

Application No: 17/4034M

Location: LAND SOUTH OF, CHELFORD ROAD, MACCLESFIELD

Proposal: Outline Planning Permission (with all matters reserved except for access) for the erection of up to 232 dwellings.

Applicant: Redrow Homes and Jones Homes North West

Expiry Date: 14-Mar-2018

SUMMARY

The site is allocated within the Local Plan for residential use and consists of the entire LPS16 allocation. The development accords with the Local Plan policy relating to its allocation by providing housing.

The applicant is providing financial contributions required in order to make the development acceptable and is providing the full amount of affordable housing on site which is essential in order to make developments sustainable in the future. It is considered that the proposals are environmental, socially and economically sustainable and accord with the development plan and the framework. The site is sustainably located within the town and the proposals represent an efficient use of the land.

As the application is in outline certain matters are left unresolved at this stage and will be fully addressed as part of any future reserved matters application.

Cheshire East is currently able to demonstrate a 5 year supply of housing however this proposal will make a valuable contribution in maintaining this position.

It has been demonstrated the development will not have a detrimental impact on the local highway network on the basis contributions are made for the junction improvements at Broken Cross. The trees on and around the site and local ecology are not harmed although some matters must be dealt with by way of conditions at this stage.

It is considered that the proposal represents sustainable development and accords with the development plan policies outlined in the report and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for approval.

SUMMARY RECOMMENDATION: Approve subject to Section 106 Agreement and conditions.

PROPOSAL

The application is for outline planning permission for the erection of up to 232 dwellings with associated works. Access is to be approved as part of this application whilst all other matters are reserved for future approval.

The access will be from a new roundabout between 64 and 66 Chelford Road.

SITE DESCRIPTION

The application site consists of 5 fields last in agricultural use and a field at the northern end of the site that is mainly covered in vegetation. The section of land adjoining Chelford gently increases in ground level. The fields within the site are separated by hedgerows and a number of mature trees are located within the site and along its boundaries. The site adjoins residential properties in places along its northern boundary and at the north eastern corner of the site. Pexhill Road forms the eastern boundary of the site and open land is located to the south and west.

RELEVANT HISTORY

None relevant in the consideration of this application.

NATIONAL & LOCAL POLICY

National Policy

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

Cheshire East Local Plan Strategy

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
- 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

Directly relevant to this site is the following allocation;

Site LPS 16 Land south of Chelford Road, Macclesfield

The application site is contained entirely within the confines of the allocation but does not cover the allocation in its entirety.

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. Macclesfield Local Plan policies are set out below.

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

Other Material Considerations:

National Planning Practice Guidance (NPPG)

CONSULTATIONS

Environmental Health – No objection. Conditions have been requested relating to noise, air quality electric vehicle charging points and contamination. These will be included on the decision notice.

Highways – No objection. The comments made by the highway engineer and all highway matters are addressed in full later in this report.

Housing Strategy – No objection. The development triggers an affordable housing requirement

Flood Risk – No objection. A condition relating to a scheme for surface water drainage to be submitted.

Education – No objection. This is based upon the applicant committing to pay a financial contribution for the provision of additional school places generated by the development. This is addressed in detail later in this report.

ANSA (Open Space) – No objection. This is subject to a financial contribution being agreed in respect of recreation open space, indoor recreation provision and the detailed layout going forward providing a LEAP and the required amount of open space within the site based on the number of units proposed. This matter is addressed later in this report.

Countryside Rights of Way – No objection. A condition has been requested relating to a signage scheme within the site directing users to local cycle and footpath routes.

Manchester Airport – No objection

VIEWS OF THE PARISH / TOWN COUNCIL

Macclesfield Town Council

Macclesfield Town Council does not support the development of green belt or green field sites on the periphery of the town, such as this site.

However, as the site has been identified for development within the Cheshire East Local Plan, should the application be approved the following measures must be enforced within any associated planning consent:

Air Quality – this proposal must be considered in parallel to 17/4277M, on land facing, on the opposite side of Chelford Road. The proposals total 367 dwellings, impacting on road traffic and associated air pollution. Provision must be made to ensure all measures are in place to reduce air pollution / improve air quality. Significant on site provision for electric vehicle charge points must be mandated. Safe cycling and walking routes for ingress and egress must be prioritised to make sustainable transport a wholly accessible and safe option.

Impact on traffic – the current highways are heavily congested at peak times. Additional motor traffic generated by up to 367 new homes will exacerbate this situation. A full traffic survey, the data for which is fully open to scrutiny, must be carried out over a statistically relevant period prior to any consent being granted such that it can properly inform sustainable integrated transport consideration for the site.

Community infrastructure – any proposed development of scale must make suitable contribution to the provision of community infrastructure and enhancement as a condition of development. This contribution to be informed by community consultation.

Development impact – residents directly affected by the proposed development must be consulted on mitigation relating to disturbances caused by development, to include, but not

exclusively, clear access and uninterrupted easement to property, noise control, dust and particle control, no on street parking for site related vehicles (to include works, delivery, professional and customer vehicles).

Cycle access – To meet with the Cheshire East sustainable transport strategy and the Cheshire East Cycle Strategy, any proposed developments must make significant provision for site navigation, access and egress on bikes.

Henbury Parish Council Lengthy objections have also been received from and the points of objection are summarised as follows;

- The application should be considered alongside the applications to the north of Chelford Road.
- The traffic impact of the development has been carried out incorrectly and does not take into account other developments.
- The Parish Council has had their own transport assessment carried out that comes forward with a different conclusion and has identified issues with the submitted information.
- The introduction of a new roundabout on Chelford Road to access the site will affect traffic flow.
- The proposed changes to Broken Cross junction have not yet been properly modelled either from a highway or air quality perspective.
- Lack of school places and medical facilities in the area.
- The development will lead to a worsening of the existing air quality problems along Chelford Road towards Broken Cross and no mitigation has been put forward to overcome this.
- Impact of the development on the Local Wildlife Site.

As part of the representations reports in respect of traffic impacts and air quality were commissioned by the Parish Council and submitted to support their comments. The contents of these submissions were taken into account when additional information was submitted to support the application. The points raised are addressed in the highway and air quality sections later in the report.

OTHER REPRESENTATIONS

Representations were received from 82 properties over two periods of consultation. The point of objection are summarised as follows;

- Increase in traffic / Impact on local highway impact
- Replacing the roundabout at Broken Cross with traffic lights will make the traffic worse.
- Disturbance from the construction process
- Loss of Green Belt
- Impact on local ecology, including the local wildlife site and protected species.
- Lack of school places locally
- Impact on local infrastructure
- Impact on air quality which is already an issue in the area
- Lack of local health facilities

- Scale of development proposed
- Plenty brownfield sites are available for development
- Pumping station is inappropriately located
- Site is prone to flooding
- The affordable housing provided will not be genuinely affordable.
- Impact on amenity / overlooking
- The proposal is for more dwellings than the allocation
- Loss of agricultural land

APPRAISAL

Key Issues

- Principle of development
- Sustainability
- Affordable Housing and Housing Mix
- Education
- Open Space and Recreation
- Health Provision
- Residential Amenity
- Impact on Local Highway Network / Access
- Design and Layout
- Ecology
- Trees
- Air Quality
- Flood Risk
- Economic Sustainability
- Section 106 agreement
- CIL
- Representations
- Conclusions
- Recommendation

PRINCIPLE OF DEVELOPMENT

On 27th July the Council adopted the Cheshire East Local Plan Strategy. Accordingly the new Local Plan now forms part of the statutory development plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *“where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.”* This is the test that legislation prescribes should be employed on planning decision making.

The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means *“approving development proposals that accord with the development plan without delay”*

As a consequence where development accords with the adopted Local Plan Strategy the starting point should normally be that it should be approved – and approved promptly.

The Inspector's Report on the Local Plan was published on 20 June 2017 and signalled the Inspector's agreement to the plans and policies of the Local Plan Strategy. The Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"

The Inspector's conclusion that the Council had a 5 year supply of deliverable housing land was based on the housing land supply position as at 31 March 2016.

Following the adoption of the Local Plan Strategy, the Council released its annual Housing Monitoring Update, in August 2017. It sets out the housing land supply as at 31 March 2017 and identified a deliverable housing land supply of 5.45 years.

On 8 November 2017, an appeal against the decision of the Council to refuse outline planning permission for up to 400 homes at White Moss Quarry, Alsager (WMQ) was dismissed due to the scheme's conflict with the Local Plan settlement hierarchy and its spatial distribution of development.

However, in his decision letter, the WMQ Inspector did not come to a clear conclusion whether Cheshire East had a five year supply of deliverable housing land. His view was that it was either slightly above or slightly below the required 5 years (4.96 to 5.07 years). In this context, the Inspector engaged the 'tilted balance' set out in the 4th Bullet point of paragraph 14 of the National Planning Policy Framework (NPPF). This introduces a presumption that planning permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

On 4 January 2018, an appeal against the non-determination of an outline planning permission for up to 100 homes at Park Road, Willaston was dismissed due to conflict with Local Plan policies that sought to protect designated Green Gap, open countryside and rural character. The Inspector also took the view that the housing land supply was either marginally above or below the required 5 years (4.93 to 5.01 years). On this basis, he adopted a 'precautionary approach' and assumed a worst case position in similarly engaging the 'tilted balance' under paragraph 14 of the Framework.

The Council is continuing to update its evidence regarding housing land supply to ensure that decisions are taken in the light of the most robust evidence available and taking account of recent case law.

For the purpose of determining current planning applications it is therefore the Council's position that there is a five year supply of deliverable housing land.

The application site consists of part of the LPS 16 allocation (land south of Chelford Road) that was a site released from the Green Belt in order to assist the Council in achieving a five year supply of housing. Therefore the principle of residential development is acceptable in this

location and subject to all other matters being satisfied the application should be determined without delay.

The allocation is expected to deliver the following;

- 1. The delivery of around 200 new dwellings;*
- 2. Provision of new road junction to Chelford Road, and construction of an access road to the southern perimeter of the site;*
- 3. Incorporation of green infrastructure and public open space;*
- 4. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities;*
- 5. On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space and community facilities; and*
- 6. A master plan should be submitted so the site may be planned in a co-ordinated and comprehensive manner. Development must be in accordance with an agreed masterplan which must detail how a recognisable Green Belt boundary would be reinforced that will endure in the long term.*

SUSTAINABILITY

Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay. There are three strands to sustainability, social, economic and environmental.

SOCIAL SUSTAINABILITY

AFFORDABLE HOUSING

The Cheshire East Local Plan (CELP) and the Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 232 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 70 dwellings to be provided as affordable dwellings. Based on 232 units 46 of the proposed units should be provided as Affordable rent and 24 units as Intermediate tenure. The exact location and tenure split will be finalised at Reserved Matters.

The SHMA 2013 shows the majority of the annual need in Macclesfield up to 2018 is for 103x 2 bedroom, 116x 3 bedroom dwellings for General Needs and 80x 1 bedroom for Older Persons via Flats, Bungalows, Cottage Flats or Lifetime Homes.

The current number of those on the Cheshire Homechoice waiting list with Macclesfield as their first choice is 1,349. This can be broken down to 528x 1 bedroom, 546x 2 bedroom, 237x 3 bedroom and 38x 4+ bedroom dwellings, therefore a mix of 1, 2, 3 and 4 for general needs and 1 bedroom Older Person's dwellings on this site would be acceptable.

The Cheshire East Plan (CELP) and the Councils Interim Planning Statement: Affordable Housing (IPS) requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings.

The affordable housing is secured by way of a S106 agreement, which: -

- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

Given the above the proposal complies with the requirements of Local Plan Policy SC5.

EDUCATION PROVISION

The development of 232 dwellings is expected to generate:

43 primary children (232 x 0.19) – 1 SEN
34 secondary children (232 x 0.15) – 1 SEN
3 SEN children (232 x 0.51 x 0.023%)

The development is expected to impact on both primary school and secondary school places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at primary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of school places still remains.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that this is an existing concern, however the 3 children expected from the application will exacerbate the shortfall. The 2 Special Education Need (SEN) children, who are thought to be of mainstream education age, have been removed from the calculations above to avoid double counting. The remaining 1 SEN child is expected to be 1 Early Years Foundation Status (EYFS) child. The Service does not claim for EYFS at present, therefore the child cannot be removed from the calculation above.

To alleviate forecast pressures, the following contributions would be required:

43 x £11,919 x 0.91 = £466,390 (primary)

$34 \times \pounds 17,959 \times 0.91 = \pounds 555,651$ (secondary)
 $3 \times \pounds 50,000 \times 0.91 = \pounds 136,500$ (SEN)

Total education contribution: $\pounds 1,158,541.00$

The contribution has been agreed by the applicant and is subject to change when the final form of development is known and will be delivered through the s106 agreement.

PUBLIC OPEN SPACE AND RECREATION

Until the housing schedule is finalised it is not possible to accurately calculate the Public Open Space (POS) requirements. However, in line with the Policy SE6 of the CEC Local Plan, there is a public open space requirement of 65m² per family dwelling. On a development of this size this will be provided on site.

Amenity greenspace should be functional and flexible space, adaptable over time and should reflect local heritage/culture/wildlife to create distinctive, high quality spaces that compliment and strengthen the identity of the overall development and wider community as well and encouraging community cohesion. They should be large enough to accommodate informal recreation activities without disturbing residents of neighbouring properties. Therefore narrow buffers around the perimeter will not be considered amenity green space.

The provision and maintenance of the open space on the site will be controlled through the s106 agreement.

There is a requirement to provide Recreation and Outdoor Sport (ROS) in line with Policy SC2 of the Local Plan and the playing Pitch Strategy. In this instance the developer has opted to make a contribution rather than on-site provision. This contribution will equate to $\pounds 1,000$ per dwelling (excluding the affordable properties) with the final contribution determined upon the final number of properties on site.

Policies SC1 and SC2 of the Local Plan Strategy provide a clear development plan policy basis to require developments to provide or contribute towards both outdoor and indoor recreation

The Indoor Built Facility Strategy has identified that any existing shortfalls for Macclesfield should look to focus on improvement of provision at Macclesfield Leisure Centre. Whilst new developments should not be required to address an existing shortfall of provision, they should ensure that this situation is not worsened by ensuring that it fully addresses its own impact in terms of the additional demand for indoor leisure provision that it directly gives rise to. Furthermore, whilst the strategy acknowledges that the increased demand is not sufficient to require substantial indoor facility investment through capital build there is currently a need to improve the quality and number of health and fitness stations at Macclesfield Leisure Centre to accommodate localised demand for indoor physical activity.

The requirement is calculated as follows;

- 232 houses at 1.61 people per residence = a population increase of 374

- The annual Sport England Active People Survey Results for 2016 showed 42.7% participation rate for Cheshire East. = 160 additional “active population” due to the new development in Macclesfield
- Based on an industry average of 25 users per piece of health & fitness equipment this equates to an additional six stations. Requirement for - 3 running machines (£6,500 per treadmill) and 3 resistance / weight pieces (£3,000 per piece). Total £28,500

The applicant has accepted the need for this contribution although the level of contribution may change based on the number of houses eventually approved on site. The contribution will be delivered through the s106 agreement but the overall level of contribution may change depending on the number of dwellings that come forward as part of the reserved matters application.

ACCESS TO HEALTH FACILITIES

There are six NHS GP practices within Macclesfield, all located within one building at the Waters Green Medical Centre. Based on the current local population, the Waters Green Medical Centre has sufficient capacity to manage currently registered patients. However, with the known planned housing developments, the local population is predicted to increase by approximately 19% over the next 10 years. In order to be able to continue to provide the current high level of primary care services to the local population the six GP practices will be required to review their current model of working. Even with modifications to the existing Waters Green Medical Centre, it is anticipated that the GP practices and NHS Community Services will need to expand out into an additional building.

It is suggested that the Section 106 funding for the planning application under consideration is based on a calculation consisting of occupancy x number of units in the development x £360. This is based on guidance provided to other CCG areas by NHS Property Services.

| Size of Unit | Occupancy Assumptions Based on Size of Unit | Health Need/Sum Requested per unit |
|---------------------|--|---|
| 1 bed unit | 1.4 persons | £504 per 1 bed unit |
| 2 bed unit | 2.0 persons | £720 per 2 bed unit |
| 3 bed unit | 2.8 persons | £1008 per 3 bed unit |
| 4 bed unit | 3.5 persons | £1260 per 4 bed unit |
| 5 bed unit | 4.8 persons | £1728 per 5 bed unit |

Allocated Section 106 funding would be used to contribute towards modification to Waters Green Medical Centre or towards expanding services to an additional building. It is envisaged that multiple Section 106 funding allocations obtained from the various local housing developments planned in the Macclesfield area will be pooled to maximize the potential scope of the development of the above proposals. .

The applicant has agreed to a financial contribution in respect of this issue and this will be based on the number and size of dwellings that come forward as part of the reserved matters application.

RESIDENTIAL AMENITY

In order for the proposals to be acceptable, it is important that they do not have a detrimental impact on the amenities of existing residents. Local Plan policies DC3, DC38 and H13 seek to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property.

Many of the issues relating to overlooking, impact on privacy, and overshadowing will be addressed as part of any reserved matters application. Highway matters are addressed separately in this report.

Environmental Health has commented on the application and has raised no objections with regard to contaminated land, noise and vibration subject to conditions. It is inevitable that some disturbance will occur as part of the construction process. However this will be for a temporary period only and separate legislation is in place to ensure this does not occur.

Social Sustainability Conclusion

The proposals for the residential development will make an affordable housing contribution through the provision of 70 units of the correct tenure. The scheme does make a valuable contribution towards affordable housing which will be secured through a Section 106 agreement.

The proposed development will make a full education contribution, health contribution and will make a contribution towards open space, indoor recreation and outdoor sport. The affordable housing provision will meet the requirements

Overall the provision of a reasonable mix of housing for the community as part of a large strategic allocation along with on site affordable housing and education and open space and outdoor recreation contributions which can be provided by the development are considered to be socially sustainable.

ENVIRONMENTAL SUSTAINABILITY

IMPACT ON HIGHWAY NETWORK/ACCESS

The site is a Local Plan site and the infrastructure requirements were considered in the Local Plan where the expectations for accessing the site were set out. It was envisaged that this site would provide a joint access with other Local Plan sites to allow a potential future connection between Chelford Road and Congleton Road.

The access to the site is provided by a new roundabout on the A537 Chelford Road, the roundabout has an ICD of 34m and has splitter islands that incorporates pedestrian crossing

points. The roundabout design also includes an access stub on the northern side of the roundabout to serve possible future development. A capacity assessment of the proposed new roundabout has been undertaken in 2022 with the development traffic added and it also includes likely future development on the safeguarded land indicated in the Local Plan. The results indicate that the roundabout operate well within its capacity.

The scope of the traffic impact of the development has been agreed with CEC and the main junctions to be assessed were the Chelford Road site access and the A537 Chelford Road/A537 Broken Cross/Fallibroome Road roundabout at Broken Cross. There is no vehicular access to the site proposed from Pexhill Road.

The level of traffic generation predicted has been submitted by the applicant and in the peak hours the sites is forecast to generate around 146 trips in PM peak being the worse case, this information has been taken from Trics. The predicted trips have then been distributed on the road network with a 35%- 65% split, with most traffic travelling east from the site access.

Although the original TA submitted included a capacity test of the Broken Cross roundabout the modelling results did not in CEC's view replicate the existing queue lengths and as such the 2022 predictions would be not representative. The extent of the existing queue lengths at the Broken Cross roundabout has been assessed by a consultant acting on behalf of Henbury Parish Council and does also indicate that existing queue lengths at the Broken Cross roundabout is more extensive than assessed in the Transport Assessment.

Following discussions with the applicant regarding the operation of Broken Cross roundabout, a technical note has been submitted that reviews the roundabout junction in the light of the comments made by CEC. The Local Plan states that LPS 16 is expected to contribute towards off-site infrastructure and as the development will have a direct impact upon the Broken Cross junction, this is where the mitigation measures need to be focused.

An improvement scheme has been submitted that removes the existing roundabout and replaces it with a traffic signal control junction. The junction would have two lanes on both the A537 approach to the junction and would operate under MOVA control. As the junction would be signalised, pedestrian crossing facilities can replicate the pedestrian facilities that would be removed. The capacity of the junction has been tested, the peak hour traffic flows include committed development, growth and also the development north of Chelford Road.

The results show that the junction would be operating slightly over capacity in the morning but within capacity in the evening. These results need to be compared with the current junction arrangement, the queue lengths are considerably shorter than the Do Minimum (existing) scenario without this development added. As developments are required only to mitigate the effects of their own impact, the proposed improvement does more than provide capacity benefits to the junction and does also allow capacity for other development traffic.

It is proposed that the improvement scheme would be fully funded jointly by this development and those on the allocated site on the north of Chelford Road and it is proposed to remove the roundabout and introduce a signal controlled scheme at the junction that replicates existing pedestrian facilities.

The Local Plan policy indicates that this site would be expected to contribute to off-site infrastructure and in the case the contribution would be to the improvement scheme at Broken Cross. The level of contribution has been based upon the number of units proposed in the planning application and this equates to £221,000.

Therefore, the proposals are considered acceptable subject to a S106 Agreement to provide a financial contribution to off-site mitigation works.

DESIGN AND LAYOUT

The importance of securing high quality design is specified within the Framework. Paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

This approach is fully consistent with CELPS Policy SE1 and the recently adopted Cheshire East Design Guide.

The application is in outline and details of layout, scale and appearance will be dealt with as part of any reserved matters application.

The illustrative site plan shows a layout that is unacceptable in Urban Design terms and contrary to adopted Design Guide. It shows no incorporation of green infrastructure and proposes the use of standard house types. As the site is located along a main route into Macclesfield a design of the highest quality will be expected on this site.

As a result a condition will be included on the decision notice that requires the submission and agreement of a design code. This will be required to be submitted in advance of any reserved matters application to meet the requirements of the Design Guide. A condition is also required in relation to materials.

Given the stage the proposals are at the proposals are acceptable subject to the above conditions.

ECOLOGY

The application is accompanied by a comprehensive ecological assessment with subsequent addendums that address the following issues;

Cock Wood Local Wildlife site

Part of this local wildlife site, which includes a proportion of ancient woodland habitat, falls within the red line boundary of this application. The local plan policy for this specific site requires a 30m buffer to be provided around the ancient woodland within and adjacent to the

site and woodlands and other habitats of Local Wildlife Site quality must be retained and buffered.

The updated ecological assessment includes a revised illustrative layout which excludes all development from the boundary of the local wildlife site and includes a 3m undeveloped buffer to the boundary of the Local Wildlife Site.

There are two small areas of marshy grassland on site. Only relatively limited information is provided on the species composition of these habitats, but they could potentially be of nature conservation value. These habitats are located close to the boundary of the Local Wildlife site therefore the Local Wildlife Site buffers be extended to ensure that these features are retained.

Otter and water vole

Whilst only a single survey visit has been undertaken in respect of these species, however they are unlikely to be present or affected by the proposed development.

Badgers

Three minor badger setts were recorded on site during the submitted surveys. Depending on the final design produced at the reserved matters application it may potentially be possible to retain one sett on site, but the other two are likely to require closure under the terms of a Natural England licence to avoid any disturbance of badgers during the works.

The precise impacts of the proposed development on badgers will depend on the level of badger activity on site and the precise layout formulated at the time of any future reserved matters application. It is therefore recommended a condition shall be attached which requires any future reserved matters application be supported by an updated badger survey and mitigation strategy.

Breeding Birds

A number of breeding bird species were recorded on site, including a number of species which are considered a priority for nature conservation. The priority species are represented by only low numbers of breeding pairs, however to minimise the impacts of these species the proposed development must seek to maximise the retention of scrub and hedgerows habitats and the illustrative layout plant should include proposals for replacement planting to compensate for any avoidable losses.

Again, the buffer zone required along the boundary of the Local Wildlife Site would also serve assist in reducing the potential impacts of the development upon breeding birds.

Barn Owl

There are records of this protected species within 1km of the application site. Two trees on site have been identified as offering potential habitat for roosting barn owls. No evidence of barn owl presence was recorded during the submitted surveys, the two identified trees were however only viewed from the ground and during the bat activity surveys.

As barn owls are known to occur within the broad locality of this application site and the proposed development would have the potential to result in the disturbance of barn owls even if the trees were retained that these two trees be subject to a closer inspection in the form of

an aerial/climbing inspection and a further report submitted as part of any subsequent reserved matters application.

Bats

Most bat activity recorded during the initial two survey visits is associated with 'stop 5', 'stop 12' and 'walk 12'. Any detailed design submitted at the reserved matters stage should seek to maximise the retention of habitats in these parts of the site.

A number of trees on site have been identified as having potential to support roosting bats. One of these trees (37T) will be lost as a result of the proposed development and another tree (36T) may require pruning. These trees have been subject to a detailed inspection and are unlikely to support roosting bats. Roosting bats are unlikely to be affected by the proposed development.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. In addition Hedgerows 1-11 & 13-15 are 'Important' under the Hedgerow Regulations, predominantly due to the presence of native bluebell.

The submitted illustrative layout plan retains the majority of hedgerows on site, but there would still be some losses from a number of hedgerows to facilitate the site access roads. This includes losses from a number of hedgerows identified as being Important. In the event that planning permission is granted it must be ensured that any unavoidable losses of hedgerow are compensated for by means of replacement hedgerows as part of any future reserved matters application. This matter may be dealt with by means of a planning condition in the event that planning permission is granted.

Bluebell

This species, which is a priority species and hence a material consideration, is likely to be adversely affected by the removal of hedgerows as part of the proposed development. In the event that planning permission is granted I recommend that a condition be attached which requires the submission of a bluebell translocation method statement in support of any future reserved matters application.

Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. Features for hedgehogs should be provided with any future reserved matters application. This can be dealt with by means of the ecological enhancement condition described below.

Veteran Tree

A veteran tree (alder 54T) has been identified on site. Based on the submitted arb and layout plans it appears feasible for this tree to be retained as part of the development proposals.

A condition will be attached to the decision notice which requires the retention of this tree as part of any layout proposed as part of a reserved matters application.

Great Crested Newts and Common Toad

No evidence of great crested newts was recorded during the submitted detailed surveys. Additional initial appraisals have been undertaken of the two ponds not covered by the original assessment. These initial assessment were undertaken at a poor time of year however, on balance this species is not reasonable likely to be present or affected by the proposed development.

Ecological Enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development. A condition should be attached which requires the submission of an ecological enhancement strategy in support of any future reserved matters application. The strategy should include proposals for the provision of features for nesting birds and roosting bats, gaps for hedgehogs in garden and boundary fencing, brash piles, a wildlife pond and native hedgerow and shrub planting.

Conditions

If outline planning permission is granted the following conditions are required:

- Submission of proposals for the safeguarding and buffering of the adjacent Local Wildlife Site and adjacent marshy grassland habitats.
- Reserved matters application to be supported by updated bat, badger and bat surveys.
- Retention of veteran tree.
- Submission of ecological enhancement strategy.
- Submission of bluebell translocation method statement with reserved matters application.

IMPACT ON TREES/HEDGEROWS

Trees and woodland in and adjacent to the application site are not currently protected by a Tree Preservation Order or lie within a designated Conservation Area. Cock Wood located on adjacent land to the west of the site is designated as Ancient Semi Natural Woodland and a designated Local Wildlife Site.

The application is supported by an Tree Survey Report and an Arboricultural Impact Assessment. The Assessment has identified 60 individual trees, 13 groups and 7 hedges located within the application site. These have been identified within the retention categories defined in BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations as 11 High (A) category trees, 45 Moderate (B) category trees and 24 Low (C) category specimens.

One moderate (B) category tree, a mature Oak (37T) which the report states is showing some physiological decline will require removal to accommodate the access to the site from Chelford Road. Other proposed tree removals are confined to a low (C) category group of Goat Willow and Hawthorn (26G) to accommodate the new access road and the partial removal of two further low (C) category groups of self seeded Oak/Cherry (25G) and Holly (42G) to accommodate the access road footpath.

The Assessment has identified a potential Veteran tree (Alder 54T) which is located to the south of the site, if verified as a Veteran, a minimum distance of 15 metres from the tree stem

to any built development will be required to secure retention. This will be included as a condition on any approval.

The Assessment further states that the rooting environment of a High (A) category Oak (36T) will be affected due to the construction of the main access road into the site. As this is the only means of access into an allocated site there is no scope for any significant amendment to avoid these impacts. Proposed ground level changes that will be required and retaining structures probably discount any reduced or no dig solutions therefore the loss of both the Oaks (36T and 37T) will have to be accepted with suitable replacement planting in mitigation.

Whilst accepting that the layout is only indicative, with some exceptions the design in terms of the relationship/social proximity to retains trees appears reasonably favourable. The site has some challenges as there are significant changes in level across the site and needs to be carefully considered in more detail at reserved matters stage (BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations para 5.3.1 states the default position as regards construction and RPA's).

BS5837:2012 paras 5.2.2, 5.2.3, 5.2.4 and 5.3.4 make reference to above ground constraints and that consideration is given to ensure that trees can be successfully retained with a harmonious relationship to buildings. The Council's Design Guide also pays particular attention to the quality of living accommodation and the need to retain existing trees of landscape value and enhance the setting of the new development. Particular regard will be given to these matters when the final layout is submitted at Reserved Matters stage and it will be expected that these matters will be considered in full within a Arboricultural Impact Assessment/Method Statement and Tree Protection Plan

AIR QUALITY

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy.

Air quality impacts have been considered within the air quality assessment submitted in support of the application. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS Roads to model NO₂ and PM₁₀ impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

A number of modelled scenarios have been considered within the assessment. These were:

- 2016 verification
- 2022 – opening year do-minimum (predicted traffic flows should the proposals not proceed)
- 2022 – opening year do-something (predicted traffic flows should the proposals be completed)

The assessment concludes that the impact of the future development on the chosen receptors will be 'not significant' with regards to both NO₂ and PM₁₀ concentrations, with one

of the receptors experiencing a slight adverse effect for NO₂, another experiencing a moderate adverse effect and the remaining 26 a negligible effect. However, several of the receptors are located within the nearby Broken Cross AQMA and it is considered that any increase in concentrations within an AQMA is considered significant as it is directly converse to our local air quality management objectives, the NPPF and the Council's Air Quality Action Plan.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. The developer has already submitted a Travel Plan submitted in support of the development which this office deems acceptable and the proposals in the Travel Plan will be refined as part of the reserved matters proposals.

Improvements to the road at the Broken Cross junction have been proposed comprising the replacement of the existing roundabout with a traffic signal junction. The capacity assessments have shown that the improvements would provide a notable reduction in queue lengths. As such, with the new road improvements in place it can be advised with confidence that the predicted NO₂ impacts as a result of the proposals at the sensitive receptors within the Broken Cross AQMA would be expected to reduce.

As well as the Travel Plan requirement conditions relating to dust management and the provision of electric vehicle charging points will also be included on the decision notice.

A consultant acting on behalf of Henbury Parish Council has submitted technical points of objection to the proposal and the submitted air quality assessment. The key aspect of this assessment is scenario 7 which covers the 'do-everything' option, i.e. both developments take place and the Broken Cross junction improvements take place. The comparison of these results shows an overall improvement in air quality with many receptors seeing a decrease in the nitrogen dioxide concentrations and no new breaches in the air quality objective

The submitted documents state some concerns over public health when walking to and from places such as shops and schools etc. These scenarios would be of concern if the short term hourly objective was being breached, which stands at 200 µg/m³. However, the annual average results do not indicate that this is the case so this is not considered to be a reason to substantiate refusal of the application.

To conclude it is therefore considered the proposal will not have a detrimental impact on the air quality of the area and considered acceptable.

FLOOD RISK

The site is classified as Very Low Risk (former EA Flood Zone 1), which is land that has a less than 0.1% chance of flooding (less than 1:1000). The Council's Flood Risk Team have considered the submitted Flood Risk Assessment and the further submitted information and have raised no objections to the proposals.

Conditions have been requested that requires the submission of a detailed strategy for surface water drainage, the development be carried out in accordance with the flood risk assessment and details of levels. These will be included on approval.

Environmental sustainability conclusions

It is considered that the proposed development is environmentally sustainable. The proposed design of the site is acceptable, there are conditions required in respect environmental matters raised above.

ECONOMIC SUSTAINABILITY

Employment

The proposed development will provide employment in the short term during the clearance and construction of the development in the area.

Economy of the wider area

The addition of 232 units within the town will undoubtedly boost the economy in the local area through the increased use of shops and services making them more sustainable, which is especially important in Macclesfield Town Centre to be sustainable into the future. Additional population can create more demand for local services, increasing the likelihood that they will be retained into the future and improvements and investment made.

Economic sustainability conclusions

The proposals will result in additional employment in the sort term through the construction of the site along with an economic boost locally through the increase in population to this area of the town. It is considered that the proposals will make efficient use of the site which is part of a wider strategic allocation.

SECTION 106

A section 106 agreement will accompany the application and is required to secure the following:

- Provision of 30% affordable units, of these dwellings 65% will be social rented and 35% intermediate housing.
- Educational contribution towards secondary and SEN provision of £1,158,541 based on 232 dwellings being built on site.
- Contribution towards ROS £1,000 per open market house.
- Contribution towards health provision, the final figure is dependent on the number and size of properties that come forward at reserved matters.
- Contribution towards indoor recreation of £28,500 based on 232 dwellings being built on site.
- Management Plan for the on-site public open space and LEAP
- Contribution of £221,000 towards improvements to the Broken Cross junction
- Contribution for monitoring of Travel Plan £5,000

CIL REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following: a) Necessary to make the development acceptable in planning terms; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified meet the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

COMMENT ON REPRESENTATIONS

The majority of the points of objection have been addressed in the main body of the report or are issues that will be considered as part of the future 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.

CONCLUSION AND PLANNING BALANCE

The site forms the majority of allocated site LPS15. The proposed development accords with the Local Plan policy relating to its allocation by providing housing and all the other policy requirements. Shortfalls in health and education provision are mitigated through financial contributions to improve existing facilities. The applicant is providing further financial contributions in order to make the development acceptable and is providing the full amount of affordable housing on site which is essential in order to make developments sustainable in the future.

It is considered that the proposals are environmental, socially and economically sustainable and accord with the development plan and the framework. The site is sustainably located within the town and the proposals represent an efficient use of the land.

The improvements to Broken Cross will be delivered in the s106 agreement and the applicant has agreed a financial contribution to ensure this takes place.

Cheshire East is currently able to demonstrate a 5 year supply of housing however this proposal will make a valuable contribution in maintaining this position.

It is considered that the proposal represents sustainable development and accords with the development plan policies mentioned in the policies section of this report and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for approval.

RECOMMENDATION

Approve subject to a legal agreement to secure

- Provision of 30% affordable units, of these dwellings 65% will be social rented and 35% intermediate housing.
- Educational contribution towards secondary and SEN provision of £1,158,541 based on 232 dwellings being built on site.
- Contribution towards ROS £1,000 per open market house.
- Contribution towards health provision, the final figure is dependent on the number and size of properties that come forward at reserved matters.
- Contribution towards indoor recreation of £28,500 based on 232 dwellings being built on site.
- Management Plan for the on-site public open space and LEAP
- Contribution of £221,000 towards improvements to the Broken Cross junction
- Contribution for monitoring of Travel Plan £5,000

And the following conditions

1. Standard contaminated land condition
2. Importation of soil
3. Unexpected contamination
4. Positive and proactive
5. Time period to implement permission.
6. Approve reserved matters details
7. Plans
8. Details of surface water drainage
9. Pedestrian and cycle signage
10. Submission and implementation of Travel Plan
11. Submit arboricultural impact assessment
12. Implement access
13. Levels
14. Carry out development as per the FRA
15. Construction environment management plan
16. Ecological enhancement strategy
17. Safeguarding the ecological buffer to the LWS

18. Boundary details
19. Dust control
20. Provision of Electric Vehicle Charging Points
21. Updated badger and bat surveys
22. Implement noise recommendations
23. Implement landscaping scheme
24. Noise Impact Assessment as part of RM application.
25. Details of materials
26. Details of play area
27. Retention of hedgerows
28. Retention of veteran tree
29. Bluebell Translocation Assessment
30. Submission of archaeological assessment
31. Submission of design code before submission of reserved matters.

In the event of any changes being needed to the wording of the Board'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) 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 Board's decision.

