

APPLICATION NO: 22/2338C

**LOCATION: Land to the East and West of VIKING WAY,
CONGLETON**

PROPOSAL: Full planning application proposing enabling works at Viking Way comprising the erection of site hoardings, removal of existing trees, site clearance, cut and fill excavation, and watercourse realignment.

CONSULTATIONS

Nature Conservation – Following receipt of additional information seeking to address outstanding matters the Council's Ecologist comments as follows:

Outline Consent Conditions 3, 7 and 13

To address concerns about delivery of the ecological mitigation, this application is now supported by a phasing plan that includes delivery of the works within the River Dane Corridor and the additional Ecological Mitigation Area (sometimes referred to as the blue line land) to commence within the next planting season following site clearance works of phases 2-5 commencing. The application is also supported by a habitat creation method statement, management and monitoring strategy.

It is advised that a condition to secure the delivery of the River Dane Corridor works (in accordance with the submitted phasing plan, habitat creation method statement, habitat management plan and detailed landscape plans) would be sufficient to secure the delivery of the habitat creation works.

Updated protected species surveys

Condition 8 of the outline consent required the submission of an updated water vole and otter survey and Condition 9 an updated badger survey.

Surveys for both of these species have been submitted.

No evidence of water voles or otters was recorded. No badger setts were identified on site. Badgers are however active on site and the proposed development will result in the loss of suitable badger foraging habitat which would result in a localised adverse impact upon this species, this would be compensated for through the habitat creation works in the river corridor. If planning consent is granted, it is recommended that a condition be attached which requires the submission of an updated badger survey prior to the commencement of development.

Hedgerows

Native hedgerows are a priority habitat and hence a material consideration. Condition 10 of the outline requires a scheme for the creation of compensatory hedgerow planting to mitigate for the loss of any hedgerows.

The proposed enabling works will result in the loss of a length of hedgerow from the sites interior totalling 59.8m. If the loss of this hedgerow is considered unavoidable, it is advised that adequate compensatory hedgerow planting is proposed within the River Dane corridor, the delivery of which could be secured under the phasing/habitat creation condition discussed above.

River Dane / Radnor Bridge to Congleton Local Wildlife Site (LWS)

This LWS is located on the western boundary of this site. An acceptable buffer between the development and the LWS was shown on the parameters plan associated with the outline consent.

The levels changes proposed within the River Dane corridor appear to encroach into the boundary of the Local Wildlife Site, but the revised Arboricultural report shows that no trees would be removed from the river corridor. It is therefore advised the levels changes would not result in a direct loss of important habitat from the local wildlife site.

If planning consent is granted, it is recommended that a condition be attached that requires the submission of a method statement for the safeguarding of the LWS, including the fencing off of a no-go area during the construction phase.

Additional conditions:

If planning consent was granted additional conditions would be required in respect of the following:

- Safeguarding nesting birds
- Updated badger survey prior to commencement of development.
- Detailed designs of the ponds in the River Dane Corridor to be submitted.
- Condition to secure implementation of the development in accordance with the submitted Phasing Plan revision G and implementation of the submitted habitat creation method statement and habitat management plan, landscaping plans within the River Dane corridor and additional ecological enhancement land.
- Submission of method statement for the safeguarding of the River Dane LWS during the construction phase.

Urban Design – Whilst most of the Council’s Urban Design Officer’s comments are directed to the reserved matters application, the main concerns about the impacts of this enabling works application have now been addressed.

Landscape – Following the submission of revised/additional information, the Landscape officer has confirmed they do not object to this application subject to the following conditions:

- Landscaping Conditions (Implementation)
- Landscaping Conditions (Implementation)
- Submission of Landscape Management Plan
- Submission of Materials Management Plan/Soil Management Strategy

Trees - Having appraised the latest Arboricultural Advice Note received 17th November submitted to support this application, the Forestry Officer has confirmed most of the issues raised have been clarified. The report also contains a Tree Protection Plan – Enabling Works which confirms the alignment of Tree Protection Fencing, the location of no dig surfacing and a method statement for the manner in which works will be undertaken for the duration of the construction period. With regards to whether the removals indicated have been adequately mitigated for this matter is deferred to Ecology and Landscape to confirm. With regard to the regrading works around Veteran tree T74, the report states that a reinforced embankment which has been significantly altered further to earlier comments will be constructed at the edge of the Veteran tree buffer zone. This drawing was requested and has now been updated and can be referenced as Proposed Earthworks – Site Wide drawing number. This broadly corresponds with the latest tree detail although there remains some uncertainty regards the retention of approximately 26-28 metres of the southern end of hedge H8 due to grading proposed to accommodate a SUDS pond in this area of the site.

Appropriate mitigation would be required in the event that the existing hedgerow as referred to above is impacted upon. Conditions are also recommended ensuring tree retention, tree protection and special construction measures.

Flood Risk – The LLFA have no objections in principle to the proposed surface water drainage strategy and support the inclusion of a formal green sustainable drainage (SUDs) train. Whilst they express some concern that the applicant has been unable to carry out a detailed survey onsite to locate the exact route of land drains/ordinary watercourses at this stage, which if found under the proposed footprint of the built development areas, would need to be re-directed. This however can be conditioned.

KEY ISSUES

Ecology – The Council's Ecologist has confirmed that the outstanding issues have now been addressed (subject to conditions), and although a stretch of hedgerow would be removed to accommodate the development, this is compensated for by new hedge planting, which in this case is considered acceptable in the context of the whole development. With regards to conditions, Condition 9 in the Officer's report is no longer required, and the wording of Condition 11 would need to be amended accordingly.

Urban Design – There are now no objections on the grounds of urban design.

Landscape – Issues raised in the original submission have now been addressed subject to the 4 conditions outlined. In addition to condition 17 listed in the officers report, 3 additional conditions are now recommended.

Trees – The Tree Officer has confirmed that the majority of concerns expressed, mainly concerning levels changes, have now been addressed. Whilst it is understood that a section of hedgerow is to be removed – and replaced as part of the proposals, the applicant has been asked to confirm there will be

no impact on the southern section of hedgerow raised. In the officer's report 4 tree conditions are listed (No. 3-6). These are no longer required but would be replaced by one condition as noted above.

Flood risk – Most matters identified in the original LLFA comments have been addressed, however the conditions (15 & 16) are still recommended.

CONCLUSION:

There are no proposed changes to the recommendation, but the additional/amendments to the conditions set out above are suggested should the application be approved. Members will be updated with a full list of recommended conditions at committee picking up all the points above.