

Application No: 15/0795M

Location: LAND SOUTH OF COPPICE WAY, HANDFORTH, CHESHIRE

Proposal: Reserved matters application for the erection of 175 dwellings with associated roads and footpaths and general landscaping zones, together with details of layout and design of all buildings.

Applicant: P E Jones (Contractors) Ltd

Expiry Date: 18-Oct-2016

SUMMARY

The principle of the development has already been approved.

The proposed scheme provides an acceptable design and layout, the dwellings are appropriate to the character of the area, sufficient open space is provided in the development and landscaping is reserved for subsequent approval. It is considered that the development would not have a detrimental impact upon neighbouring amenity, ecology (subject to clarification on the ecological buffer), trees, or highway safety.

Comments from the Flood Risk manager are awaited and therefore matters of drainage and flooding will be reported as an update. Subject to the satisfactory receipt of the outstanding consultee comments, the proposal represents a sustainable form of development and accordingly the application is recommended for approval.

RECOMMENDATION

Approve subject to conditions

REASON FOR REPORT

The application was called in to committee by Cllr Burkhill for the following reasons:

The site has different levels which could cause problems and the layout needs to be carefully looked at so that existing neighbours' amenity does not suffer and boundary trees and vegetation are protected. Access arrangements, preservation and restoration of hedges and trees on site, landscaping and parking arrangements need discussion and the direction of all 106 money, within Handforth, associated with the development, needs to be clarified.

PROPOSAL

The application seeks reserved matters approval for layout, scale and appearance. Access (as a reserved matter) is also ticked on the application form; however this was approved as part of outline permission 13/0735M, which granted consent for up to 175 dwellings. The current reserved matters application proposes 175 dwellings with landscaping still reserved for subsequent approval.

SITE DESCRIPTION

The application site comprises an area of open fields currently in agricultural use, and is located to the east of residential properties on Hill Drive and Cherrington Close. A public right of way (Footpath 89) runs along the western boundary of the site, and footpath 127 runs along the northern boundary. The site is identified in the Macclesfield Borough Local Plan 2004 as Safeguarded Land.

RELEVANT HISTORY

13/0735M - Outline application for erection of up to 175 residential dwellings and associated highway and landscaping – Approved 11.04.2016

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

69-78. Promoting healthy communities

Development Plan

Macclesfield Borough Local Plan 2004

NE11 and NE17 relating to nature conservation;

BE1 Design Guidance;

GC7 Safeguarded Land;

H2 Environmental Quality in Housing Developments;

H9 Affordable Housing;

H13 Protecting Residential Areas;

DC1 and DC5 Design;

DC3 Residential Amenity;

DC6 Circulation and Access;

DC8 Landscaping;

DC9 Tree Protection;

DC17 and DC18 Water Resources;

DC35, DC36, DC37, DC38 relating to the layout of residential development;

DC40 Children's Play Provision and Amenity Space

T3 Pedestrians;

T4 Access for people with restricted mobility;

T5 Provision for Cyclists.

Cheshire East Local Plan Strategy – Proposed Changes Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
PG6 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer contributions
EG1 Economic Prosperity
EG3 Existing and allocated employment sites
EG5 Promoting a town centre first approach to retail and commerce
SC1 Leisure and Recreation
SC2 Outdoor sports facilities
SC3 Health and Well-being
SC4 Residential Mix
SC5 Affordable Homes
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
CO1 Sustainable Travel and Transport
CO2 Enabling business growth through transport infrastructure
CO4 Travel plans and transport assessments

Other Material Considerations:

National Planning Practice Guidance (NPPG)
Interim Planning Statement: Affordable Housing
Strategic Housing Market Assessment (SHMA)
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994
Draft Cheshire East Design Guide

Neighbourhood Plan

Handforth Neighbourhood Plan is at the very early stages of formulation (Regulation 6).

CONSULTATIONS

Natural England – No comments to make

Environment Agency – No comments

Manchester Airport – No objections subject to conditions relating to ponds and the use of cranes

Flood Risk Manager – Comments awaited

Environmental Health – No objections subject to condition relating to the implementation of acoustic mitigation

ANSA (open space) – Raise concern about the provision and location of the open space

Head of Strategic Infrastructure – No objections (additional information required)

Public Rights of Way – Revised plans provide a slight increase in natural surveillance towards public footpath

Housing – No objections

Archaeology – No objections

Handforth Parish Council – Strongly object on the following grounds:

- Poor design
- No information about “small group of apartments”
- Impact of “hydro brake vortex control unit” and large cellular storage tank on neighbouring properties.
- Who will maintain these?
- Flood risk
- Loss of privacy
- Impacts on local school and health centre
- Bus services already reduced

REPRESENTATIONS

Neighbour notification letters were sent to all adjoining occupants, a site notice erected and a press advert was placed in the Wilmslow Express.

All parties were re-consulted on the revised plans on 9 January 2017.

9 letters of representation were received from neighbouring properties and the Health Centre objecting to the original plans on the following grounds:

- Impact on drains and flood risk
- Site is higher than Cherrington Close resulting in loss of privacy
- Headlights shining into existing dwellings
- Noise from apartment car park
- Open space should be located along western edge of the site to have least impact on neighbours
- Increased security risk from footpath as more people will use it

- Impact on schools and health centre
- What is to be done to protect Lapwings/GCN, and other nature conservation interests?
- Impact on house values and will compensation be provided?
- Impact on local highway network
- Increased pedestrian traffic to river likely to result in damage to the bluebell woods
- Apartments should be closer to A34
- How will trees be protected?
- Housing density too great.
- Impact on public right of way
- Loss of open space
- Area has already suffered serious overdevelopment
- Concerns the current Health Centre premises cannot cope.
- Provision to develop Health Centre needs to be put in place.

To date, 3 letters of representation (including photos and video of flooded gardens) have been received objecting to the revised plans on the following grounds:

- Properties on elevated ground resulting in loss of privacy
- No plans of four unit apartments
- Drainage concerns
- Impact on public right of way
- Too many houses
- Impact during construction process
- Open views will change to cars and houses
- Increased security concerns
- Query lighting for car park.
- Increased traffic
- Impact on wildlife

APPRAISAL

The principle of the development on this area of safeguarded land in the Macclesfield Borough Local Plan has been accepted with the granting of the outline planning permission 13/0735M. It is the specific details of the proposal that are now under consideration (the layout, scale and appearance – the reserved matters).

ENVIRONMENTAL SUSTAINABILITY

Character & Appearance

The existing dwellings around Hall Road to the west of the site are predominantly two-storey, with a small number of bungalows at the southern end. The properties may have previously had a similar appearance to each other but the extensions and alterations to many of these houses has resulted in some variation, with both brick and render present in the area.

The east of the site is bordered by the A34 Handforth bypass, and to the north (between the site and Handforth Dean Retail Park) an approved care village is in the very early stages of construction. The care village will be a mix of single and two storey properties, together with the 2.5 / 3 storey care home. Therefore, in terms of scale, a wide variety of buildings either exists or has been approved in the local area.

The proposed dwellings will be provided in 2, 2.5 and 3 storey buildings, which in the context of the local area is considered to be acceptable. The appearance of the proposed dwellings is fairly standard and is perfectly acceptable in the context of the local area. The layout is similar to that indicated at the outline stage with a central spine road that can be landscaped to provide an attractive green corridor, with smaller streets leading from this. The main vehicular access will be from the Coppice Way roundabout (close to Handforth Dean), with paths for pedestrians providing links towards Handforth village and Handforth Dean, where local facilities and public transport is available. No dedicated cycle path is provided within the site, however, the central spine road will not carry through traffic and therefore the intention is for cyclists to share the road system within the estate and then connect to the dedicated cycleway when they get to the busier area at Coppice Way.

The majority of the open space is centrally located with properties providing good natural surveillance along its length. The open space is accessible from the footpath around the edge of the site, from the spine road and from the smaller streets. Revisions have been made to the scheme to remove one of the proposed balancing ponds and utilise underground storage instead, in order to create a larger area of useable open space.

The housing mix comprises a broad mix of 1 bedroom apartments and 2, 3, 4 and 5 bed homes, 30% of which are affordable. The house types range from apartments, mews, semi-detached and detached properties offering choice in terms of house types, sizes and tenure.

Several properties are marked on the layout plan with a * to indicate a “feature gable” on a dwelling. The intention being to provide surveillance over public open spaces or to turn corners within the site to prevent sterile blank walls being displayed in prominent areas. This aspect of the scheme is a little disappointing; the “feature gables” are mainly additional secondary windows, very small in the context of a gable wall. These properties should have a genuine dual aspect with architectural features that front both streets on a corner.

Notwithstanding this final comment, it is considered that overall, the proposed development does provide a satisfactory design and layout and is adequately in keeping with the character of the area.

Amenity

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 14m between a principal window and a blank elevation. A further 2 metres should be added to this distance where any difference in level exceeds 2.5m. These distances are required to maintain an adequate standard of privacy and amenity between residential properties, and seek to protect the immediate outlook from a property, not a more distant view. These distances are set out as guidelines within policy DC38 of the Local Plan.

It is acknowledged that the existing properties that currently back onto the application site, and which benefit from the open aspect of the existing agricultural land to the rear will inevitably see a significant change from open fields to a housing development.

The existing dwellings are positioned along the western boundary of the site and the relative eaves and ridge heights indicated on the layout plans show that the existing dwellings are

lower than the proposed dwellings. The interface distances shown on the plans between the proposed dwellings and existing residential properties that border the site all comply with the distance guidelines set out in policy DC38 of the local plan, with one exception. Plot 67 comes within 13m of 57 Woodlands Road, which is a bungalow. However, 57 Woodlands Road is bordered to the rear by quite substantial vegetation which is considered to reduce any impact to an acceptable level. It is also noted that some of the existing properties have extensions that are not reflected on the submitted plans, and which may marginally reduce the distances below those set out in policy DC38. However, as noted above the distances are guidelines only, indeed they vary between the three local plans currently used in Cheshire East and there are no overriding distances within the Framework, and any marginal reduction is considered to be acceptable.

It is however recommended that the side facing windows to the properties along the western boundary are obscurely glazed to prevent significant overlooking of existing gardens. The surveillance of the footpath can be achieved from the front and rear windows of these properties.

With regard to the relationships within the site, there are some distances between a small number of properties that are below the guidelines set out in policy DC38. However, the distances within policy DC38 are guidelines only, and there are no corresponding distances in the Framework. The sub standard distances are between the proposed dwellings and do not affect existing residents, occupiers will be aware of the relationships prior to occupation, and landscaping is proposed within the gardens, and as such the living environments that will be created are considered to be acceptable. In addition, the Council's draft Design Guide adopts a less rigid approach to spacing standards, noting that they can lead to uniformity and limit the potential to create strong streetscenes and varied movement hierarchies and thus not create the interesting places Cheshire East aspire to delivering through the Design Guide. The Guide states that separation distances should be seen as a guide rather than a hard and fast rule.

In terms of the comments from neighbours relating to car headlights shining into properties and noise from the apartment car park, revised plans have been submitted that move the larger of the apartment buildings and car park to the east of the site adjacent to the A34 bypass. Whilst there are still parking spaces along the western boundary they are of a limited number, and are not considered to raise any significant amenity issues. The Parish Council has also raised concern about the noise from the "hydro brake vortex control unit". The applicant has confirmed that the hydrobrake vortex control unit is a conical steel device underground that limits flow of water (apparently like a plug when you take it out of the plug hole). The storage tank is also underground and there are no pumps are proposed. No noise is therefore emitted from either the hydrobrake or the storage tank.

No further amenity issues are raised, and the proposal complies with the objectives of policies DC3 and DC38 of the Local Plan.

Air Quality

No further air quality issues are raised from those identified at the outline stage. Conditions relating to a travel plan and dust control were attached to the outline permission, and therefore do not need to be repeated.

Noise

An acoustic assessment was submitted in support of the outline application to assess the impact of the nearby A34 road upon the proposed dwellings. The initial acoustic assessment was accepted and showed that, in principle, the land could be developed for residential purposes with respect to noise. The outline consent was subject to a condition requiring the exact acoustic specification of the glazing and ventilation required to achieve appropriate noise mitigation for the dwellings to be submitted.

This reserved matters application is supported by an acoustic assessment which specifies the acoustic glazing requirements to meet the appropriate internal standards. Environmental Health advises that the proposed mitigation is acceptable, and a condition is recommended to ensure its implementation.

Ecology

The nature conservation officer has commented on the application and noted that the ecological issues at this site were considered during the determination of the outline application (13/0735M) and a number of conditions were attached.

Condition 9 - submission for proposals for the retention and enhancement of the existing hedgerows on site

Based upon the submitted plans sections of the northern hedgerow would be lost to facilitate the site access. The hedgerow on the western boundary is shown as being retained on the ecological mitigation plan however for the avoidance of doubt any future landscaping drawings should clearly show the retention of this hedgerow.

Condition 10 - all trees with potential to support roosting bats to be retained

A single Lime tree with bat roost potential was identified during the surveys undertaken in support of the outline application. This tree is shown as being retained on the landscape plans submitted in support of this application.

Condition 13 - development to be undertaken with the submitted great crested newt mitigation strategy dated February 2013

This application is supported by an updated Great Crested Newt and mitigation strategy. The latest survey has recorded great crested newts in two ponds on site, whilst the original strategy recorded them at only one pond on site. The mitigation strategy included with the updated GCN survey relies on the enhancement of the on-site public open space as newt habitat together with the original proposals for the creation of three additional ponds within an offsite receptor area.

The implementation of the original great crested newt mitigation strategy is secured by conditions attached to the outline consent. I advise however the updated report and strategy which has been amended slightly to take account of the presence of great crested newts at the second pond (where they were not previously recorded) would be sufficient to safeguard the favourable conservation status of the local great crested newt population. An appropriate condition to ensure the implementation of the strategy is recommended.

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative and (ii) that the development is of overriding public interest, and (iii) the favourable conservation status of the species will be maintained. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

Current case law instructs that if it is considered clear, or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable “other imperative reasons of overriding public interest” then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Alternatives

The application site is allocated for development in the emerging local plan and forms part of the Council's housing supply. Other sites in the locality are either allocated for alternative uses or protected by Green Belt. Given that newts are present on the site and a significant buffer will be required to avoid any impact whatsoever it is unlikely that housing could be provided without having an impact on the GCN habitat. Taking these factors into account it would be reasonable to conclude that there are no satisfactory alternatives.

Overriding public Interest

As the proposal is contributing to housing supply in the local area including a significant proportion of affordable homes, and as such the proposal is helping to address an important social need.

Mitigation

The nature conservation officer advises that the proposed great crested newt mitigation/compensation is acceptable and would be sufficient to safeguard the favourable conservation status of the local great crested newt population.

On the basis of the above it is considered reasonably likely that the requirements of the Habitats Directive would be met

Condition 32 - provision of a 30m undeveloped buffer around the pond to the south of the site and the pond to be excluded from the public open space

The submitted layout drawing shows the pond within an area of proposed public open space. The undeveloped buffer shown on this plan appears to be around 24m. The nature conservation officer therefore advises that the undeveloped buffer around the pond must be increased to 30m in accordance with the requirements of this planning condition and the

landscaping treatment for this area must be rough grassland and scrub. Further details on this will be reported as an update.

Badgers

As with the earlier ecological surveys undertaken on site, no evidence of any badger setts was recorded on site, but badgers do appear to use the surrounding woodland embankments around the site. The latest survey was constrained due to the poor time of year when it was undertaken. As we are now coming into a more appropriate time of year for badger surveys I recommend that a further survey is undertaken and submitted prior to the determination of this application.

Trees / landscape

This reserved matters application will require the removal of two low quality individual trees (T7 and T8), two low quality groups (G5 and G6) and part of a moderate quality group (G2) within the southern section of the site. One further tree (Sycamore T9) a 'U'category tree is also deemed unsuitable for retention as it has signs of dieback and evidence of stem decay.

The proposed tree losses present no significant implications to the wider amenity and there is adequate scope for compensatory replacement planting within the schemes design. The proposal is therefore considered to comply with policy DC9 of the Local Plan.

Whilst some landscaping details have been provided, landscaping is reserved for subsequent approval.

Under the approved outline application (13/0735M) sections of two hedgerows identified as Hedgerow H1 and H2 require removal in order to facilitate the proposed main access into the site Hedgerow H2 was deemed important under the Hedgerow Regulations due to the known presence of Great Crested Newts.

Hedgerows are the subject of a Biodiversity Action Plan priority habitat and therefore any loss should be compensated by replacement within the site, which can be dealt with as part of the landscaping proposals.

Highways

The Head of Strategic Infrastructure (HSI) has commented on the application and noted that the details to be considered are the internal road layout and associated links for non car traffic.

The HSI has confirmed that the internal road alignment and road widths are acceptable; the main access is 5.5m wide with the shared surface roads being 4.8m. It is important that the turning areas are large enough to accommodate a refuse vehicle and additional tracking drawings have been provided to show that a refuse vehicle can use the turning heads.

The parking provision for the type of units proposed accords with the CEC parking standards and the parking levels are considered acceptable.

Public Right of Way

The National Planning Policy Framework states that "planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to

provide better facilities for users, for example by adding links to existing rights of way networks including National Trails” (para 75). NPPF continues to state (para. 35) that “Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to.....

- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians”.

Footpath No. 89 runs along the western edge of, but within, the application site. The path is approximately 425m in length and currently 1-2m in width, bounded by a post and wire fence and the rear garden fences and hedges of the adjacent properties. The applicant is proposing to widen the path to between 5 and 8m bar one stretch at 4.5m, which would be an acceptable improvement. In terms of surfacing a compacted stone surfacing would be most appropriate and that surface should be managed as part of the POS arrangements for the site within the green infrastructure corridor. As part of the improvements the public rights of way officers would want to know what planting is proposed if any in this corridor, and what boundary treatment is proposed. This would be covered as part of the landscaping details. In addition the old kissing gates should be removed and waymark posts should be provided at appropriate locations. In terms of natural surveillance, the wider the path, the less the issue. However, it is noted that the properties that side onto the footpath do include side facing windows, which even if obscurely glazed; they can give a greater impression of surveillance than a blank wall. Having regard to these details and the width of the path, the public rights of way team is satisfied with the proposals, provided any the vegetation is low.

Contaminated land

Condition 23 of the outline permission required a supplementary Phase II investigation to be carried out and the results submitted to the LPA. These details have been provided and the Contaminated Land Officer has confirmed that the requirements of this condition have been met.

Flood Risk

It is very evident from the letters of representation that drainage and flood risk is a significant concern for neighbouring properties. At the outline stage no objections were raised in principle to the proposed development on flood risk grounds. Comments from the Flood Risk Manager on the reserved matters details are awaited, and will be reported as an update.

SOCIAL SUSTAINABILITY

Affordable Housing

As part of the outline approval the applicant entered into a s106 agreement securing the provision of 30% affordable housing. In addition, the s106 outlined information to be provided and approved at reserved matters stage. This included an affordable housing scheme to include the tenure, layout and size of the affordable dwellings.

The applicant has confirmed that the affordable housing (53 units) will be provided as 18 intermediate tenure and 35 affordable rent units in 1, 2 and 3 bed properties. It is proposed to

provide the affordable units in four broad clusters to allow for a satisfactory degree of pepper potting, which is acceptable.

Open Space

The majority of the public open space is provided centrally within the site. The SUDS scheme has been amended to remove one of the attenuation ponds and replacing it with underground storage to enable a larger open area to be available for formal and informal play space. The formal play space is located adjacent to the eastern boundary of the site, and will be accessible from the network of paths within the site. The amenity open space is provided around the pond to the south and as green corridors around the site. All open space facilities will be managed and maintained by a management company.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Handforth District Centre and Wilmslow Town Centre including additional trade for local shops and businesses (in closer proximity to the site than these centres), jobs in construction and economic benefits to the construction industry supply chain.

PLANNING BALANCE / CONCLUSION

The principle of the development has already been approved.

The proposed scheme provides an acceptable design and layout, the dwellings are appropriate to the character of the area, and sufficient open space is provided with landscaping is reserved for subsequent approval. It is also considered that the development would not have a detrimental impact upon neighbouring amenity, ecology (subject to clarification on the ecological buffer), trees, or highway safety.

Comments from the Flood Risk manager are awaited and therefore matters of drainage and flooding will be reported as an update. Subject to the satisfactory receipt of the outstanding consultee comments, the proposal represents a sustainable form of development and accordingly the application is recommended for approval.

RECOMMENDATION

The application is recommended for approval subject to conditions.

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 Planning Regulation has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Application for Reserved Matters

RECOMMENDATION: Approve subject to following conditions

1. To comply with outline permission
2. Development in accord with approved plans
3. Submission of details of building materials
4. Obscure glazing requirement
5. Tree retention
6. Tree protection
7. Unexpected contamination
8. Implementation of acoustic mitigation scheme
9. Use of cranes during construction
10. Bird hazard safeguarding measures to be incorporated
11. Development to be carried out in accordance with the Great Crested Newt Mitigation Strategy
12. Updated badger survey to be submitted
13. Proposals for improvements to footpath 89 to be submitted

