 21m. 18m front to front will also provide a good level of privacy, but if this applied too rigidly it will lead to uniformity and limit the potential to create strong street scenes and variety, and so this distance could go down as low as 12m in some cases.

The closest existing neighbouring properties to the application site are those of Dig Lane adjacent to the western and southern boundaries and dwellings of Stock Lane which back onto the eastern/south eastern site boundaries.

Existing properties on Dig Lane and Stock Lane, in the main, have good sized rear gardens, ensuring that the interface distances between existing properties exceeding the 21 metres minimum set out in by the SPD and the Cheshire East Design Guide.

In addition, development on the outer boundary of the site with Dig Lane, has been further reduced during the course of the application in several locations along the boundary where

the development has a closer relationship with existing properties of Dig Lane, the scheme proposes single storey and one and a half storey bungalows. Plots have also been repositioned and garden sizes increased to ensure to maximise interface distances.

The separation distances between new dwellings and existing properties have been further enhanced through the provision of a planted landscape buffer along the site's boundaries with Stock Lane and Dig Lane which includes a 5m depth of planting with an additional 1m service strip. The landscape buffer, in addition to existing mature trees close to the site boundary, will filter views of the site and reduce its overall visual impact.

The proposed levels across the site have been determined by the proposed surface water drainage strategy to ensure that the site can drain via gravity. Whilst levels have increased throughout the site accordingly, care has been taken to ensure that the proposed levels at the site boundaries with adjacent properties tie into existing levels, as demonstrated by the series of site sections which have been submitted. Furthermore, the impact and of raised levels on the amenities of adjacent properties will be satisfactorily mitigated through the provision of the landscape buffer and proposed separation distances achieved between existing and proposed dwellings.

Many of the units proposed back onto existing properties of Stock Lane are single storey bungalows. Whilst two storey houses also back onto the eastern and southern boundaries, interface distances of between 25 – 32m are achieved between rear elevations of new units and existing bungalows. These are well in excess of the recommended distance stances sated by the SPD and CEC Design Guide.

The amenities of the occupiers neighbouring dwellings of Dig Lane and Stock Lane would not be detrimentally impacted in relation to loss of light, privacy or an overbearing impact.

In consideration of amenity for future occupiers of the proposed development, the layout adheres to, or closely adheres with, the recommended separation standards within CEC Design Guide to ensure the future occupiers of the proposed development are not detrimentally impacted in terms of loss of light, or privacy, or an overbearing impact from each other.

The Council's Environmental Protection officers have raised no objections, subject to a number of conditions to ensure the development would not create any issues in relation to contaminated land, noise mitigation and air quality. These matters were safeguarded by conditions at outline planning application stage and these conditions still apply to Phase 2. Condition 40 of the outline approval requires the submission of a Construction Environmental management Plan (CEMP) for this phase of the scheme to include measures to protect the amenities local residents during the construction of the development.

## **Landscape**

The Council's Landscape Officer has advised that the landscaping proposals for the development are acceptable. In particular the revised proposals have ensured that the number of high canopy trees has been increased throughout the scheme including street

trees and planting of public open space, including for the enhanced “gateway space” off Stock Lane which accommodates the PROW and recreational areas.

Revised plans include the provision of a 6m wide (5m buffer planting and 1m maintenance access) landscape buffer areas between the site and existing properties on Stock Lane and Dig Lane to provide visual screening and increased separation between proposed built form and existing dwellings. The landscape buffer will consist of native tree and shrub planting, low maintenance grass seeding and timber post and rail boundary fencing with maintenance access gates.

The applicant has advised that the buffer areas will be retained within the ownership of, and maintained by, a management company to prevent its removal by occupiers of the new dwellings. Rights of access for the management company will be written into plot purchasers deeds to allow for its future maintenance. These arrangements are reflected in the landscape management and maintenance plan.

The Landscape Officer has advised that proposed species and planting density within landscape buffer areas is acceptable, including where surface/foul sewer easements are present, and achieve approximately a 5m depth of buffer planting.

The proposed post and rail fencing between rear gardens of plots and the landscape buffer has been increased in height to 1.2m. The revised layout indicates that boundary fencing between proposed and existing properties will be retained where required new fencing etc. will be provided with agreement with the adjacent landowner.

However the provision of additional information in respect of retention structures, within the buffer areas, especially where these relate closely to existing landscape features, is required. It is understood this is being prepared and will be the subject of an update in advance of the Committee meeting.

The Landscape Management and Maintenance Plan accords with provisions of the S106 Agreement and secures satisfactory future arrangements for the management /maintenance for areas of public open space and landscaped areas within the site.

## **Drainage and Flood Risk**

Representations received from Wybunbury Parish Council and local residents raise concerns in relation to the proposed drainage system which will serve the development and of the need to ensure that surface water-flooding experienced by adjacent properties of Dig Lane, or land elsewhere, is not exacerbated.

Conditions 5 and 11 of the outline approval (14/1160N) requires the submission and approval of full details of the surface water drainage system for this phase of the scheme prior to the commencement of its development. The submitted drainage strategy for the site sets out that surface water system has been designed to serve the Shavington triangle development.

It comprises a piped system (sewers) which feeds surface water into an attenuation basin from open channels prior to discharging via a hydrobrake vortex flow control unit into Cheer

Brook. The vortex flow control unit restricts the surface water discharge rate from the site with the flow being stored within the attenuation basin before releasing slowly into the watercourse at rates not exceeding the Greenfield run-off rate. The piped element of the surface water system within Phase 2 will be offered for adoption as a public sewer by United Utilities.

Significant elements of the drainage system are already in situ and serve Phase 1 of the development including channels and the attenuation basin. The design of drainage system for Phase 1 has been approved by United Utilities.

As shown on the submitted external works drawings, levels will be raised across Phase 2 to allow surface water to drain by gravity into the surface water system. However the external works drawings and series of submitted cross-sections show that levels will tie into existing levels at the site boundary. The amenity and landscape sections of the report set out that the layout and design of the scheme will mitigate the impact of raised levels within the site.

The Council's Flood Risk team acting as Lead Local Flood Authority (LLFA) has undertaken a full assessment of the proposed surface water drainage system for the development which has involved discussion with Persimmon's Drainage Engineer's and the Environment Agency, as well as the assessment of additional technical information and consideration of proposed land drainage alongside the site boundary with properties of Dig Lane.

The LLFA advises that the proposed surface water drainage scheme will adequately manage existing greenfield run-off rates as identified within the original Flood Risk Assessment (RPS, ref. AAC4908 Issue 3 dated 25/06/2012) which supported the outline approval for the development.

Secondly, following the completion of this development, and notwithstanding the concerns raised in respect of increased levels within the site, the Flood Risk Officer considers that development of the site will improve the current situation alongside the boundaries with Dig Lane as all surface water drainage will be directed towards the proposed sewer network. However to reduce any overland flows from the proposed gardens of the new dwellings and landscape buffer areas, a French drain has been proposed along the site boundary to manage any volumes not caught by the public sewer network.

The LLFA is also satisfied that following the completion of development overall maintenance of the attenuation basin will be covered by a management company, with United Utilities (UU) adopting the surface water public sewer network. United Utilities have also raised no objections to the Reserved Matters application or to the proposed drainage system serving the development. The LLFA further advises that matters relating to the operation and performance of UU drainage assets are matters solely for United Utilities. Similarly connections of existing properties to the main sewerage system (Foul & Surface water) are matters which are the responsibility of United Utilities as the relevant Statutory Undertaker.

The Flood Risk Officer also points out that any further alterations to the existing watercourse (Cheer Brook) will be subject to a Land Drainage Consent required from Cheshire East Council as Lead Local Flood Authority. In addition the Environment Agency have raised no objections to the application, subject to an Environmental permit being obtained for works

within 8m of the Cheer Brook as this is a main river and passes through the site in open and culverted sections.

In summary, the Councils Flood Risk Team (LLFA), the Environment Agency and United Utilities have not raised objections to the proposed drainage arrangements for the site, the overall principles of which were determined at the outline stage. It is considered that the drainage system is of a design which will satisfactorily address the development, without resulting in flooding as a result of surface water discharge to Cheer Brook or adjoining properties of Dig Lane.

The application proposals are therefore deemed to adhere with Policy SE13 of the CELPS.

## **Highways**

The impact on the wider highway network arising from the development of this site, including access from Newcastle Road, was addressed during the consideration of the outline application. The S106 agreement requires substantial financial contributions towards the provision of new infrastructure and improvements to the wider highway network to facilitate the development of the site.

This phase of the development is connected internally to the Phase 1 road layout with three points of access being provided to this phase. The Council's Highway Officer has advised that the internal road design is similar to the Phase 1 scheme and is in conformity with design standards and constitutes an acceptable mix of standard residential roads and shared surfaces.

The Highway Officer has advised that acceptable turning facilities are provided at the end of the internal roads and cycle storage is located in the rear gardens. In addition the off-street car parking provision accords with CEC policy requirements for each type of residential units proposed.

The proposed internal road layout design is in compliance with adoption standards is acceptable and is in effect an extension of the approved Phase 1 layout.

It is noted that there is only a single access to serve both Phases 1 and 2 from Newcastle Road and the amount of development is at the limit that can be served from a single access point. Given the potential impact that the construction traffic would have on the existing road system and also existing residents over the build out period of Phase 2, the Highway Engineer has recommended that it would be beneficial if the provision of an alternative construction access could be explored by the applicant. The applicant has subsequently advised that the provision of a separate dedicated construction access off Newcastle Road has been investigated previously, but this would need to cross third party land and permission could not be obtained. It was also originally envisaged that the development of Phase 2 would take place whilst developments was taking place at an earlier stage within Phase 1.

However, to minimise disruption to existing residents and roads within Phase 1 the applicant has stated that mitigation measures will be set out within a Construction Environmental Management Plan as required under condition 40 of the outline approval. This condition



requires the CEMP to be submitted and approved prior to the commencement of development within Phase 2.

In summary, the proposed highway infrastructure has been designed to meet current standards and serve the level of development proposed. As a result no objections are raised to the proposals by the Council's Strategic Infrastructure Manager.

## **Ecology**

There are various ecology matters to consider. These are broken down into the following subsections and assessed accordingly. Additional survey information and clarification in respect of ecological issues has been provided during the course of the application.

### Statutory Designated Sites

The application site falls within Natural England's SSSI Impact Risk zones associated with Wybunbury Moss which is a component Site of the West Midlands Mosses Phase 1 Ramsar and the West Midlands Mosses SAC.

A Habitat Regulations Assessment of Likely Significant Effects (ALSE) was undertaken in support of the outline application at this site which did not identify any likely significant effects on the Ramsar and SAC. Natural England has also been consulted on this reserved matter application and raised no concerns in respect of the Ramsar, SAC and SSSI.

An updated Habitat Regulations Assessment of Likely Significant Effects (ALSE) was completed by the Council's Ecologist and this has not identified any significant effects.

### Conditions attached to outline approval

A number of conditions were attached to the outline permission (12/3114N).

#### *Condition 7 – 5m buffer adjacent to pond and water courses*

To address concerns raised by the Council's Ecologist the proposed layout plan has been amended to ensure that the required buffer zone (5m) adjacent to the on-site ponds and watercourses is secured. A layout plan has been submitted which shows the extent of the buffer in accordance with Condition 7.

In addition the amended Management Plan includes proposals for the erection of Heras fencing to safeguard the 5m buffer during the construction phase as required by this condition. The management plan also includes proposals for the management of the habitats within the 5m buffer.

#### *Condition 8 – Scheme for proposed water course channel*

The Environment Agency have been formally consulted and raised no

objection to the proposals relating to the retained section of the existing water channel which passes through the northern part of the site adjacent to the attenuation pond and which then passes westward through a culvert under Dig Lane.

#### *Condition 35 – Retention of Important hedgerows*

The Council's ecologist has advised that there are no ecologically important hedgerows within the boundary of this reserved matters application.

#### *Condition 38 Replacement hedgerows*

Hedgerows are a priority habitat and hence a material consideration. Whilst the proposed layout would result in a significant loss of hedgerow, the Council's Ecologist advises that sufficient compensatory hedgerow planting has been proposed to address its loss.

#### *Condition 45 – Future reserved matters application to be supported by updated protected species survey*

A satisfactory updated survey report has been submitted in accordance with this condition.

#### *Condition 50 – Provision of wildlife corridor connecting two new ponds and creating two new ponds and coppice at the rear of Dig Lane.*

The approved variation (14/1160N) to the original outline approval has removed this condition. In any event, the stated reason for imposing this condition referred to the need to protect the amenity for existing residential properties of Dig lane, rather than on the basis of nature conservation. The Council's Ecologist has advised that the original requirement for this condition could not be justified on ecological grounds.

#### Landscape and Habitat Management plan

The Council's ecologist advises that the submitted Landscape Management and Maintenance Plan is acceptable (version 8). A condition is recommended requiring the implementation of the management plan.

#### Lighting

To avoid any adverse impacts on bats resulting from any lighting associated with the development a condition is recommended requiring that details of the lighting scheme be submitted with regard to *Bat Conservation Trust Guidance Note 08/18 (Bats and Artificial Lighting in the UK)* and to be agreed with the LPA.

#### Biodiversity

A condition is recommended requiring the approval of strategy to secure the incorporation of features to enhance the biodiversity value of the proposed development including proposals for the provision of features for nesting birds including house sparrow and roosting bats, gaps in garden fences to facilitate the movement of hedgehogs and brash/deadwood piles.

In summary, following assessment of the proposals by the Councils Ecologist, including an updated Habitat Regulations Assessment of Likely Significant Effects (ALSE), it has been determined that the proposals will not have any significant ecological impact. It is considered that the proposals will not result in the loss or deterioration of irreplaceable habitats nor require the provision of a wildlife corridor alongside the notary of Dig Lane to increase biodiversity or mitigate the ecological impact of the development. Importantly an off-site ecology contribution for habitat creation within The Meres and Mosses Natural Improvement Area was secured by the S106 Agreement at the outline stage. Furthermore a condition is also recommended requiring the approval of strategy to secure the incorporation of features to enhance the biodiversity value of the proposed development.

It is therefore considered that these proposals accord with the provisions of CELPS Policy SE 3 and also Policies E1, E2, E3 and H4(k) of the Wybunbury Neighbourhood Plan.

### **Trees and hedgerows**

An updated Arboricultural Impact Assessment (AIA) has been submitted in support of this Reserved Matters application.

The Council's Tree officer has assessed the submitted AIA which identifies 5 individual trees, part of 1 tree group and parts of 5 hedges (a total of 110 linear metres) that would require removal to accommodate the proposed development. Two of the trees, a mature Oak (T12) and a mature multi-stemmed Ash (T32) have been assessed as Moderate (B) category specimens. The remainder are categorised as low (C) category.

Trees within the site are not protected by a Tree Preservation Order or lie within a designated Conservation Area. Two trees have been categorised as (U) unsuitable for retention and would need to be removed irrespective of any development proposal.

The Tree Officer concludes that the proposed tree and hedgerow loss will not have a significant adverse impact on the wider amenity of the area and can be adequately mitigated/replaced elsewhere on site as part of an approved landscape scheme.

Furthermore it is considered that the layout design allows for the long term retention of trees taking into account above and below ground constraints recommended in *BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations*. However, the Assessment does identify some encroachment into the Root Protection Area (RPA) of retained trees (T15-T20) for a footpath. An appropriate method statement has been suggested in the Assessment using special mitigation construction which is broadly acceptable.

Conditions are recommended requiring the development is carried out in strict accordance with the Arboricultural Impact Assessment and a detailed Construction Specification/ Method Statement be submitted for those areas identified for special mitigation construction.

## **Public Open Space**

In accordance with the S106 Agreement of the outline approval, the approved Statement of Design Principles and master plan for the wider development, the proposals for phase 2 include the provision of formal and informal recreation areas, green space (village green)), a Neighbourhood Equipped Play Area (NEAP) and Multi-Use Games Area (MUGA) an outdoor gym and allotments.

A management plan and the provision of a local resident's management company to maintain all on site open space was also secured in the S106.

The Council's Leisure Officer has confirmed that the overall public open space and play provision is acceptable. However conditions are recommended in terms of the details of the detailed design and specification of equipment within the play area and the MUGA.

The Leisure Officers original concerns in respect of the layout of the allotments and their location have been addressed during the course of the application. The revised proposals include at least 20 allotments plots comprising a mix of traditionally secured private plots and smaller raised beds, as well as securing the provision of vehicular access and dedicated area. However given the limited details provided, a condition is recommended requiring full details to be provided of the layout and design of allotment provision.

Overall, the proposed development is sited within a robust network of green open spaces ensuring easy access for residents. Play areas, MUGA and Allotments have been provided within the open space and strategically located along the key pedestrian/cycle links and also accessible from informal footpaths passing through green spaces.

The submitted landscape proposals indicate that a total of over 1.29 ha of amenity green space and play space will be provided which will to serve both Phase 1 and Phases 2 of the scheme, which exceeds the minimum requirement of the S106 Agreement of 35 sq. m ( play space and public space) to be provided per dwelling of development of 360 units

The proposals are therefore considered to comply with the open space requirements of the outline planning approval, S106 agreement and policy LPS 9 of the CELPS.

## **Public Right of Way**

The route of a PROW consisting of Shavington FP11, Wybunbury FP16 and Hough FP21 runs site east/west through the site from Stock Lane to the edge of Phase 1, and then turns to follow a north/south route to Newcastle Road.

Concerns raised by the Councils Public Rights of Way team relating to the proposed routing of footpath Hough FP21 through the development from Stock Lane have been satisfactorily addressed and its objection withdrawn. The layout has been amended to ensure that

footpath 21 the passes through greenspace at the gateway to the site, with a short length (20m) running alongside a block paved street. A legal order is necessary to enable the defined route of FP21 to be slightly adjusted so that runs along the footway.

The construction of Sundew Road at the western edge of Phase 1 is set at least 1m about original ground level due to the presence of a rising main (foul sewer). This road this will extend into Phase 2 at this level. As a result the height and gradient of the adjacent PROW (Wybunbury FP19 ) running northwards through public open space located between existing dwellings of phase 1 and proposed properties of Phase 2 to the east, will need to be adjusted to meet the level of this Road .

A submitted sectional drawing demonstrates how this will be mitigated with the footpath being increased height and re-graded to meet road level. The applicant has confirmed that the amended gradient of the footpath will be 1:25, which is less steep than the compliant gradient of 1:20.

Associated with the alterations to the footpath, the adjoining area of open space which has already been implemented will require some limited and modest re-profiling, although this work will have very little appreciable visual impact.

The Public Rights of Way Officer recommends a condition requiring the submission of details of the width, surfacing and road crossings for the PROW, along with the requirement for the applicant to undertake a further legal order to regularise the route with the footway

### **Other Matters Raised by Representation**

Whilst concerns have been raised regarding the impact on the local highway network and local infrastructure including schools and local GP surgeries, these matters have already been considered and with mitigation, deemed acceptable under the outline approval - as has the principle of developing this site.

Concerns have also been raised that aspects of Phase 1 of the scheme such as road surfacing, street lighting provision and maintenance work should be fully completed before the development of Phase 2 commences. However, it is only relatively recently that construction of dwellings has ceased with Phase 1, and it is typically the case that final surfacing of roads and provision of street lighting occurs afterwards for adoption by the Council. Although it is accepted that works need to be finished within Phase 1, this is not however a reasonable basis on which either to withhold planning approval or prevent the commencement of development of Phase 2.

Matters relating to property values and compensation are not a material consideration.

### **Conclusion**

The principle of residential development on the site has been established through the grant of outline planning permission and allocation in the Cheshire East Local Plan Strategy (CELPS) under Policy LPS 9.

The proposed development seeks to provide a residential development of 152 dwellings and represents the second phase of the Shavington triangle development. The submission relates to the detail of the proposal in terms of its scale, layout, appearance and landscaping. Details of access were determined at outline stage and secured vehicular access to the site from Newcastle Road.

The proposal provides the required amount of affordable housing with an appropriate mix of housing. The proposal achieves an appropriately designed residential development and its detailed design and layout accords with the overall principles for the development of the Shavington Triangle and the CEC Design Guide. It achieves an acceptable relationship with the both the character of Phase 1 of scheme and the locality, without material harm to neighbouring residential amenity, and would provide sufficient amenity for the new occupants.

Appropriate public open space including a Neighbourhood Equipped Area for Play (NEAP), MUGA and Allotments will be provided in accordance with the requirements of the S106 Agreement accompanying the outline approval. The proposed routing of PROW through the development and green space is also considered acceptable.

Tree and hedgerow losses have been accepted and would be mitigated in the proposed landscaping of the site. The proposals for phase 2 will not have any significant ecological impact, and not result in the loss or deterioration of irreplaceable wildlife habitats.

Mitigation for the impact of the proposal on local infrastructure including education, highways and outdoor recreation was secured at outline stage as part of the S106 legal agreement.

It is acknowledged that the site and adjoining properties currently experience surface water flooding. However, the Council's Flood Risk Officer considers that the proposed drainage system will satisfactorily serve the development, without resulting in flooding as a result of surface water discharge to Cheer Brook or adjoining properties of Dig Lane.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the Borough of Crewe and Nantwich Local Plan, the Wybunbury Combined Parishes Neighbourhood Plan, the Shavington Neighbourhood Development Plan and advice contained within the NPPF.

## **RECOMMENDATION**

### **APPROVE, subject to the following conditions;**

1. In accordance with outline permission
2. In accordance with approved plans
3. Submission/approval of facing and roofing materials
4. Implementation of highway surfacing treatment
5. Implementation of landscaping scheme

6. Implementation of Landscape Management Plan (version 8)
  7. Details of lighting – minimise impact on bats
  8. Submission of strategy to *secure* features to enhance biodiversity
  9. Adherence to submitted Arboricultural Impact Assessment
  10. Submission of a detailed Construction Specification/ Method Statement to mitigate impact on trees
  11. Details of layout and specification of allotments
  12. Design detail, specification and implementation of MUGA, NEAP and play area/features
  13. Details of cycle storage details
  14. Details of bin storage
  15. Details of specification, width and surfacing of PROW
  16. Removal of permitted development rights (Part 1 Classes A-E)

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

