

Application No: 22/2692N

Location: LAND OFF, CREWE ROAD, WINTERLEY

Proposal: Reserved Matters Planning Application (layout, scale, appearance and landscaping) following outline approval reference 19/3889N - Outline application for the erection of up to 55 dwellings with associated works (access to be considered with all other matters reserved) (resubmission of 18/2726N)

Applicant: T Hall, Duchy Homes Limited

Expiry Date: 01-Dec-2022

SUMMARY

The principle of development has already been established under outline approval ref 19/3889N. Therefore the proposal remains acceptable from a pure land use perspective.

The matters sought for approval by this application, the Reserved Matters, which relate access, appearance, layout, scale and landscaping are all deemed to be acceptable. In addition, the proposals are not deemed to create any concerns in relation to amenity, ecology or flood risk, highway safety, subject to updated conditions where necessary.

The application is therefore recommended for approval

RECOMMENDATION

APPROVE subject to the conditions

REASON FOR REFERRAL

Call in Request from Cllr Edgar on the following grounds:

- 1) the affordable housing is not pepper-potted throughout the development. It is concentrated away from the larger properties
- 2) Of the 20 affordable homes none have 3 bedrooms, they are all 1 or 2 bedrooms
- 3) Of the market sale houses none are less than 3 bedrooms. Why is the bedroom number distribution not spread evenly over the whole development?
- 4) Needs improved climate change mitigation, solar panels. heat pumps, car charging, grey water systems. We should not be waiting for new environment legislation to be in place but preparing for it.

- 5) Need to clearly lay out the plans for long term maintenance of open spaces. Too many applications are unclear on this and result in the Council having to foot the bill in future
- 6) Size of garages. Are they really a suitable size to be a garage for a modern car? Or just a token to comply with parking spaces need. Car travel will be a necessity to some people on this development. Its is not close to local employment areas
- 7) Inadequate over all parking provision
- 8) Site is overdeveloped
- 9) Why are there no houses on the northern boundary? Is there an expectation of further development to the north?
- 10) There should be walking connectivity to the other Duchy Estate.to the east. a) to allow easier access to the facilities in Winterley for the other new estate and b) to allow children access to all the play areas.
- 11) A condition to set up a liaison group with established residents, Parish Council and the developer.

PROPOSAL

Reserved Matters Planning Application (layout, scale, appearance and landscaping) for the erection of 55 Dwellings pursuant to outline planning permission reference 19/3889N (allowed on appeal under appeal reference APP/R0660/W/20/3251104 dated 01 March 2021).

SITE DESCRIPTION

The application site comprises a parcel of land sited just off the junction of Crewe Road and Pool Lane.

The area consists of predominantly residential properties to the west and partly to the south. Open countryside to the north and consented residential development to the east and south.

No significant variation in land levels noted

The site itself contains a large tree covered by Tree Preservation Order (TPO) just to the east of the centre of the site. There are also other trees covered by TPO to the northern and southern boundaries.

The site is located in the Open Countryside as per the Local Plan and contains trees covered by Tree Preservation Order.

RELEVANT HISTORY

Application site

19/3889N – Outline application for the erection of up to 55 dwellings with associated works (access to be considered with all other matters reserved) (resubmission of 18/2726N) – Refused but allowed at appeal 01-Mar-2021

18/2726N – Outline application for the erection of up to 55 dwellings with associated works (access to be considered with all other matters reserved) – refused 31-Oct-2018 for the following reasons:

The proposed development is unsustainable because it is located within the Open Countryside. It would result in an adverse impact on appearance and character of the area and the loss of Grade 2 agricultural land contrary to Policies PG2 (Settlement Hierarchy), PG6 (Open Countryside), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles), SE2 (Efficient Use of Land) of the Cheshire East Local Plan Strategy, and saved Policy RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Local Plan and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.

The surrounding sites also have some relevant applications:

Site to the south-west

16/1487N - Reserved matters application seeking consent for appearance, landscaping, layout and scale, following outline planning permission for the construction of up to 45no. dwellings (13/4632N) – Approved 1st July 2016

13/4632N - Outline planning permission for the construction of up to 45 dwellings – Allowed at appeal – 14th January 2015

14/3393N - Outline planning permission for the construction of up to 45 dwellings (Resubmission of 13/4632N) – Refused 25th September 2014

14/3962N - Outline planning permission for the construction of up to 79 dwellings – Appeal dismissed 2nd February 2016

Site to the south

16/1728N – Outline application for residential development of up to 33 units with all others matters reserved, except for access and landscaping – Allowed at appeal 2 March 2017

Site to the east

18/1621C – Reserved matters consent is sought for appearance, landscaping, layout and scale – Approved 06-Sep-2018

16/3387N - Outline application for the erection of 29 dwellings with associated works. (Re-submission of 15/2844N) – Refused 29th September 2016 – Appeal Lodged – Appeal Allowed 20th March 2017

15/2844N - Outline application for the erection of 47 dwellings with associated works – Refused 1st October 2015

POLICY

Cheshire East Local Plan Strategy (CELPS);

MP1 – Presumption in Favour of Sustainable Development
SD1 – Sustainable Development in Cheshire East
SD2 – Sustainable Development Principles
SE1 – Design
SE2 – Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 – The Landscape
SE5 – Trees, Hedgerows and Woodland
SE6 – Green Infrastructure
SE9 – Energy Efficient Development,
SE12 – Pollution, Land Contamination and Land Instability
SE13 – Flood Risk and Water Management
PG1 – Overall Development Strategy
PG2 – Settlement Hierarchy
PG6 – Open Countryside
PG7 – Spatial Distribution
SC4 – Residential Mix
IN2 – Developer Contributions
CO1 – Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SC5 – Affordable Homes
IN1 – Infrastructure
IN2 – Developer Contributions

Crewe and Nantwich Replacement Local Plan (CNLP) Saved Policies;

NE.5 (Nature Conservation and Habitats)
NE.8 (Sites of Local Importance for Nature Conservation)
NE.9 (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.6 (Development on Potentially Contaminated Land)
RES.5 (Housing in the Open Countryside)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

Haslington Neighbourhood Plan (HNP)

The Haslington Neighbourhood Plan has only reached Regulation 7 stage and therefore cannot be attributed any weight at this stage

Other Material Considerations

Relevant Emerging policies for Site Allocations and Development Policies Document (SADPD)

The Site allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Plan was submitted for examination in April 2021, hearings took place in October and November 2021. Draft Main Modifications were consulted on during April and May 2022. Noting the relatively advanced stage of the SADPD it is considered that at least moderate weight should be applied to relevant policies, including the proposed modifications.

PG8 Development at Local Service Centres
PG9 Settlement Boundaries
PG11 Greenbelt Boundaries
GEN 1 Design Principles
ENV5 Landscaping
ENV6 Trees, Hedgerows and Woodlands
ENV16 Surface Water Management and Flood Risk
HOU1 Housing Mix
HOU3 Self Build and Custom Build Dwellings
HOU6 Space, accessibility and wheelchair housing standards
HOU8 Backland Development
HOU10 Amenity
HOU11 Residential Standards
HOU12&13 Housing Densities
HOU14 Small and Medium Sites
INF3 Highways Safety and Access

National Planning Policy Framework ('The Framework');

The relevant paragraphs include;

11 Presumption in favour of sustainable development
59 Delivering a Sufficient Supply of Homes
124-132 Achieving well-designed places
170-183 Conserving and enhancing the natural environment

Supplementary Planning Documents (SPD)

SPG Provision of Private Open Space in New Residential Developments
SPD Cheshire East Council Design Guide
The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

CONSULTATIONS

CEC Head of Strategic Infrastructure (Highways) – No objection

CEC Environmental Protection – No objections, subject to a number of conditions/informatives including; working hours, piling and dust

CEC Flood Risk – No objection in principle however further information required regarding the use of soakaways and ground investigation and percolation testing

CEC Education – No comments received at the time of writing the report

CEC Open Space (ANSA) – No objection

CEC Housing – No objection

United Utilities – No objection and acceptable in principle

Haslington Parish Council - Object on the following grounds:

- Bedroom distribution not spread around the development
- Climate change mitigation not sufficient
- All properties needs EVC and should be conditioned
- Need plan to manage long term maintenance of open spaces
- Parking on site is congested and need to ensure each garages can accommodate a parking space
- Inadequate parking provision
- Site is overdeveloped
- Why is no development on the northern boundary does this mean future plans for more housing?
- Connectivity needed to the duchy estate
- Liaison group condition required to work with local residents
- Winterley has no facilities and not an appropriate location for new housing
- Where is the barn owl survey ?
- Drainage issues
- Not clear how the surface water drainage plans impact the trees on the route from the development through to Hassall Road, e.g. T51 & T52
- The 2.5/3 storey properties are not in keeping with the rest of the area
- Some of the social housing type “Bodnant” have the garden/amenity space physically separated from the building
- Why no single storey properties either bungalows or apartments for either social or open market sale, there is proven demand in the parish.

REPRESENTATIONS

11 Letters of objection have been received raising concerns summarised as follows:

- Over development
- Site Red Line Boundary appears to cross onto the land belonging to the property at 27 Charles Barnett Road.

- Market homes are not less than 3 bedrooms so would deter older people from living here
- Affordable housing is not pepper potted
- Parking and garages are inadequate
- Connectivity needed to the duchy estate
- Need plan to manage long term maintenance of open spaces
- Highways safety concerns from use and construction access
- Flooding/drainage issues
- Winterley has no facilities and not an appropriate location for new housing
- Suggested amendment to the layout
- Not a great housing mix
- What local site is surplus soil being used on?
- Suggestions for duchy homes to act more sensitively towards the community
- Has a crime impact statement been prepared?
- Harm to wildlife

APPRAISAL

Principle of Development

The principle of the development has already been established under approval ref 19/3889N. Therefore it is not the purpose of the application to re-explore this matter.

As a result the proposal remains acceptable in principle from a pure land-use perspective,

Details relating to the Reserved Matters, and any other impacts are considered below.

Reserved Matters

Design (layout, scale and appearance)

Scale

The proposed scheme includes 55 new dwellings within a total site area of 2.1 hectares, a density of approximately 27 dwellings per gross hectare, which is consistent with the other consented sites which total 33 and 26 dwellings per hectare.

Property heights would also be predominantly 2 storey to respect the existing pattern of built form. 4 properties would be 2 ½ storey but would be well screened from public vantage points by other existing buildings or those within the development site itself. The material type in the locality is predominantly red/orange brick and tiled roofs, and this is to be replicated here and can be secured by condition.

Layout

The site is currently vacant but is enclosed by development (existing and approved) on 3 sides.

The locality contains a mixture of property types ranging from regular 2 storey properties, link-detached/town houses, bungalow properties both detached and semi-detached and with mixed design. The proposal seeks a mix of detached, semi-detached and town house properties as such the properties

could be accommodated in the street scene without causing significant harm to the existing pattern of built form especially noting that development has been approved to the south and east of the site.

The layout plan shows that the site is enclosed from view by the development to the south and east, the existing development to the west and the existing planting to the north. As a result the properties will not be overly prominent in the street scene.

The approved layout plan illustrated the provision of a perimeter road layout around the site. The current plan accords with the parameters plan however a more organic road layout has been proposed as requested by the Councils Urban Design Officer to better respect the character of the site and allows a degree of open space around the retained tree. This creates active frontages and making the retained tree and the green space a focal point.

The majority of parking would be provided on plot , some to the front and some to the sides of properties which prevents the site being dominated by parking.

Full comments from the Councils Urban Design Officer will be provided in the update report.

Appearance

There is no defined character in the locality given the mix of modern and traditional style properties. The proposed dwellings would be traditional in form with gable features and would be constructed of predominantly red brick and have tiled pitch roofs. Some dwellings would have pitched roofs to add a variety of roofscape across the development. Rendered elements are also included again to add some interest.

As a result the appearance of which is similar to the other consented dwellings to the east and south.

Access

Access to the site was approved at outline and links into Charles Barnett Road. The internal road design is a looped design with a carriageway width of 4.8m, there is a mix of segregated footpaths and shared surface included in the design. In design terms, the road layout is acceptable and minimises the number of cul-de-sacs being provided.

The car parking provision for each of the units accords with the CEC parking standards and additional on-street parking spaces is provided in a number of locations.

In summary, the submitted internal road layout design meets technical requirements and is suitable for adoption and the levels of car parking do conform with the required standards.

The Councils Highways Engineer has also been consulted and has raised no objection.

Therefore the proposal could be accommodated without significant harm to the existing highway network.

Landscaping

Condition 17 of the outline approval requires the submission of a landscaping scheme.

Each plot has its own private garden with corner plots having gardens to the side also to provide dual frontage. Fencing is provided for each plot with boundaries treatments to the street scene consisting of a mix of hedgerows and brick walls.

The wider site relies on the existing planting and hedging to the northern buffer with some additional planting to help provide a smooth rural transition. To the south the existing planting is used along with further additional planting. Various new trees are proposed through the site within the street scene to provide a green feel.

The public open space and an area of equipped play is to be provided towards the east of the site and is arranged around the retention of an existing tree. The play area is sited to be a focal point for use by all and to make a feature of the tree.

Housing Mix

Paragraph 61 of the Framework states that ‘the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes’.

Policy SC4 advises that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. However does not specify a housing mix.

Policy HOU1 of the emerging SADPD advise that housing developments should deliver a range and mix of house types, sizes and tenures, which are spread throughout the site and that reflect and respond to identified housing needs and demands. In particular it suggests a recommended mix as below as a starting point:

	Market housing	Intermediate housing	Low cost rent Affordable housing for rent
1 bedroom	5%	14%	26%
2 bedroom	23%	53%	42%
3 bedroom	53%	28%	20%
4 bedroom	15%	4%	10%
5+ bedroom	3%	1%	3%

The proposal would provide 55 dwellings in total with 20 affordable units and 35 open market dwellings. The bedroom split is as below:

Open Market

1 bed units x 0
2 bed units x 6
3 bed units x 11
4 bed units x 9
5 bed units x 9

Affordable

1 bed units x 8
2 bed units x 8
3 bed units x 2
4 bed units x 0
5 bed units x 0

The proposal would provide the below mix:

	Market Housing	Intermediate	Affordable Rent
1 bed	0 units 0% (target 5%)	2 units 4% (target 14%)	6 units 11% (target 26%)
2 bed	6 units 11% (target 23%)	5 units 9% (target 53%)	3 units 5% (target 42%)
3 bed	11 units 20% (target 53%)	2 units 4% (target 28%)	2 units 4% (target 20%)
4 bed	9 units 16% (target 15%)	0 units 0% (target 4%)	0 units 0% (target 10%)
5+ bed	9 units 16% (target 3%)	0 units 0% (target 1%)	0 units 0% (target 3%)

This would therefore provide the below mix of houses:

1 bed units x 8 (15%)
2 bed units x 14 (25%)
3 bed units x 15 (27%)
4 bed units x 9 (16%)
5 bed units x 9 (16%)

As can be seen from the table above the mix would not be provided as per the recommendation in Policy HOU1. However the text makes it clear that this is to be used as a starting point only and is not a ridged standard.

The aim of this policy appears to provide a mix of all housing tenure and bedroom units to suit the needs of all and not to be dominated by larger 4 plus bedroom properties. As noted above the proposal would be dominated by 2 and 3 bedroom properties with a similar mix remaining for 1, 4 and 5 bed units. Or to put it another way the split would be 67% smaller properties (1-3 beds) and 33% larger properties (4 and 5 beds).

As such this mix of housing would provide opportunity for all and thus is deemed to be acceptable.

Affordable Housing

The outline planning permission secured the provision of 30% of the total number of units as affordable housing to be provided as a mix of homes for affordable rent and intermediate housing. A further 6% of the proposed dwellings were secured as "additional affordable housing units" to be provided as intermediate housing.

20 affordable units are to be provided split between 9 intermediate and 11 affordable rent units. The bedroom and tenure split of the properties is as follows

	Intermediate	affordable
1 bed	2	6
2 bed	5	3
3 bed	2	2
4 bed	0	0
5 bed	0	0
Total	9	11

This mix of affordable properties has been deemed acceptable by the Councils Housing Officer. It is further considered that as affordable units are spread to the eastern and central boundaries, acceptable “pepper potting” is achieved within the scheme.

Education

A requirement for contributions towards Primary & Secondary education was secured under S106 Agreement at outline stage.

Health

A requirement for contributions towards health was secured under S106 Agreement at outline stage.

Open Space

The site plan details the on-site provision of Local Area of Play (LEAP) and POS. This has been deemed acceptable by the Councils Open Space Officer. The public open space and an area of equipped play is to be provided towards the east of the site and is arranged around the retention of an existing tree. The play area is sited to be a focal point for use by all and to make a feature of the tree.

Amenity

With regards to neighbouring amenity, Policy BE.1 of the Local Plan advises that development shall only be permitted when the proposal would not have a detrimental impact upon neighbouring amenity in terms of overlooking, overshadowing, visual intrusion or environmental disturbance.

The proposed dwellings would need to achieve interface distances of 21m between main face elevations (front-front, front to rear, rear to rear) and 13.5m between main face elevations containing non habitable room or windowless elevations to comply with the SPD.

The main residential properties affected by this development are 326-338 Crewe Road (even numbers), 4 Hassall Road and the closet plots of the developments approved to the south and west of the site.

326-338 Crewe Road

The majority of plots would be sited 40m away from properties on Crewe Road. These distances comply with the interface distances between buildings as recommended in the SPD which suggests no significant harm through overlooking. The plots would also be sited between 10-11m away from the shared boundary to prevent significant harm through overlooking, overbearing or overshadowing.

Plot 1 would have its side elevation sited 32m to rear windows of Nos.326&328. This distances comply with the interface distances between buildings as recommended in the SPD which suggests no significant harm through overlooking. The plot would be sited 3.5m to the shared boundary. No harm through overlooking of the garden areas as the only window serves an en-suite which can be conditioned to ensure it is fitted with obscure glazing. In terms of overbearing and overshadowing impact, the proposal will have some overbearing impact when viewed from the rear garden areas, however at 3.5m away from the boundary this is not considered to be significantly harmful and is not an uncommon layout in housing estates across the country, the layout is also between both garden areas so would not dominate the whole garden area. There is also likely to be some overshadowing of garden area, however this is not considered to be significant as it would only affect the small part of the garden area immediately adjacent to the boundary and is not considered the main usable area and this area of garden is already likely to be overshadowed to some degree by the existing boundary treatment.

4 Hassall Road

The nearest plot to this property (plot 12) would be sited over 30m away to the rear elevation. This distance complies with the interface distances between buildings as recommended in the SPD which suggests no significant harm through overlooking. The plot would also be sited 11m away from the shared boundary to prevent significant harm through overlooking, overbearing or overshadowing.

Closet plots of the developments approved to the south and west of the site

The lots comply with the recommended interface distances to side and rear elevations of properties to the south and west and would be sited at least 9.5m away from the shared boundaries. This would prevent any harmful impact through overlooking, overbearing or overshadowing.

Environmental Protection have also raised no objections subject to conditions regarding noise report, piling, construction management plan, construction hours, dust and piling.

Future occupants

The proposals would provide in excess of the 50sqm of rear garden area as recommended in the SPD for the benefit of future occupants for the majority of plots.

8 of the plots are less than the recommended minimum. These relate to 1-bedroom units and these plots are:

- Plot 31 (30sqm)
- Plot 32 (35sqm)
- Plot 37 (36sqm)
- Plot 36 (24sqm)
- Plot 50 (17sqm)

Plot 51 (20sqm)
Plot 53 (35sqm)
Plot 54 (30sqm)

These plots are not family homes and as such would not require the same size of garden area. They are in essence flats/apartments. The SPD does not stipulate a recommended size of garden areas for flats/apartments but advises that in the case of developments which are made up of flats, where it is not appropriate to provide private open space for each dwelling, it will be necessary to provide communal areas of open space; these should be located so they can be used by all the residents equally. It also advises that the amount of garden area provided should be proportional with the size of the dwelling proposed. There should be sufficient open space provided to enable general activities such as drying of washing, storage of dustbins, play space for small children and sitting outside to take place in a private area.

In this instance a plan has been provided for the smallest unit with a garden area of 17sqm, this indicates sufficient room in the garden area for bin & cycle storage, outdoor seating, washing line and BBQ area. On balance, given these units have just 1 bedroom with less demand for outdoor space, they are sited opposite the internal public open space for use by future occupiers and the plan also demonstrates the capabilities of the smallest garden area which is considered to provide a usable garden area. Nevertheless this shortfall needs to be weighed in the overall planning balance.

Therefore the proposal could be accommodated without significant harm to living conditions of neighbouring properties.

Environmental amenity

Condition 11 of the outline approval requires submission of EVC. These have been provided and deemed acceptable by Environment Protection Officers.

Condition 12 of the outline approval advises prior to the development commencing, a Construction Environmental Management Plan shall be submitted to and agreed by the planning authority. This remains outstanding prior to commencement.

Ecology

There are a number of conditions attached to the outline permission at this site relating to ecology, these are assessed below:

Condition 20 Updated badger survey

An updated badger survey as required by this condition has been submitted. The latest survey confirms the presence of an active badger sett in close proximity to the application site. The sett was previously thought to be a main sett, but has now been classified as an outlying sett due to only a single badger being observed during the survey.

In order to avoid the risk of badgers being harmed during the construction works, it is currently being proposed to close the sett under the terms of a Natural England license. This approach is deemed acceptable by the Councils Ecologist.

Condition 22 Proposed lighting scheme.

The revised lighting scheme includes a plan of lighting contours which now includes the 1 lux contour. The lighting scheme as proposed would result in light spill of greater than 1 lux on retained hedgerows and trees which is likely to have an adverse effect upon foraging and commuting bats. The Council's Ecologist advises that the lighting scheme must be revised to avoid this. This is back to the applicant to consider and will either be dealt with in the update report or can be secured by condition.

Condition 23 A strategy for the incorporation of features to enhance the biodiversity value of the proposed development

Two documents have been submitted in order to comply with this condition A revised strategy:

- Biodiversity Enhancement Strategy November 22 (Rev 03)
- Biodiversity Net Gain Design Stage Assessment November 22 (Rev 03)

The revised strategy includes proposals for the provision of bat and bird boxes, but these are not included on the proposed houses. In accordance with the CEC design guide features for bats and birds must be proposed for 30% of consented dwellings.

The submitted strategy specifies on-going management for 30 years but detailed work schedules are only included for years 1 – 5. The Council's Ecologist recommends that the strategy be revised to include work schedules for years 5 – 30.

This is currently with the applicant for consideration so can either be reported in the update report or secured by condition.

Condition 24 Prior to the commencement of development an updated barn owl survey is to be undertaken.

The applicant is reminded of the requirements of this condition prior to the commencement of development as per the outline permission.

Additional conditions required

The Council's Ecologist advises that a condition should be attached to safeguard nesting birds which prevents removal of any vegetation, or the demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds.

Therefore subject to conditions the proposal would not cause significant harm from an ecological perspective.

Trees

Condition 19 of the outline approval required any reserved matters application to be supported by an Arboricultural Impact Assessment.

The application is supported by an Arboricultural Impact Assessment (Urban Green June 2022) . Selected individual and groups of trees within the site are protected by the Cheshire East Borough Council (Haslington – Winterley Land to the north of Pool Lane) Tree Preservation Order 2019.

The Assessment states two trees and two groups, a low (C category) Whitebeam, a moderate (B Category) Cherry, a moderate (B Category) group of Holly and low (C category) group of Hawthorn will require removal to accommodate the development. The trees are not protected by the TPO and it is agreed that their removal will not have a significant adverse impact on the wider amenity of the area. Sufficient amenity space is available within the site to provide suitable replacement trees as part of a detailed landscape scheme.

The Assessment at Para 4.5.4 states there will be encroachment of 6-12% within the Root Protection Area (RPA) of retained trees (T1, T4, T14 and T22). This is to accommodate an internal road (T1 and T14) and driveways (T1 and T22). Whilst this accords with Section 7.4.2.3 of BS58237:2012 which states that ' new permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA' , the road will need to be constructed using a no dig solution such as a cellular confinement system to avoid damage to roots.

Such solutions are generally acceptable for private driveways, (subject to site conditions) however would not normally be appropriate where the internal road is to be constructed to an adoptable standard as required by the highway authority. It should also be noted that the Assessment (para 4.11.1) states that the provision of new service runs have not been provided which may impact on effectiveness of any no dig construction.

The provision of a no dig solution for the internal road around protected trees (T4 and T14) must therefore be considered by the Highway Authority as to whether this is acceptable should the road be to an adoptable standard as suggested in the ownership plan. Details of new service runs provided to ascertain whether these will impact on trees and proposed no dig construction.

Pruning of a protected Oak (T11) is proposed to facilitate the development and improve the relationship, light levels and useable garden space to Plot 54. The relationship of this tree to this plot was previously referred to in the Forestry Officers comments in the outline application where it was stated that there would be significant shading of the plot. It is noted that the plot encroaches within the Root Protection Area of this tree which has not been addressed in the Assessment, nor has the Assessment provided any shading diagrams that would show the impact of the tree on this plot.

The Council's Forestry Officer has therefore advised that the following matters are of concern and require further detailed consideration by the consulting arboriculturist.

- Advice should be sought from the Highway Authority as to whether a no dig construction is appropriate for the internal roads adjacent to trees T1 and T14 should the road be required to be to adoptable standard.
- Details of services should be provided to ascertain whether these would have an impact on any proposed no dig solutions should they be acceptable to the Highways Authority.
- The position of Plot 54 in design terms presents a poor relationship to protected Oak (T11). The impact of the Plot on the Root Protection Area (RPA) of Oak (T11) and relationship to the Plot must be reassessed

This has been brought to the attention of the applicant so a response and further appraisal by the Council's Forestry Officer will be provided in the update report.

As a result at present the full forestry impacts are not known.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps and it is over 1 hectare. As such a Flood Risk Assessment was provided and deemed acceptable at reserved matters stage.

Condition 10 of the outline approval requires submission of a drainage strategy.

United Utilities have been consulted and raise no objection. They do however request that the developer provides evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is acceptable. This will therefore be a matter to be addressed between the applicant and United Utilities.

The Council's Flood Risk Team (LLFA) have also been consulted who advise they have no objection to the proposed reserved matters application. However, given the proposed development is proposing to use soakaways it is important to ensure ground conditions are consistent with this approach.

The developer must supply ground investigation and percolation testing in line with BRE365 guidance now to ensure ground conditions are suitable for this approach. Additionally, SA1 appears to be near the existing boundary. The developer should also be reminded in line with national guidance soakaways should be positioned 2.5m away from any existing boundaries and 5m from proposed/existing plots.

It is also worth noting, given half of the site appears to drain via a positive connection into the public sewer. To discharge LLFA conditions, the developer will need to provide a plot drainage layout to review, including hydraulic micro drainage calculations up to 1 in 100 years + CC%, maintenance strategy, soakaway specification/cross sections, and any third-party landowner agreements required for the route to outfall. There is also a potential for boundary treatment given land levels appear to be increasing circa 200-800mm across the site.

The additional infiltrating testing/ground investigation has been submitted and is currently being assessed by the LLFA however no response was received in time for this report. Their comments will therefore be provided in the update report.

Other conditions

Condition 6 requires the reserved matters shall be in broad compliance with the Site Plan 17061 (P1) 100D. The proposed site plan is considered to be so.

Condition 8 requires submission of land levels.

Other matters

The site was visited by the case officer 18th November 2022.

The majority of representations have been addressed above in the report. The remaining comments are addressed below:

- Climate change mitigation not sufficient – *the proposal provides EVC and all of the properties are to be built to latest building regulation standards, this will include providing shower heat recovery, solar panels and enhanced thermal bridging details. The surface water drainage is also designed to latest standards accommodating for climate change and using a sustainable drainage system.*
- All properties need EVC and should be conditioned – *Environmental protection officers are satisfied with the EVC provision.*
- Need plan to manage long term maintenance of open spaces – *this is to be dealt with by management company.*
- Connectivity needed to the duchy estate – *the Council needs to consider the application as submitted.*
- Liaison group condition required to work with local residents/ Suggestions for duchy homes to act more sensitively towards the community – *Such a condition is not considered necessary in view of the size of the proposed scheme.*
- Winterley has no facilities and not an appropriate location for new housing – *the principle of residential development has already been accepted.*
- Where is the barn owl survey – *This is still a pre-commencement requirement.*
- Why no single storey properties either bungalows or apartments for either social or open market sale, there is proven demand in the parish – *8 one bedroom units are proposed.*
- Site Red Line Boundary appears to cross onto the land belonging to the property at 27 Charles Barnett Road – *ownership plan does not show any encroachment, in any case would be a civil issue.*
- Parking and garages are inadequate – *All garages are suitable to accommodate a vehicle*
- What local site is surplus soil being used on? – *This is not relevant to the determination of the application.*
- Has a crime impact statement been prepared? – *No such statement provided however the layout shows plots overlooking to POS area to provide good natural surveillance.*

Conclusions

The principle of development has already been established under outline approval ref 19/3889N. Therefore the proposal remains acceptable from a pure land use perspective.

The matters sought for approval by this application, the Reserved Matters, which relate to design (scale, layout and appearance) and landscaping are all deemed to be acceptable.

In addition, the proposals are not deemed to create any concerns in relation to amenity, ecology, landscape or flood risk, highway safety, subject to updated conditions where necessary.

The application is therefore recommended for approval.

RECOMMENDATION:

APPROVE subject to the conditions

- 1. Development carried out to the approved plans**
- 2. Obscure glazing to be fitted to side facing en-suite window of plot 1**
- 3. Prior to the installation of any external lighting details to be provided**
- 4. No removal of any vegetation or the demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds**

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

