

Allerdale Borough Council

Planning Application RMA/2019/0002

Development Panel Report

Reference Number: RMA/2019/0002
Valid Date: 01/03/2019
Location: Proposed Housing Development Ashfield Road South Workington
Applicant: Mr K Moore Lovell Partnership
Proposal: Reserved matters application for 255 units following outline planning consent 2/2014/0857.

RECOMMENDATION

That members delegate final approval and the ability to add additional conditions relating to drainage and internal highways layout to the Planning and Building Control Manager subject to the receipt of favourable comments from the County Highways Authority in relation to these matters.

1.0 Summary

<u>Issue</u>	<u>Conclusion</u>
Principle of Development	The principle of the development is approved under outline permission 2/2014/0857. This reserved matters application for phase 2 for 255 dwellings considers matters relating to appearance, scale, landscape and layout.
Appearance	The appearance of the dwellings are consistent and acceptable for this suburban location.
Scale	The 2, 3 and 4 bedroom dwellings, either detached, semi-detached, linked or of single storey type are of a suitable scale for the locality. This is in accordance with Policies S2, S4 and S32 of the Allerdale Local Plan (Part 1).
Landscape	The landscaping scheme is acceptable and is an important feature of the scheme to address tree retention where appropriate, and to provide significant levels of new compensatory tree replanting. It has been necessary to provide for adequate screening and wildlife corridors including along Ashfield

	<p>Road and within the vicinity of Ellerbeck and Ellerbeck Close.</p> <p>A significant compensatory tree replanting scheme is proposed throughout the housing development given a central plantation and a portion of the landscaping along the southern boundary has been removed in order to accommodate the scheme.</p>
Layout	The layout is acceptable for this suburban location.

2.0 **Proposal**

2.1 This application is for the following reserved matters pursuant to the outline permission 2/2014/0857 for phase 2 of the development (phase 1 being under construction by Mandale Homes):-

- Layout
- Scale
- Appearance
- Landscaping.

2.2 Access was considered at the outline stage and is not under consideration. The proposal is for 255 dwellings including a mix of types and tenure. Areas of public open space are proposed as well as landscaping belts along the road frontage and rear (southern) boundary. A more recent revision proposes an open surface water attenuation swale near to the south western corner of the site. A ramped path loops around this swale and connects to the existing public right of way that runs to the south of the site.

2.3 The proposed housing mix is:-

- 34 x 2 bed units
- 178 x 3 bed units
- 43 x 4 bed units

2.4 The affordable housing provision within this mix is:-

- Rent: 14 x 2 bed properties and 9 x 3 bed properties = 23 units
- Discount Sale: 20 x 2 bed properties and 3 x 3 bed properties = 23 units

2.5 The plans for consideration are:-

- 1888 - H - 979-101-01 - PLANNING ELEVATIONS AND LAYOUT
- 1888 - H - 1161-101-01 - PLANNING ELEVATIONS AND LAYOUT
- 1888 - H - 1246-101-01 - PLANNING ELEVATIONS AND LAYOUT
- 1888 - H - 1412-101-01 - PLANNING – ELEVATIONS

- 1888 - H - 1412-101-01 - PLANNING – LAYOUT
- 1888 - H - 1437-101-01 - PLANNING ELEVATIONS AND LAYOUT
- 1888 - H - 763-101-01 - PLANNING ELEVATIONS AND LAYOUT
- 1888 - H - 859-101-01 - PLANNING ELEVATIONS AND LAYOUT
- 1888 - H - 897-101-01 - PLANNING ELEVATIONS AND LAYOUT
- 1888 - H - 912-101-01 - PLANNING ELEVATIONS AND LAYOUT
- 1888 - H - 936-101-01 - PLANNING ELEVATIONS
- 1888-001 Rev A - Location Plan
- 1888-003 Rev E - Demolition
- 1888-010 Rev TT - Proposed Site Layout
- 1888-011 Rev H - Proposed Landscape Layout
- 1888-012 Rev H - Proposed External Works Layout
- 1888-013 Rev D - Proposed Brick Key
- 1888-014 Rev D - Proposed Affordable Housing Plan
- 1888-015 Rev B - Phasing Plan
- 1888-016 Rev B - Proposed Site Sections
- 1888-017 Rev C - Proposed Boundary Sections to Ellerbeck Close
- 1888-018 Rev A Strip elevations
- 1888-019 - Temporary Sales Arena
- 1888-021 – Swale
- Materials Schedule
- 1888-500 Rev A - Metal Railing Detail
- 1888-501 Rev A- Close Boarded Timber Fence Detail
- 1888-502 Rev A - Masonry Wall Detail Type 1
- 1888-503 Rev A - Masonry Wall Detail Type 2
- 1888-504 Rev A - Short Retaining Wall. External Steps Detail
- 1888-505 Rev A - Retaining Wall with Fence Detail
- 1888-506 Rev A - Gabion Wall Details
- 28875-680-P4 Proposed retaining wall layout 3.10.19
- 28875-6015- Levels plan
- 16096.01 - Play area plan
- 16096.02 - Play area plan

3.0 Site

- 3.1 The application site lies approximately 2km south of Workington town centre in the Moorclose / Westfield area, and to the southern side of Ashfield Road South. The site is currently undeveloped greenfield land that is generally flat with a slight slope along its southern boundary. Belts of trees are located within the site and adjacent to the boundaries. The residential area of Chaucer Road is located to the east, with rear gardens of the properties on Ellerbeck Close plus open farm land to the south. The playing fields and sports' area associated with the Moorclose Campus are situated to the west. A public right of way runs to the south of the site along Eller Beck.
- 3.2 Phase 1 of the Ashfield Road housing development is currently under construction to the west of the site for 35 dwellings.

4.0 Relevant Planning History

- 4.1 The outline permission for 290 dwellings (ref 2/2014/0857) was granted subject to conditions and a section 106 agreement on 29th September 2017. The section 106 requires:
- An education contribution of £60,255 (Five primary pupils) agreed by Cumbria County Council's education department.
 - Affordable housing provision of 15%.
 - A phased approach with no public open space, affordable or education contributions within the first phase.
 - The development to be implemented in a phased programme with the delivery of affordable housing at the back end. This second phase development, in its layout, has a requirement to accommodate affordable housing units and public open space.
- 4.2 The permission encompassed both phases 1 and 2, the former comprising of 35 dwellings and, as referenced above, is under construction. The reserved matters for that phase was granted on the 24th April 2018.
- 4.3 The applicant for the second phase has also applied for an additional 12 dwellings within the site, the necessity for the application (FUL/2019/0042) arising from the limit of 290 dwellings set by the outline permission.

5.0 Representations

Workington Town Council

- 5.1 FUL/2019/0042 and RMA/2019/0002 were considered in conjunction with each other. The committee considered the design of the site and felt it would benefit from more open green space and that the addition of the twelve new units would be detrimental to that aim. In addition, they expressed concerns about the removal of trees and would seek assurances that this process would be properly managed and trees replaced as necessary. The committee also seeks assurances about the drainage of the site and how this will impact the nearby beck. The traffic assessment is from 2014 and therefore needs to be updated before being properly considered. The committee felt that the design of the buildings, contrary to the design aim, actually appear very uniform and would benefit from more variation. Recommend refusal.

ABC Environmental Health

- 5.2 With regards to the reserved matters application, following the outline planning consent 2/2014/0857, the recommendations of the Geo- Environmental Interpretive Report by WYG, Nov 2014 (including further consultation and investigation of mine shaft location and the requirement for ground gas

monitoring), will need to be implemented. Condition 30 Noise Mitigation - The full details of the noise mitigation measures as identified in the Wardhall Armstrong Oct 2014 report will need to be submitted

Cumbria County Highways/Lead Local Flood Authority

Highways

- 5.3 Final comments awaited on the layout (access already determined at the outline stage).

Drainage

- 5.4 Comments awaited. Interim comments required the need for open attenuation for surface water rather than the previously proposed oversize pipes. The new approach follows the principles of Sustainable Urban Drainage so more positive comments are expected from the County Council as Lead Local Flood Authority but none are forthcoming to date in relation to this revised layout. The recommendation to members reflect this state of affairs. Any changes will be reported to members as a verbal update and/or on the late list.

Coal Authority

- 5.5 Response 19.3.19 - The application site falls within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this application. The Coal Authority records indicate that within 20m of the planning boundary, there are 3 mine entries. The Coal Authority was consulted on planning application reference 2/2014/0857, and Condition 26 of the permission requires site investigations to be undertaken prior to the commencement of development to confirm the need for remedial works to treat the mine entries and areas of shallow mine workings. Conditions 27 and 28 seek to deal with the details of remediation and their implementation. On the basis that the layout has been designed around the three mine entries, which dictate it, the Coal Authority has no objections to the layout which is proposed. However, on the basis that the applicant appears to have simply resubmitted the same Phase 1 Desk Study Report (dated July 2014, produced by Wardell Armstrong) and Interim Geo-Environmental Interpretative Report (dated November 2014, produced by WYG), which are unable to confirm any site investigations as required by the condition, the Coal Authority is unable to recommend the LPA discharge Conditions 26, 27 or 28.
- 5.6 Response 19.8.19 - In considering the amended detail, the Coal Authority would not wish to raise any further observations, but would reiterate our comments of 19th March 2019, which remain valid.

Access officer

- 5.7 No comment

Environment Agency

- 5.8 Response 14.3.19 - No objection to the reserved matters as submitted. Please note that, although we originally requested a condition for a surface water management plan (ref NO/2014/107328 dated December 2014), this role is no longer within our remit. Cumbria County Council, as the Lead Local Flood Authority, now have the remit for surface water management and will be able to provide comments on this application. We ask that you consult the LLFA if you have not done so already.
- 5.9 Response 6.8.19 - No further comment

County Archaeologist

- 5.10 No objection to the proposed application, but still consider that the archaeological work required by condition 20 on previously approved permission 2014/0857 is undertaken and is secured in any new consent that may be granted.

ABC Housing Services

- 5.11 Policy S8 of the Allerdale Local Plan Part 1 (July 2014) requires 20% affordable provision on sites in Workington, and specifies a tenure split of 75% social rented and 25% intermediate affordable units. Affordable provision of 15% has already been agreed through the Section 106 planning obligation and this is reflected in the numbers in this application. Any deviation from the tenure split should be agreed following a viability assessment. The size and type of housing provided should meet the identified need in Workington and its adjoining parishes of Camerton, Great Clifton, Seaton and Winscales.
- 5.12 The application proposes the following size and type of affordable provision:
- Rent: 14 x 2 bed properties and 9 x 3 bed properties
 - Sale: 20 x 2 bed properties and 3 x 3 bed properties
- 5.13 The 2016 Housing Study showed that the highest affordable need was for four bed properties followed by a lower need for three and one bed properties for older people. There was a lesser need identified for two bed properties for older people and five+ bed properties for general needs and older people.

Natural England

- 5.14 Natural England has no comments to make on this application but refer to Standing Advice.

Cumbria County Council Rights of Way Officer

- 5.15 Public Footpath 262016 follows an alignment along the southern boundary of the proposed development site and must not be altered or obstructed during or after the completion of the development. If the footpath is to be temporarily obstructed

then a formal temporary closure will be required, there is a 14 week lead in time for this process.

Other representations

- 5.16 The application has been advertised by press advert, site notice and neighbour letter.
- 5.17 14 letters of objection have been received setting out the following concerns:
- Concern about ownership of trees and hedgerows on neighbouring boundaries and that these will not be allowed to be cut or removed.
 - Concern about mud and stones on road as seen from construction of phase 1.
 - Concerns the level of traffic would increase if such a development went ahead along Ashfield Road which is already very busy. The junctions at either end of this road at Moorclose shops and the Travellers' Rest pub will be increasingly congested with a danger of accidents with impatient drivers. To relieve this, would like to see added to the application two mini roundabouts at the junctions and an increase to the amount of double yellow lines along Ashfield Road as they will ease traffic flow. Concerns about the increase in traffic on Ashfield Road in the first phase - the volume of traffic will increase further on a road that already has a number of junctions joining on bends, not to forget all the traffic will be attempting to join/leave High Street - often cutting through Chaucer Road to use Ellerbeck Lane. This junction is already a busy junction, especially when vehicles are parked on the pavement restricting view.
 - Concerned that the impact on wildlife has been significantly understated and not given sufficient weight. Consequently the related impact mitigation in reserved matters is inadequate. The area is in the home range of a significant population of the threatened red squirrels. Sightings are frequent in the surrounding area during all hours of the day, seen in existing garden and on the surrounding roads. With regard to birds, there are significant numbers of woodland species, in addition to the more common garden species there is a small but significant population of tree sparrows along with siskin (conifer dependant), redpoll, great spotted woodpecker, Tawney Owl and sparrow hawk. The grass areas support wintering thrushes particularly flocks of fieldfare and redwing with low numbers of mistle thrush;
 - Knotweed on site close to Ellerbeck Close;
 - Amazed that the Council can consider allowing a new build on a green field site when there are two perfectly good brown field sites (the former sports centre/ swimming baths and associated land and the former Southfield school and associated land) in close proximity to this application;
 - It is the intention to erect bungalows to the rear of the bungalows on Ellerbeck Close which borders on the proposed development. This in some way alleviates some concerns that a house may be built towering over my property. Bungalows are on the plan behind Nos 5, 4 and 3 Ellerbeck Close, but there are houses behind our property - if the woods are removed the houses would invade our privacy. Could the bungalows not continue?
 - If this development is built on the same level as the development at present in progress, the result will be flooding of my property, confirmation of this is the

flooding that is happening on our approach road, Ellerbeck Lane, which is issuing from the development ongoing. Attempts by the builders to escape from liability is to lay a pipe to Ellerbeck which in turn will carry more silt into Harrington reservoir on which thousands of pounds have recently been spent on a clean-up.

- Is there any consideration given to those who have purchased on the Phase 1 site next door? It could be possible to move some of the housing plot numbers so that the homes behind phase 1 are not social housing;
- The plan shows existing wood at the rear and the side of No 6 Ellerbeck Close. Can you confirm that none of the trees are to be removed - these woods are a natural habitat for red squirrels, (protected) woodpeckers, owls plus many other species of birds.
- Houses to the side of our property, again invading our privacy.

6.0 Environmental Impact Assessment

- 6.1 With regards to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the development does not fall within Schedule 1 nor 2 and, as such, is not EIA development.

7.0 Development Plan Policies

Allerdale Local Plan 1999

- 7.1 The saved elements of this Plan are not relevant to this reserved matters application.

Allerdale Local Plan (Part 1)

- 7.2 The following policies are considered relevant:-

Policy S2 – Sustainable development principles

Policy S4 – Design principles

Policy S5 – Development principles

Policy S7 - A mixed and balanced housing market

Policy S29 - Flood Risk and Surface Water Drainage

Policy S32 - Safeguarding amenity

Policy S33 - Landscape

Policy S35 – Protecting and Enhancing Biodiversity and Geodiversity

Policy DM14 - Standards of Good Design

Policy DM17 - Trees, hedgerows and woodland

8.0 Other material considerations

Allerdale Borough Local Plan (Part 2) Submission Draft

- 8.1 The site is shown as a commitment in the Plan within the settlement limits but there are no policies relevant to the determination of this reserved matters application.

National Planning Policy Framework (NPPF) (2019)

- 8.2 Paragraph 127 advises that decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

9.0 Policy weighting

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This means that the Allerdale Borough Local Plan (Part 1) 2014 policies have primacy.
- 9.2 A material consideration is the provisions of the revised NPPF. Paragraph 213 of the revised NPPF (2019) advises that the weight afforded to development plan policies can vary according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). In this instance, for this reserved matters application at this time, full weight can be afforded to the relevant policies.
- 9.3 Weight can also be afforded to emerging plans as a material consideration, that weight dependent on the stage of preparation, the extent of unresolved objections

and consistency with the provisions of the NPPF 2019. The Inspector's Report for Part 2 of the Local Plan has now been received with the Inspector finding the modified plan sound. As such, significant weight can be afforded to the Plan as a material consideration.

- 9.4 With regards to the application of Part 2 policies, it is noted that this is a reserved matters application pursuant to an outline permission that was granted when Part 2 was being afforded negligible weight. As such it is not reasonable or appropriate to require provision of enhanced access (Building Regulations Part M) for some of the dwellings as per policy SA5 or broadband provision as required by policy SA33.

10.0 Assessment

Introduction

- 10.1 The principle of development is not for consideration. There is a permission in place (2/2014/0857) for up to 290 dwellings and this application is for reserved matters pursuant to that application. The application is within the parameters of the outline permission. The representations relating to the principle of the development cannot be considered. Similarly, some of the matters raised by consultees are largely relevant only to other conditions of the outline permission, such as contamination/ground conditions. Such matters will be considered through the separate procedures for discharging these conditions. The relevance to this application is limited to ensuring that, for example, the layout avoids the areas identified as mine shafts.
- 10.2 The access to the main road was considered under the outline approval. The concerns raised by residents in relation to highway impact are not material to the determination of the reserved matters under consideration here.

Layout

- 10.3 The layout has attempted to follow the 'Manual for Streets' approach. This seeks to pull away from a layout adhering to a series of road dimensions that are set by vehicular movement, to a process that considers the area between the public facades of dwellings as a street (for living, for pedestrian movement etc.). The results, in this instance, are only partially successful and fall significantly short of the principles of the Manual; standard road widths and footways are still evident but there are a number of shared spaces and variation in separation distances. It is accepted that compliance with the Manual is hindered by the need to provide a viable development of 255 dwellings on this site and the constraints such as the mine shaft locations, water course, existing planting and linkage to the Phase 1 development. The resultant layout is unashamedly suburban in feel. Of positive note is the mix of 2, 3 and 4 bedroom houses including detached, semi-detached and short terraces. The variations are welcomed as is the maximisation of passive surveillance of streetscapes with specifically designed gable entrance properties with windows in gables at key locations. Use of buffer planting to delineate the difference between public and private realms is also a positive attribute.

- 10.4 As required by condition 4 of the outline permission, cross sections of the site, detailing the existing and proposed ground levels, proposed finished floor levels of the buildings, levels of paths, drives, garages and parking areas have been provided. The site slopes from South to North and East to West but level access has been provided to all front doors. This is a success of the layout given the topographical constraints.
- 10.5 Car parking is a prominent feature but, at the housing density necessary to render the development viable and to meet a policy compliant mix of housing type, space between and behind dwellings is at a premium. This pushes parking onto frontages and the predominance of spaces is a result of the need to get as close to the County Council's standards, acknowledging the sustainability of the site's location. This is a finely balanced matter. As proposed the development falls short of the standard but any increase in provision within the existing layout would render, in the officer's opinion, the layout unacceptably dominated by the car. A change of layout to accommodate more flats and/or smaller houses would free up more space for landscaping but render the development unviable and skew the mix inappropriately towards small dwellings. On balance, although not ideal, the provision of car spaces within the layout is considered acceptable.
- 10.6 Affordable housing provision is suitably distributed throughout the layout to foster the desirable balanced and mixed community. It is noted that the scheme will be developed in partnership with a registered landlord provider. The affordable housing units use house types indistinguishable from other tenure types.
- 10.7 Policy S8 of the Local Plan Part 1 and the section 106 of the outline permission 2/2014/0857 requires 15% affordable housing with a tenure split of 75% rental and 25% intermediate affordable housing. However, the NPPF 2019 sets out, in paragraph 64, that major development should expect at least 10% of the housing to be available for affordable home ownership as part of the overall housing contribution for the whole site. The 46 affordable units proposed meets the overall 15% requirement but provides a 50/50 tenure split equating to 23 units rent and 23 intermediate housing for sale. This is not in accordance with the s106 and will necessitate a deed of variation but this is not matter to be considered as part of this application.
- 10.8 There are no public sewers on or downstream of the site, discharge will be to the 375mm diameter public sewer in Ashfield Road South. Further assessment has shown that a gravity foul discharge may be possible, for the North West area of the site, to the existing sewer, but a pumped solution will be required for the lower areas of the site. The layout enables foul sewage to be part pumped into the mains system. The Proposed Drainage Strategy shows foul pumping station located on the south east development boundary.
- 10.9 The layout has been recently revised to incorporate the swale within the south western quadrant of the site. Surface water is now proposed to discharge at 5 l/s into an existing diverted water course which runs east to west through the northern part of the site and 61 l/s discharged direct to the ordinary watercourse (Eller Beck) following a secondary filtration through the newly incorporated swale. Outfall

locations and the swale are shown within Proposed Drainage Strategy and drawing number 1888-010 Rev QQ Site layout received 7/1/2020. The swale will hold surface water following periods of increased rainfall and ensure that discharge to the Ellerbeck is throttled to the maximum 6 l/s rate. The drainage layout accords with policy S29 of the Local Plan.

10.10 Ultimately, matters relating to foul drainage and surface water drainage will be addressed through the discharge of conditions associated with 2/2014/0057, that is, condition 22 (foul drainage) and condition 25 (surface water drainage).

10.11 Overall, the layout is considered acceptable.

Scale

10.12 The 2, 3 and 4 bedroom dwellings, either detached, semi-detached, linked or of single storey type are of a suitable scale for this locality. Attention has been given to the sloping land levels to ensure that dwellings respect the land levels and do not cause an over dominance to neighbouring properties (either to those existing or proposed) in order to provide a suitable level of residential amenity as required under Policy HS32 and to address matters of visual amenity, loss of light and overlooking.

10.13 Proposed dwellings to the north of 2 and 3 Ellerbeck Close will be single storey to reduce the visual impact and matters relating to overlooking and loss of light. The development does abut other existing dwellings and separation distances and levels are such to not significantly affect amenity. The plans have also been amended and greater detail added to demonstrate how gardens will be terraced to minimise sheer retaining walls. In doing so, in combination with appropriate separation distances, the revisions demonstrate how there will not be inappropriate levels of overlooking or overshadowing of dwellings and their private gardens.

Appearance

10.14 Good design relates not only to the appearance of a development but how it functions within the location and how it contributes to sustainable development. This scheme for phase 2 (255 units) and the additional 12 dwellings under FUL/20190042 will be experienced as one housing development for 267 dwelling houses and the appearance of the dwellings are consistent and acceptable for this suburban location.

10.15 The dwellings are simply detailed with brick elevations and artstone window cills in key frontage locations. Front doors and garage doors are in GRP and will be coloured. Window frames and fascia boards are in white and gutters, rainwater pipes and soil stacks are in black PVCu. There is little, if any vernacular detailing, but this is not an area of traditional architecture. Ellerbeck Lane to the south is characterised by an eclectic mix of larger detached dwellings of varying styles. Phase 1 is different again; a planned estate of gabled dwellings faced in reconstituted stone. Red brick predominates immediately to the north of Ashfield Road South. Again, these late twentieth century dwellings, aligned in longer

staggered terraces and with simple landscape windows, offer a context that provides an opportunity to deviate away from the traditional vernacular.

- 10.16 The overall grain of the proposal's appearance is one of inoffensive, modest, simple gabled designs. The grid of proposed streets and overall uniformity of building lines behind the frontage parking offers little relief but revisions have brought some welcome and noticeable improvements. There is added value with the variety of house types, some projecting gables and some variation in set-backs. The result is acceptable.

Landscaping

- 10.17 The site is set on the edge of attractive open countryside which surrounds the eastern fringe of Workington. The existing buffer landscaping was probably planted around 30 – 40 years ago and it seems to have thrived, although the woodland is now very dense because it has not been managed, thinned or coppiced at any point in its life and provides a uniformly dense screen along much of the site edge.
- 10.18 Policy DM17 of the Local Plan Part 1 sets out that, where existing trees, hedgerows and woodland are considered important to the local community, contribute positively to the character of the area and/or are of nature conservation value, they will be protected. Proposals that involve felling, removal or are considered likely to cause demonstrable harm to existing trees, hedgerows and woodland will normally be resisted, unless acceptable mitigation or compensation measures can be secured. Felling and/or removal may be permitted in exceptional circumstances where it can be demonstrated that the economic viability of the development is prejudiced and there are proposed wider benefits that outweigh the loss incurred. However, where a development poses significant harm to an irreplaceable habitat which cannot be mitigated or compensated for, permission will be refused. In this scheme it is considered the replacement planting maintains local amenity, the character of the area and the nature conservation interest and the benefit of the provision of 255 dwellings is given substantial weight.
- 10.19 The dense heart of the woodland will be cleared as was envisaged at outline stage (2014/0857) but a sufficient area has been retained to act as an effective wildlife corridor as well as a visual and acoustic screen from the road to the proposed dwellings behind. The screen is largely made up of native broadleaved species so it will provide a varied setting for the housing throughout the seasons.
- 10.20 All of the new houses will be provided with gardens to the front and the rear. These are generally quite generous in size and some are irregularly shaped with slight terracing to compensate for the levels on site. These gardens will be grassed in preparation for landscaping by their owners, with front gardens providing a small amount of shrub planting and key location / corner plots receiving larger treatments and tree planting. Landscaped areas will be provided along key routes, whether in curtilage to adjacent dwellings or communal areas, to provide visual and ecological enhancement. Areas of public open space are also landscaped and are provided within the vicinity of the former mine shafts.

- 10.21 There is a welcome and necessary retention of the wooded margin between the site and the existing Ellerbeck Close housing. To promote further enhancement and provide local ecological features to the development, a LEAP and a small LAP will be provided to accord with Local Plan policy. Public open space will be provided in pockets and linear pathways through the development. This includes the space around the newly proposed swale and welcome and beneficial linkages to the public right of way network.
- 10.22 The landscaping scheme has had to address matters raised in the submitted ecology report relating to bats, birds and tree loss. Policy S35 sets out conditions for biodiversity will be maintained and improved and important geodiversity assets will be protected. A high priority is also given to the protection of locally identified biodiversity or ecologically valuable assets. To address the local concerns regarding bats an additional bat roost assessment has been received in addition to the ecology reports provided at the outline stage. The purpose of this report was to establish the potential of the trees to offer shelter and / or roost facilities to protected species. The report assessed a range of factors including absence/presence of protected species, species affected, population numbers, potential access points, types of roost and their seasonality of use in buildings and trees affected by development. No field signs (animals, droppings, feeding remains, urine or fur staining, audible squeaking) were found to be present and no habitat was found that is considered to be suitable for bat roosting or shelter.
- 10.23 In summary the existing trees have been assessed as having negligible ecological value to roosting bats. No low, moderate or high potential bat roost features were found. The bat report concluded there was no requirement for a further survey before the removal of the identified trees assuming they are removed in the Winter of 2019/2020.
- 10.24 Although no nesting birds (or abandoned nests) were found a precautionary breeding bird survey would be required in the active breeding bird season (March to October) to check for breeding birds prior to commencement. Mitigation with regard to protected species is secured in the outline scheme 2/2014/0857 that is secured by planning condition.

Local Financial Considerations

- 10.25 Having regard to S70 (2) of the Town and Country Planning Act the proposal will have financial implications arising from New Homes Bonus and Council Tax Revenue.

11.0 Balance and Conclusions

- 11.1 It is considered the scheme has satisfactorily addressed matters relating to the reserved matters of layout, landscaping, appearance and scale.
- 11.2 There are constraints within this phase 2 including physical features such as the mine shafts as well as policy/outline permission requirements to provide play areas, address areas of flood risk and the need to retain boundary buffer trees for

matters of ecology and landscaping. That said, a significant amount of central tree plantation will be removed, but this is necessary to provide the number of dwellings to deem the development viable and ensure an appropriate, policy compliant mix. Furthermore, the indicative proposals at the outline stage assumed this loss and a satisfactory, compensatory tree replanting landscaping scheme is proposed.

11.3 The reserved matters proposal, on balance, provides a sustainable scheme.

RECOMMENDATION

That members delegate final approval and the ability to add additional conditions relating to drainage and internal highways layout to the Planning and Building Control Manager subject to the receipt of favourable comments from the County Highways Authority in relation to these matters.

Annex 1

CONDITIONS

Accordance with plans

1. The development hereby permitted shall be carried out solely in accordance with the following plans:

1888 - H - 979-101-01 - PLANNING ELEVATIONS AND LAYOUT
1888 - H - 1161-101-01 - PLANNING ELEVATIONS AND LAYOUT
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1888 - H - 859-101-01 - PLANNING ELEVATIONS AND LAYOUT
1888 - H - 897-101-01 - PLANNING ELEVATIONS AND LAYOUT
1888 - H - 912-101-01 - PLANNING ELEVATIONS AND LAYOUT
1888 - H - 936-101-01 - PLANNING ELEVATIONS
1888-001 Rev A - Location Plan
1888-003 Rev E - Demolition
1888-010 Rev TT - Proposed Site Layout
1888-011 Rev H - Proposed Landscape Layout
1888-012 Rev H - Proposed External Works Layout
1888-013 Rev D - Proposed Brick Key
1888-014 Rev D - Proposed Affordable Housing Plan
1888-015 Rev B - Phasing Plan
1888-016 Rev B - Proposed Site Sections
1888-017 Rev C - Proposed Boundary Sections to Ellerbeck Close 1888-018 –
1888-018 Rev A Strip elevations
1888-019 - Temporary Sales Arena
1888-021 – Swale
Materials Schedule
1888-500 Rev A - Metal Railing Detail
1888-501 Rev A- Close Boarded Timber Fence Detail
1888-502 Rev A - Masonry Wall Detail Type 1
1888-503 Rev A - Masonry Wall Detail Type 2
1888-504 Rev A - Short Retaining Wall. External Steps Detail
1888-505 Rev A - Retaining Wall with Fence Detail
1888-506 Rev A - Gabion Wall Details
28875-680-P4 Proposed retaining wall layout 3.10.19
28875-6015- Levels plan
16096.01 - Play area plan
16096.02 - Play area plan

Reason: In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.



