

Application No: 19/1797M

Location: 15, HAMPSON CRESCENT, HANDFORTH, SK9 3HF

Proposal: Demolition of 15 Hampson Crescent, diversion and culverting of Dobbin Brook and formation of both vehicular and pedestrian access from Meriton Road / Hampson Crescent including associated infrastructure and landscaping works, and creation of temporary construction haul road and compound from Sagars Road.

Applicant: Mr Alex Wigfield, Anwyl Homes

Expiry Date: 04-Jun-2019

SUMMARY

The application site forms part of site LPS 34 in the CELPS which has outline planning consent for up to 250 dwellings. A reserved matters application is currently being considered for 217 dwellings. The proposed access through the site of 15 Hampson Crescent was approved as part of the outline permission and therefore no issues can be raised with regard to the principle of this in terms of highway impact or impact upon neighbouring properties. The application site is a Strategic Site within the CELPS, and in order for the allocated houses to be delivered on the site, construction access has to be achieved. The only options for this are via Meriton Road or Sagars Road. There is clearly significant local opposition to the use of either of these routes, which is acknowledged, however, one or both routes must be used. The advice from the Strategic Infrastructure Manager is that either road could be used, but it is recommended that both are used so that the burden is shared. The proposed access routes are therefore acceptable from a highways perspective. There is also no significant impact upon protected trees arising from the proposed development.

Additional, more detailed proposals have also been provided for the Hampson Crescent access, Brook culvert, retaining structure and open space. As a standalone application, the submitted details do raise concerns in terms of the extent of biodiversity mitigation, the provision of pedestrian and cycle links to the east, and the form of the proposed landscaping. There is considered to be conflict with the development plan arising from all these matters. In addition, the construction access route and proposed site compound is located immediately adjacent to existing residential properties and is considered to result in an unacceptable level of noise and disturbance, contrary to policy DC3 of the MBLP and SE12 of the CELPS.

Comments from the Environment Agency are awaited on whether the revised proposals for the realignment of Dobbin Brook are acceptable and will be reported as an update, as will comments from the LLFA.

SUMMARY RECOMMENDATION

Refuse

PROPOSAL

This application seeks full planning permission for the demolition of 15 Hampson Crescent, the diversion and culverting of Dobbin Brook and the formation of both vehicular and pedestrian access from Meriton Road /

Hampson Crescent including associated infrastructure, landscaping works, and creation of temporary construction haul road and compound from Sagars Road.

SITE DESCRIPTION

The application site forms part of wider agricultural land that is enclosed by Sagars Road to the south, Clay Lane to the west, residential properties on Windermere Road and Ullswater Road to the north and Hampson Crescent to the east. Much of the site boundary consists of mature trees and hedgerows with the hedgerows also in use to divide the fields on the site. A small wooded area to the north east of the site separates the application site from the open space adjoining Meriton Park. Dobbin Brook runs along the rear of the existing properties along the eastern boundary. Also included within the application site boundary is 15 Hampson Crescent, which is an existing two-storey detached dwelling. The site is identified as site LPS 34 in the CELPS, which is allocated for residential development.

RELEVANT HISTORY

17/3894M - Outline planning application (access to be considered) for erection of up to 250 dwellings with associated works including the demolition of 15 Hampson Crescent – Approved 02.08.2018

19/2202M - Application for reserved matters approval (appearance, landscaping, layout and scale) for the erection of 217 dwellings, landscaping, public open space, internal access roads, garages, car parking, and associated infrastructure – Not determined to date

19/2204D - Discharge of conditions 4, 11, 14, 16, 18 (part), 25 of existing permission 17/3894M; Outline planning application (access to be considered) for erection of up to 250 dwellings with associated works including the demolition of 15 Hampson Crescent – Not determined to date

POLICY

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement Hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SE1 Design

SE2 Efficient use of land

SE 3 Biodiversity and Geodiversity

SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland

SE 6 Green Infrastructure
SE 13 Flood Risk and Water Management
CO 1 Sustainable Travel and Transport
CO 4 Travel Plans and Transport Assessments
SC 1 Leisure and Recreation
SC 2 Outdoor Sports Facilities
SC 3 Health and Well Being
SC 4 Residential Mix
SC 5 Affordable Homes
IN 1 Infrastructure
IN 2 Developer Contributions

LPS 34 Land Between Clay Lane and Sagars Road, Handforth

Macclesfield Borough Local Plan (MBLP)

NE3 – Protection of Local Landscapes
NE11 – Protection and enhancement of nature conservation interests
NE17 – Nature Conservation in Major Developments
RT5 – Open Space Standards
DC3 – Amenity
DC6 – Circulation and Access
DC8 – Landscaping
DC9 – Tree Protection
DC15 – Provision of Facilities
DC17 – Water Resources
DC35 – Materials and Finishes
DC36 – Road Layouts and Circulation
DC37 – Landscaping
DC38 – Space Light and Privacy
DC40 – Children’s Play Provision and Amenity Space
DC41 – Infill Housing Development

Handforth Neighbourhood Plan (HNP)

H8 Landscape and Biodiversity
H9 Trees and Hedgerows
H11 Encouraging High Quality Design
H12 Surface water management
H16 Congestion and Highway Safety
H18 Promoting sustainable transport
H19 Improving access to the countryside in Handforth and the surrounding area

Other Material Considerations:

National Planning Policy Framework (the Framework)
National Planning Practice Guidance (NPPG)

CONSULTATIONS (External to Planning)

Environmental Health – Recommend refusal on the grounds of the potential impact to the occupiers of existing, neighbouring residential dwellings on Hampson Crescent.

Head of Strategic Infrastructure – No objection.

Lead Local Flood Authority (LLFA) – Will not comment until EA have commented. A response is awaited and will be reported in an update report.

Environment Agency – A final response is awaited. Initial response objected on the grounds of a loss of biodiversity arising from the realigned brook.

Styal Parish Council – No comments received

Handforth Parish Council – Object to the development on the following grounds:

- Meriton Road and Sagars Road unsuitable for construction traffic
- Danger to pedestrians
- Weight restriction on Sagars Road which must be in place for a technical reason
- HNP requires that there should be a traffic assessment for a site such as this (NP Policy H16).
- Only safe way to give access for construction traffic is from the west or north-west
- If granted time limit of 9:30 - 3pm for construction vehicles should be imposed
- Measures need to be in place to prevent use of The Link and Bulkeley Road
- Developer should agree to very promptly repair damage to road surfaces, pavements, road markings and signage caused by construction traffic
- Current level of parking along the road(s) where construction traffic will be routed should be accommodated
- Accident damage should be monitored and compensated for without quibble
- Detailed conditions for road markings and for signage required both near the site and as far as Wilmslow Road, from at least 200 metres south of the Freemasons junction to as far north as Spath Lane
- Any felling or pruning of trees must be agreed in accordance with the HNP

OTHER REPRESENTATIONS

Approximately 220 letters of representation have been received objecting to the proposal on the following grounds:

- Access not suitable for HGVs
- Increased traffic
- Impact on doctors, dentists, schools
- Should be considered by National Trust
- Are houses needed?
- Danger to children and elderly
- Contrary to Local Transport Plan, which aims to drive out sources of poor health
- Health, noise and environmental pollution from HGVs
- Reduces separation between Handforth and Styal
- Applicant stated they would restrict traffic to school hours
- Contrary to policy SC3 (points 2&6) due to harm to local community
- Damage to TPO trees
- Access road could be created via Clay Lane onto A555
- Residential roads unsuitable for construction and residential traffic

- Water mains leaking and drains often blocked
- Single line traffic only possible at Sagars Road/Wilmslow Road junction
- Impact on character of area
- Sagars Rd and Meriton Rd unsuitable for construction traffic
- On street parking narrows roads
- Risk to pedestrians / cyclists
- Damage to pavement and vegetation
- Residents of Sagars Rd not notified
- Peoples lives at risk
- Noise and disturbance
- Weight restriction on Sagars Road (signs at eastern end)
- Drainage inadequate
- Sagars Road is used for parking for station
- CEC planners putting money before the community
- Additional congestion
- Site is in Styal – access should be from there
- Impact of compound on 58 Sagars Road
- Temporary parking restrictions on Sagars Road will negatively impact properties
- Impact on wildlife
- Loss of property value
- Site is in Green Belt
- Local Plan is flawed
- Last green area left in Handforth
- Impact on watercourse – artificial, sterile structure proposed
- Impact on air quality
- Large embankment needed to Dobbin Brook, dominating neighbouring properties
- No mitigation for adjacent properties
- Loss of privacy
- HGVs will be larger than frontage of 15 Hampson Crescent reducing visibility
- No one will regularly police operational matters
- Construction traffic will use The Link and Bulkeley Rd which are both unsuitable
- Hours of construction should apply to deliveries
- Where will contractors park?
- Temporary access means 4 years
- Meriton Rd junction with Wilmslow Rd is hazardous
- Lack of access for emergency vehicles
- Breach of riparian rights
- Construction transport management plan required
- CIL funds will go to Styal not Handforth
- Road subject to flooding
- Have traffic calming measures been considered?
- Diversion of Dobbin Brook inappropriate
- Who will pay for damage to roads, drainage etc
- Expert geology and engineering evidence is essential
- Ecological impact of Brook diversion
- Green infrastructure framework required and 10yr habitat management plan

- Increased dust and emissions from HGVs
- Appropriate visibility splays need to be provided
- Hampson Crescent is an unfit road to locate the entrance to the site
- Increased highway safety risk on all surrounding roads
- Loss of farmland

APPRAISAL

BACKGROUND

The application site forms part of site LPS 34 in the CELPS, which allocates the site for the delivery of around 250 dwellings. The principle of up to 250 dwellings was approved under outline permission 17/3894M, which also approved the access through from Hampson Crescent, including the demolition of 15 Hampson Crescent. All other matters (layout, appearance, scale and landscaping) were reserved for subsequent approval. The reserved matters application (19/2202M) has now been submitted, however it is understood that the applicant wishes to implement the approved access ahead of gaining approval for the reserved matters, which has resulted in the submission of the current application.

HIGHWAYS

As noted above, the demolition of 15 Hampson Crescent and the construction of an access from Hampson Crescent through this site to serve up to 250 dwellings has previously been approved in August 2018. Since that time, there has been no material change in relevant policy considerations or site circumstances to suggest that this access raises any significant highways issues.

The application also seeks full planning permission for the creation of a temporary construction haul road and compound from Sagars Road for the duration of the works to demolish 15 Hampson Crescent, create the new access, culvert and retaining walls and divert the water course. The submitted construction environmental management plan (CEMP) explains that this will be for a period of 20 weeks.

The submitted CEMP clarifies that the development will be carried out in two parts, the first stage will be the demolition of 15 Hampson Crescent to facilitate access into the site. All HGV traffic associated with the demolition works will access the site via the route from Wilmslow Road and Meriton Road. (However, it should be noted that HGV access to this part of the site will not be possible until the building is demolished). The applicant suggests that this is the most appropriate HGV route for the demolition phase of development as (a) this will be a much shorter period for HGV traffic and (b) the route along Meriton Road provides the opportunity for HGVs to travel directly into the site without having to make any onerous manoeuvres on the local highway network.

After the demolition phase the construction of the new dwellings and infrastructure will be facilitated by a proposed 'haul road' and temporary access located off Sagars Road to the south of the site. Sagars Road travels west from its junction with Wilmslow Road and serves single sided residential development on its northern side. Beyond its junction with Hampson Crescent, Sagars Road turns into an unadopted track that runs along the southern boundary

of the site. Anwyl Homes, has legal rights of access over this track. The construction access point will be located around 70 metres west of the junction of Sagars Road and Hampson Crescent and will accommodate all HGV traffic during the construction period, except in an emergency situation when an alternative route could be provided by either Meriton Road or Hampson Crescent.

The CEMP states that the junction of Wilmslow Road and Sagars Road is of a good standard and has a formal right turning lane from Wilmslow Road into Sagars Road to assist in the capacity and safety of the junction. HGVs egressing the site from Sagars Road will only turn left onto Wilmslow Road. The CEMP confirms that Bulkeley Road will not be used during the construction stage of the development.

A temporary parking restriction scheme may be required along Sagars Road to allow safe access for construction traffic. This temporary order will only be implemented if the contractor is experiencing difficulties traversing the “Construction Traffic Route” above. It is understood that this would require a temporary Traffic Regulation Order to be made (at the cost of the developer) and would have to be enforced through the Council’s own parking enforcement team.

The Head of Strategic Infrastructure has been consulted on the application and notes that the proposed carriageway and footway widths for the new residential access are in accordance with standards. However, as the road is to be adopted it is necessary for the bridge structure to be checked for its structural integrity. This will be undertaken as part of the S38 adoption process for the development.

In terms of vehicular access to the site for construction traffic there are only two options, both accessed from Wilmslow Road to the east of the site – Meriton Road or Sagars Road.

Many of the letters of representation raise concern about both of these routes, and note that Sagars Road has a 7.5 ton weight limit (except for access). Construction vehicles would be using the road for access, and therefore would not be subject to the restriction.

Many comments also suggest that access could be taken from the west via Station Road in Styal. However, In order to access the site via Station Road on to Sagars Road, a large extent of unadopted road would need to be used, and the applicant cannot confirm if the correct legal rights exist for them to use this road. The track which ultimately connects Station Road and Sagars Road is not passable for vehicles as it is very narrow in some locations, particularly around the area of Spurs Cottage – which is the cottage close to the south west boundary of the site. Bollards have also been installed to ensure no vehicle access is available between Sagars Road and Station Road. Even if access was available between Sagars Road and Station Road, the condition of the track is currently unsuitable.

Therefore access will need to be gained via either Meriton Road or Sagars Road for the approved development to be built out. The Strategic Infrastructure recommends that the construction traffic should be shared between the two routes and not all loaded onto one specific route.

Sustainable access

One of the site specific principles of development for site LPS 34 is to improve the connectivity and accessibility into and out of the site to Handforth centre and the wider local area with the provision of cycle paths and pedestrian linkages. Whilst there is a reserved matters application currently being considered for the wider site, and this will consider such matters, the current application would result in standalone permission on a specific area of the site, and establish principles of development in this area. It is therefore necessary to ensure that the proposed development addresses accessibility requirements, particularly as it includes the access onto Hampson Crescent and shares a boundary with Sagars Road. If pedestrian and cycle links to the centre of Handforth and the wider area are to be provided they need to be provided within the current application site, as the most easterly section of the site with direct links to these areas. No such proposals are included within the application and therefore the proposal is contrary to the requirements of LPS 34 and HNP policy H18.

DESIGN/LANDSCAPE

CELPS policy SE4 states that all development should conserve the landscape character and quality and where possible enhance and effectively manage the historic, natural and manmade features that contribute to local distinctiveness of both rural and urban landscape.

Policy SD2 of the CELPS expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:

- a. Height, scale, form and grouping;
- b. Choice of materials;
- c. External design features;
- d. Massing of development - the balance between built form and green/public spaces;
- e. Green infrastructure; and
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood.

The main features from a landscape / design point of view are the creation of the access road, the culverting of Dobbin Brook, including retaining wall and the landscaping of open space areas. The demolition of 15 Hampson Crescent and the construction of an access through the site of this residential property have already been accepted as part of the outline planning permission. No issues are raised in this regard.

The proposed culvert and retaining structure were not shown in detail as part of the outline permission. The submitted sections of this structure indicate that the parapet wall at the top of the retaining structure will be almost 6 metres above the height of the brook bed level. The retaining walls run parallel with the access road for a distance of 30 metres. The internal face of the parapet wall facing the access road will be treated in brick, and the outer facing sides will be concrete with a fair faced finish. Of course only the central section at the foot of the valley will be up to 6 metres high, with the height reducing as it moves up the valley. It is nonetheless a substantial structure. Whilst it might be visible from some existing residential gardens, it is considered to be most prominent from the pathway through the proposed open space.

No external elevational details of the retaining structure have been provided, and it would have been useful if these were submitted in order to better illustrate how the structure will relate to the banking and surrounding area. The landscape and design officers have also raised concern regarding the approach to the entrance with 2.5m high stone piers and

collection of stone sphere bollards, suggesting a softer, less formal approach might be more appropriate.

The following bridge details should be submitted to ensure a high quality entrance to the site:

- the design and materials for the bridge piers
- the size, shape and material for the bridge copings
- the 'fair faced' reinforced concrete retaining walls.

The applicant's engineers do not anticipate any bank instability but it may be prudent to include a condition so that if stabilisation works are required – details must be submitted for approval prior to implementation. Extended and additional cross sections from the proposed footpath to the brook should be provided to determine whether safety fencing is required.

Whilst a pond is required to be provided on the wider site for ecological reasons, it is currently in a quite cramped and shady location. Additional woodland edge planting somewhere on the overall housing site is also required to mitigate for the losses resulting from the bridge construction, and there may be scope for further woodland edge planting along the banks of the brook to the north and south of the access road - which would also screen the reinforced concrete bridge retaining walls.

It appears that the dispersed trim trail approach to the play provision has not yet been approved in principle by Ansa - so trim trail equipment should not be included in the landscape proposals for this application.

It is therefore considered that the hard and soft landscape proposals, levels and boundary treatments for this application should be considered in conjunction with the reserved matters application for the overall site (19/2202M). Whilst some of these details could be conditioned, the concerns raised below regarding the need and space within the current application site for additional biodiversity mitigation, landscaping conditions cannot be recommended given the uncertainty of whether sufficient space exists within the site for the required amount of compensatory habitat to be provided. In the absence of these details it cannot be concluded that the proposal complies with policies SC4 and SD2 of the CELPS and H11 of the HNP.

ECOLOGY

Policy SE3 of the CELPS, policy NE11 of the MBLP and policy H8 of the HNP seek to protect and enhance areas of biodiversity and geodiversity. An ecology report has been submitted with the application, and the following matters are relevant to the proposal:

Great Crested Newts and Common Toad

Great Crested Newts have been recorded at a pond located a significant distance from the boundary of this application, and Common Toad, a priority species, has previously been recorded on-site.

Given the small size of the Great Crested Newt population recorded and the distance between the application site and the breeding pond, it is considered that the potential impacts of the proposed development are limited to the low risk of any newts that venture onto the site being killed or injured during the construction process. In order to address this risk the

applicant's ecological consultant has recommended a suite of 'reasonable avoidance measures'.

The nature conservation officer advises that provided these measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

The proposed avoidance measures would also reduce the risk of Common Toad being harmed during the construction phase. The provision of an additional pond on site as shown on the revised plans has the potential to benefit this species and would be a suitable level of compensation for this species if planning consent is granted. A condition is recommended to ensure the development is carried out in accordance with the Great Crested Newt Reasonable Avoidance measures.

Badgers

No evidence of badgers was recorded on site during the submitted surveys, however badgers are known to be active in this locality. As the status of badgers on a site can change it is recommended that if planning consent is granted a condition requiring an updated badger survey to be submitted, if the development has not commenced by 15th August 2019 (6 months after previous survey) is recommended.

Foraging and commuting bats

No bat roosts are likely to be directly affected by the proposed development. However, low levels of activity of a number of bat species was recorded along Dobbin Brook during earlier surveys undertaken on site. The nature conservation officer advises that the proposed access road culvert is too small to allow the passage of the bat species recorded along the brook and so its implementation is likely to have a localised adverse effect on foraging/commuting bats. This effect is unlikely to be significant enough to result in a breach of the habitat regulations. A culvert with a height of more than 4.5m and a width of greater than 5m would be required to facilitate the continued movement of all of the species of bat recorded along the brook, and would provide the most benefit for wildlife.

As an alternative, the submitted ecological assessment recommends the provision of bat hop overs as a means of mitigating the effects of the proposed scheme upon bats, which are now shown on the submitted landscaping plan. The revised landscaping plan has removed inappropriate non-native tree species and includes an acceptable planting specification for the trees that form the bat hop over.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of 80m of species rich hedgerow and 30m of species poor hedgerow. To compensate for this loss, 40m of species rich hedgerow planting and 180m of ornamental hedgerow consisting of Beech is proposed. Beech is not native to Cheshire, but does have some limited ecological value as a garden boundary feature. The applicant's biodiversity metric calculation shows a slight net gain for hedgerows as a result of the proposed development.

Otter

Evidence of otter presence was recorded during surveys undertaken in 2016. But no evidence of otter was recorded during the latest survey. It is likely that this species will occur on the application site on occasion, but no significant habitat for otter has been identified. Accordingly the proposed development is not considered to be likely to result in a breach of the Habitat Regulations in respect of otters. The submitted ecological assessment recommends the incorporation of a mammal ledge into the proposed culvert to facilitate the movement of otters. A revised plan has now been provided for this feature, and a condition is recommended to ensure its implementation.

Lighting

To avoid impacts on otter and foraging and commuting bats no lighting should be provided in the vicinity of the Dobbin Brook Crossing, which can be dealt with by condition.

Woodland

Native Broadleaved woodland is a priority habitat and hence a material consideration. The proposed access road will result in the loss of a minor section of woodland on the banks of Dobbin Brook, with a corresponding loss of biodiversity. An area of compensatory planting has now been added to the submitted landscape layout plan.

Water courses

The application site is located near to a watercourse and the diversion of a section of the brook is proposed as part of the development. Rivers and streams provide wildlife with ecologically important corridors.

In order to protect the watercourse during the construction phase, the applicant should provide a method statement which includes:

- General pollution avoidance measures from risks including:
 - Cement & concrete
 - Chemicals & solvents
 - Herbicides
 - Invasive non-native plant species
 - Waste materials
- Measures to avoid silt pollution of the watercourse, addressing such factors as:
 - Exposed ground and stockpiles
 - Plant and wheel washing
 - Measures to avoid disturbance of the watercourse bed from works within the channel.
 - Measures to avoid silt pollution from the disposal of water from excavations, dewatering and pumping.

An appropriate condition is therefore recommended in the event that the application is approved.

The Environment Agency (EA) originally objected to the proposal noting “*The new channel and river corridor proposed should ensure that a no net loss to biodiversity approach is being taken....a detailed proposal showing how the proposed diversion will incorporate features to replicate those lost by diversion and culverting should be submitted*”. Discussions have been ongoing between the applicant and the EA, and the EA have confirmed that they are willing to remove their objection subject to required changes to the Dobbin Brook realignment being

submitted. An amended plan making some minor changes to the alignment of the river has been submitted and comments from the EA are awaited. Further details will be reported as an update.

Nesting Birds

The application site is likely to support nesting birds potentially including the more widespread priority species. The loss of vegetation as a result of the proposed development has the potential to have a localised adverse effect on nesting birds. It must be ensured that adequate compensatory habitat is provided to compensate for that lost.

Habitat Loss and net gain for biodiversity

The proposed development will result in the loss of semi-natural habitats. Local Plan policy SE3 requires all development proposals to seek to deliver an overall gain for biodiversity. The applicants' consultant has now undertaken an assessment of the residual impacts of the proposed development upon biodiversity using the Defra metric. This assessment shows a slight loss of biodiversity overall and a slight gain in respect of hedgerows. The nature conservation officer advises that this application fails to deliver an overall gain for biodiversity in accordance with Local Plan policy SE3 (5).

The applicant's biodiversity assessment shows that the development will result in a net loss of 0.04 'biodiversity units' and will result in a gain of 0.07 'hedgerow units'. The applicant maintains that the habitats being lost on site are largely species poor and are of low habitat distinctiveness, with the exception of a section of hedgerow and a small area of woodland. To compensate for any lost habitats, the proposals incorporate the creation of a number of different habitats of high distinctiveness including a pond, large areas of wildflower grassland and replacement woodland scrub planting.

The Defra metric biodiversity calculator fails to consider the provision of hedgerows and scattered trees when calculating a Habitat Biodiversity Impact Score. Created hedgerows and scattered trees will take up an area within the proposed development and will provide a biodiversity gain. In addition the calculator fails to take into account the provision of bat and bird boxes which will be provided on site and are detailed within the Landscape and Environment Management Plan (LEMP). Due to the calculator failing to incorporate these features, the net gain in hedgerow units and the amount and variety of habitat creation that is already proposed on site, the applicant considers that no additional compensation measures should be required for the development to proceed. However the Council's nature conservation officer considers that hedgerows and overall biodiversity should be considered separately and as such the development does not provide the enhancement to biodiversity required by policy SE3 of the CELPS.

Habitat Management Plan

A 25 year habitat management plan has been submitted. This is acceptable, however the management plan covers the extent of this application and also outline consent 17/3894m, for which a separate draft of this management plan has been submitted. Whilst this application is not a reserved matters application under the outline consent it appears unlikely that this current application would be brought forward in isolation. If planning permission is granted a condition is required to secure the implementation of the submitted management plan within the application site is recommended.

Ecology conclusions

The proposal does not provide an overall gain for biodiversity in accordance with Local Plan policy SE3 (5). It might be possible for further mitigation to be provided, but it is not known whether sufficient space exists within the site for the required amount of compensatory habitat to be provided. As such the matter is not something that can be conditioned. The proposal is therefore contrary to policy SE3 of the CELPS and policy H8 on the HNP.

LIVING CONDITIONS

The objectives of policy SE12 of the CELPS include seeking to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon noise or light pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm. Policy DC3 of the MBLP seeks to protect the amenities of adjoining or nearby residential properties.

Environmental Health has commented on the proposal and recommended refusal of the application based on the potential impact to the occupiers of existing, neighbouring residential dwellings on Hampson Crescent and their very close proximity to the proposed vehicular and pedestrian access. Whilst there will be some impact upon neighbouring properties arising from construction activities and the use of the access road, as noted above an access into this site, requiring the demolition of 15 Hampson Crescent to serve up to 250 dwellings has already been approved under application 17/3894M. There was no objection from Environmental Health at that time, and there has not been any material change in planning policy, site circumstances or the proposal itself. The Council has previously found the impact upon the living conditions of neighbouring properties to be acceptable, and in these circumstances, an alternative view now would not be justified.

The proposed temporary access from Sagars Road and the site compound did not form part of the previous permission on this site. The proposed access is located in the approximate position of an existing field gate on an unmade section of Sagars Road immediately adjacent to number 58. The site compound is located close to this temporary entrance, approximately 7 metres from the garden boundary of number 58.

There will be a degree of noise created by the comings and goings of construction traffic manoeuvring within the site, associated loading / unloading, and general activity in the compound area, which will have an impact upon the living conditions of neighbouring dwellings. The applicant has stated that they are willing to restrict construction deliveries to between 0900 and 1500 hours, and working hours to between 0800 – 1730 hours (Mon-Fri), 0900 – 13:30 (Saturday), with no Sunday or Bank Holiday working. The submitted construction management plan also states that the build period will be 20 weeks, and any impact will therefore be relatively short in duration.

However, the applicant has also confirmed that the wider housing development will have a different compound location further away from the existing site boundaries, which will be agreed through the current discharge of conditions application (19/2204D). At present the discharge of condition submission includes the same details proposed as part of this current application, suggesting that the compound will be a longer term feature in this location. Added to this the compound is located on an area of proposed open space, and the s106 agreement on the outline permission specifically states as one of the developer's provisions,

“In order to maintain the integrity and long term future viability of the Open Space, not without the prior consent of the Council to locate any site and work compounds on the Open Space”. Whilst it is acknowledged that the submitted phasing plan for the reserved matters application (19/2202M) highlights the temporary compound and access area as being within phase 1 of the development, which does reinforce the fact that the compound will have to be relocated at some point during the earlier stages of the development, it does raise the question why the compound location cannot be fixed at the outset in order to avoid any greater impact upon neighbouring properties than is absolutely necessary. It is also not considered to be appropriate to establish the principle of positioning compound on the open space, when ultimately not necessary.

Conditioning working and delivery hours can be done, but such conditions are difficult to enforce. If there is a breach of these hours, which is reported to the Council, enforcement officers will investigate, the developer will be reminded of the requirements of the condition and they provide assurances that it will not happen again. That is until it happens the next time, and the process starts again. Taking more formal action is rarely justified as the alleged breach of the condition is usually over before formal action can be taken. For this reason it is considered that the impacts should be designed out at the application stage. It is also not in anybody's interests to have to revisit matters of temporary compounds and accesses given the extent of local interest in this matter.

In this case, the proposed construction access and compound is considered to be located too close to neighbouring dwellings, particularly given the amount of land that is available to the applicant within the wider site. The noise and disturbance arising from the comings and goings associated with the operation of these features will lead to an unacceptable impact upon the living conditions of neighbours. The proposal is therefore contrary to policy DC3 of the MBLP and SE12 of the CELPS.

Environmental Health have recommended a condition relating to dust management, however such a condition is not considered to be necessary as dust management is covered within the submitted construction management plan. No further air quality issues are raised.

TREES

Policies DC9 of the MBLP, SE5 of the CELPS and H9 of the HNP seek to ensure that development does not result in a significant adverse impact upon trees of amenity value.

This application is supported by an Arboricultural Impact Assessment (AIA) which considers the demolition of the existing dwelling, formation of access road, culverting of Dobbin Brook and construction of a haul road and location of a site compound.

Selected individual and groups of trees around the periphery of the site are protected by the Cheshire East Borough Council (Wilmslow – Handforth, Land to the north of Sagars Road) Tree Preservation Order which was confirmed on 8th March 2018.

Two groups of trees, one individual tree and some scrub growth within groups not protected by the Order have been identified for removal in the Assessment. The trees comprise of mainly ornamental specimens or are self seeded and of low amenity value. Their removal will have no significant adverse impact on the wider amenity of the area. Two further trees to the

south of the site a Lime (T5) protected by Group G2 of the TPO (close to the proposed construction access) and an unprotected Horse Chestnut (T7) are also shown for removal due to their poor condition. Further justification was sought for the removal of the protected Lime as the tree has only recently been surveyed and protected by a TPO. As a result of this a revised AIA has been submitted to show the Lime (T5) for retention. A condition requiring the development to be carried out in accordance with the revised AIA is recommended. Subject to this condition the proposal will comply with policies SE5 of the CELPS and DC9 of the MBLP.

It should be noted that a number of the letters of representation refer to the potential impact upon TPO trees along Sagars Road. There is one protected tree to the front of 16 Sagars Road, which the proposed development will not have a direct impact upon, given that it is located over 350m from the application site. The only other protected trees along Sagars Road are adjacent to the application site, and the impact upon them is considered in the submitted AIA, and above.

FLOOD RISK

Flood risk was considered as part of the previous outline permission on this site. The LLFA has stated that they are unable to provide comments on the proposal as they involve culverting of Dobbin Brook which is a designated main river, and therefore the Environment Agency must be made aware. They will be able to provide comments on this application once the applicant has the support of the EA for the culverting of Dobbin Brook.

Further details will be reported as an update.

COMMENT ON REPRESENTATIONS

The majority of the points of objection have been addressed in the main body of the report, were addressed as part of the outline permission or are issues that will be considered as part of the reserved matters application.

A number of representations objected on the grounds the site is within the Green Belt and therefore should not be developed. However, on adoption of the Local Plan the site was removed from the Green Belt and is now allocated for residential use.

Loss of property value, and the fact that CIL funds would go to Styal and not Handforth, is not a material planning consideration, and cannot be afforded any weight in the assessment of this application. Similarly any breach of riparian rights and damage to infrastructure or neighbouring properties would be civil matters between landowners.

CONCLUSIONS

The application site forms part of site LPS 34 in the CELPS which has outline planning consent for up to 250 dwellings. A reserved matters application is currently being considered for 217 dwellings. The proposed access through the site of 15 Hampson Crescent was approved as part of the outline permission, and therefore no issues can be raised with regard

to the principle of this in terms of highway impact or impact upon neighbouring properties. The application site is a Strategic Site within the CELPS, and in order for the allocated houses to be delivered on the site, construction access has to be achieved. The only options for this are via Meriton Road or Sagars Road. There is clearly significant local opposition to the use of either of these routes, which is acknowledged, however, one or both routes must be used. The advice from the Strategic Infrastructure Manager is that either road could be used, but it is recommended that both are used so that the burden is shared. The proposed access routes are therefore acceptable from a highways perspective. There is also no significant impact upon protected trees arising from the proposed development.

Additional, more detailed proposals have also been provided for the Hampson Crescent access, Brook culvert, retaining structure and open space. As a standalone application, the submitted details do raise concerns in terms of the extent of biodiversity mitigation, the provision of pedestrian and cycle links to the east, and the form of the proposed landscaping. There is considered to be conflict with the development plan arising from all these matters. In addition, the construction access route and proposed site compound is located immediately adjacent to existing residential properties and is considered to result in an unacceptable level of noise and disturbance, contrary to policy DC3 of the MBLP and SE12 of the CELPS.

Comments from the Environment Agency are awaited on whether the revised proposals for the realignment of Dobbin Brook are acceptable and will be reported as an update, as will comments from the LLFA.

RECOMMENDATION

Accordingly, it is not considered that the proposal is a sustainable form of development and the application is recommended for refusal for the following reasons:

1. The proposed site compound and construction access would result in noise and disturbance that would adversely affect the living conditions of neighbouring properties, contrary to policies DC3 of the MBLP and SE12 of the CELPS.
2. The proposal does not provide an overall gain for biodiversity in accordance with Local Plan policy SE3 (5). It might be possible for further mitigation to be provided, but it is not known whether sufficient space exists within the site for the required amount of compensatory habitat to be provided. As such the matter is not something that can be conditioned. The proposal is therefore contrary to policy SE3 of the CELPS and policy H8 on the HNP.
3. The proposal fails to improve the connectivity and accessibility into and out of the site to Handforth town centre and the wider local area with the provision of cycle paths and pedestrian linkages, contrary to policy LPS 34 of the CELPS and policy H18 of the HNP.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for

approval/refusal) prior to the decision being issued, the Head of Development Management delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

