

# Strategic Planning Board

## Agenda

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**Date:** Wednesday, 26th July, 2023  
**Time:** 10.00 am  
**Venue:** The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA

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Please note that members of the public are requested to check the Council's website the week the Strategic Planning Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the top of each report.

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings will be uploaded to the Council's website

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 3 - 10)

To approve the minutes of the meetings held on 23 March 2023 and 29 March 2023 as correct records.

4. **Public Speaking**

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For requests for further information

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**Tel:** 01270 685705

**E-Mail:** [jennifer.ashley@cheshireeast.gov.uk](mailto:jennifer.ashley@cheshireeast.gov.uk)

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Strategic Planning Board
- The relevant Town/Parish Council

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **21/4113M - LAND NORTH OF CONGLETON ROAD, MACCLESFIELD - Outline application (with all matters other than access reserved) for the development of up to 92 dwellings, employment development and associated works including landscaping and full permission for the access arrangements via a new roundabout junction on Congleton Road (Pages 11 - 50)**

To consider the above application.

6. **21/6443M - MARTON MEADOWS GOLF CLUB, CONGLETON ROAD, MARTON SK11 9HF - The proposed level changes of the existing field parcel will be met by the importation of inert fill material. Currently the existing field parcel is a large, even gradient area, sloping east to west. There is a large area of poorer drainage, resulting in a Marshy Grassland habitat area. It will allow the creation of a better quality facility through providing an additional 3no holes, this will be improve playing environment and the overall golf course. (Pages 51 - 64)**

To consider the above application.

**Membership:** Councillors M Brooks, A Critchley, S Edgar, D Edwardes, K Edwards, S Gardiner (Vice-Chair), T Jackson, G Marshall, H Moss, B Puddicombe (Chair), H Seddon, L Smetham and K Parkinson

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Thursday, 23rd March, 2023 in the Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillor M Hunter (Chair)  
Councillor S Gardiner (Vice-Chair)

Councillors S Akers Smith, A Critchley, S Edgar, D Edwardes, P Groves,  
S Hogben, B Puddicombe and J Weatherill

**OFFICERS IN ATTENDANCE**

Jane Gowing, Interim Director, Planning  
Adrian Crowther, Principal Development Officer  
Paul Hurdus, Highways Development Manager  
Andrew Poyton, Senior Planning and Highway Lawyer  
Niall Martin, Enforcement Officer  
Rebekah Norbury, Enforcement Officer  
Jennifer Ashley, Democratic Services Officer

**49 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Craig Browne.

**50 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness the following declarations were made:

Councillor A Critchley declared that he was one of the Ward Councillors for the area, however had not discussed or pre determined the application.

Councillor S Hogben and Councillor M Hunter declared that they were non-Executive Directors of ANSA who were a consultee on the application being considered, however they had not discussed the application or made any comments.

**51 PUBLIC SPEAKING**

The public speaking procedure was noted.

**52 22/4863N - BOMBARDIER TRANSPORTATION, WEST STREET, CREWE - DEMOLITION OF THE EXISTING INDUSTRIAL BUILDINGS AND STRUCTURES (INCLUDING THE BOUNDARY WALL ALONG WEST STREET) AND THE CONSTRUCTION OF 263 DWELLINGS COMPRISING 24 APARTMENTS AND 239 HOUSES, TOGETHER WITH OTHER ASSOCIATED WORKS, INCLUDING THE PROVISION OF**

**PUBLIC OPEN SPACE, THE LAYING OUT OF ROADS AND FOOTWAYS (WITH TWO NEW ACCESSES FROM WEST STREET), AND HARD AND SOFT LANDSCAPING. RESUBMISSION OF APPLICATION 18/0079N.**

Consideration was given to the above planning application.

The following attended the meeting and spoke on the application:  
Councillor D Marren (adjacent ward Councillor) and Ms Isla Brady (Agent).

**RESOLVED:**

That the application be DEFERRED for the following reasons:

- (1) To undertake an updated open book viability assessment;
- (2) To enable a peer review to be undertaken of the assessments made by Environmental Protection in relation to contaminated land.

Any future decision notice to include an informative to ensure that as part of the Section 38 agreement, all roads within the application site be subject to a 20 mph speed limit.

*The decision to defer was unanimous.*

The meeting commenced at 10.00 am and concluded at 12.20 pm

Councillor M Hunter (Chair)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 29th March, 2023 in the Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

### **PRESENT**

Councillor M Hunter (Chair)  
Councillor S Gardiner (Vice-Chair)

Councillors S Akers Smith, C Browne, A Critchley, S Edgar, D Edwardes,  
P Groves, S Hogben, B Puddicombe and J Weatherill

### **OFFICERS IN ATTENDANCE**

David Malcom, Head of Planning  
Adrian Crowther, Principal Development Officer  
Paul Hurdus, Highways Development Manager  
James Thomas, Senior Planning and Highways Lawyer  
Jennifer Ashley, Democratic Services Officer

### **53 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor B Murphy.

### **54 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness the following declarations were made:

Councillor Edgar declared that he was the Vice Chair of the Public Rights of Way Sub Committee, who were a consultee on both applications being considered, however he had not discussed the applications or made any comments.

Councillor Gardiner - In respect of applications 22/3170N, Councillor Gardiner declared that he knew the applicant's agent but had not discussed the application with them. He also declared that he was acting on behalf of a client in a case with the developers at another location.

Councillor Groves – In respect of application 22/3170N - declared that he was one of the ward councillors for this application and had meet with representatives of David Wilson Homes regarding another site in Nantwich. No discussions had taken place regarding the application being considered.

Councillor S Hogben and Councillor M Hunter declared that they were non-Executive Directors of ANSA who were a consultee on both applications being considered, however they had not discussed the applications or made any comments.

**55 MINUTES OF THE PREVIOUS MEETING**

**RESOLVED:**

That the minutes of the meeting held on 1 March 2023 be approved as a correct record.

**56 PUBLIC SPEAKING**

The public speaking procedure was noted.

**57 22/3170N - LAND AT PETER DESTAPLEIGH WAY, STAPELEY - RESERVED MATTERS APPLICATION PURSUANT TO OUTLINE PLANNING PERMISSION 12/3747N FOR THE APPEARANCE, SCALE, LAYOUT AND LANDSCAPING FOR PHASE 1 RESIDENTIAL DEVELOPMENT (USE CLASS C3) INCLUDING INTERNAL ACCESS ROADS, PUBLIC OPEN SPACE INCLUDING NEAP, VILLAGE GREEN, COMMUNITY ORCHARD AND ECOLOGICAL AREAS, PARKING AND ASSOCIATED INFRASTRUCTURE**

Consideration was given to the above planning application.

The following attended the meeting and spoke on the application:  
J Hillman, Vice Chair Stapeley and District Parish Council, and J Suckley (Agent).

**RESOLVED:**

For the reasons set out in the report and update report, the application be APPROVED subject to the following conditions:

1. In accordance with outline permission
2. In accordance with approved plans
3. Submission/approval of facing and roofing materials
4. Submission/approval of details of hard surfacing treatments
5. Submission/approval of ground level and finished floor levels
6. Submission/approval of planting specification
7. Implementation Noise mitigation
8. Design detail, specification and implementation of NEAP and green gym
9. Provision and detailed design of allotments
10. Details and provision of notice/habitat/interpretation boards and Waymarkers
11. Retention of retained trees,
12. Development in accordance with tree protection and special construction measures of AIA & Method Statement and tree protection plan
13. Submission/approval of no- dig hard surface construction specification

14. Submission/approval of Detailed Levels Survey providing for retention of trees
15. Updated badger survey prior to commencement
16. Submission of working design/details for attenuation basin
17. Approval and Implementation of landscape and habitat management plan
18. Provision of Cycle Storage
19. Obscure glazing to first floor bathroom windows in side elevations of plots 27 & 61
20. Provision of 30% Accessible Dwellings M4(2) within the development
21. Provision of 6% Wheelchair Adaptable Dwellings M4 (3)(2)(a) within the development
22. Provision of ecological mitigation areas at the commencement of development within Phase 2
23. Installation of barriers to prevent informal routes/access to Peter Destapleigh Way

Any future decision notice to include an informative to ensure that as part of the Section 38 agreement, all roads within the application site be subject to a 20 mph speed limit.

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 has 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.

**58 22/3338C - LAND TO THE EAST OF VIKING WAY, CONGLETON - FULL PLANNING APPLICATION PROPOSING THE ERECTION OF AN EMPLOYMENT BUILDING (USE CLASS B2, B8 AND ANCILLARY E(G)) WITH ASSOCIATED INFRASTRUCTURE, INCLUDING LANDSCAPING, DRAINAGE, AND CAR, HGV AND CYCLE PARKING, AND ACCESS FROM VIKING WAY**

Consideration was given to the above planning application.

The following attended the meeting and spoke on the application:

A Routledge (Agent)

**RESOLVED:**

For the reasons set out in the report and update report, the application be APPROVED subject to a Deed of Variation to the Section 106 agreement attached to application 19/5596C and to the following conditions;

1. Standard 3 year consent

2. Approved plans
3. Tree Protection
4. Landscape implementation
5. Submission of a Landscape Management Plan
6. Updated badger survey prior to commencement.
7. Safeguarding of nesting birds
8. Implementation of submitted Ecological Enhancement
9. Implementation of submitted Habitat Creation and Management Plan
10. Electric Vehicle infrastructure
11. Ultra Low Emission Boilers
12. Noise measures recommended
13. Submission of a supplementary Phase II ground investigation and risk assessment
14. Submission and approval of a Verification Report prepared in accordance with the approved Remediation Strategy
15. Any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping shall be tested for contamination and suitability for use
16. Contaminated Land – unexpected findings
17. Construction & Environmental Management Plan to include hours of working
18. Submission of a detailed strategy/design limiting the surface water runoff/approval of submitted detail if LLFA agree with submitted details
19. Submission of sustainable drainage management and maintenance plan for the lifetime of the development
20. Submission of details for a groundwater monitoring scheme and dewatering options
21. Submission of ground levels and finished floor levels (flood risk)

Informatives;

- Water Course & Bylaw 10
- EP Standard informs

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 has 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.

The meeting commenced at 10.00 am and concluded at 12.05 pm

Councillor M Hunter (Chair)



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Application No: 21/4113M

Location: Land North of CONGLETON ROAD, MACCLESFIELD

Proposal: Outline application (with all matters other than access reserved) for the development of up to 92 dwellings, employment development and associated works including landscaping and full permission for the access arrangements via a new roundabout junction on Congleton Road

Applicant: Jones Homes North West Ltd and Redrow Homes

Expiry Date: 21-Apr-2023

## **SUMMARY**

Macclesfield is one of the principal towns and growth areas of the Borough where national and local plan policies support sustainable development. The proposal provides up to 92 dwellings, a small amount of employment development and associated works and includes full details for the access on part of a site allocated for around 300 dwellings and 10 ha of employment land under Policy LPS 15 of the Cheshire East Local Plan Strategy (CELPS).

Through the adoption of the CELPS, the site has been removed from the Green Belt and the principle of developing the site for housing and employment uses is acceptable. This proposal would bring economic and social benefits through the delivery of 92 no. residential units.

The proposal does not provide an agreed masterplan to enable the delivery of a coordinated and comprehensive development on this important allocated site. This is required by the policy which allocates the site for development (LPS 15) and would potentially prejudice the delivery of this site allocation including important additional employment uses within Macclesfield. The masterplan, due to its lack of coordinated approach would potentially result in unsatisfactory relationship between noise sensitive residential uses and noise generating employment uses without appropriate buffers. It would also fail to provide a readily recognisable boundary with the Green Belt and a lack of landscape buffer with existing residential properties on Hillcrest Road.

The proposal, whilst providing an appropriately designed access proposal via a new 60 metre roundabout on Congleton Road, does not provide suitable mitigation against the impacts of the development proposed taking into account other committed developments. The principal concern is the A536 Flower Pot junction where the developer has assumed that the Council's Flowerpot improvement scheme is in place and at the Moss Lane / London Road Junction.

The information submitted with the application does not sufficiently demonstrate the proposal will not have a detrimental impact on a number of protected species / nature conservation matters, including impact on the nearby Danes Moss Local Wildlife Site.

The impact of the development upon archaeology, infrastructure (education and health), affordable housing provision is acceptable and would be controlled via a S106 Agreement and conditions. Matters relating to drainage / flood risk, public rights of way and air quality would be acceptable with the imposition of conditions. The impact on trees and the provision of public open space / recreation will be subject to further update.

The proposal is contrary to the relevant policies of the Cheshire East Local Plan Strategy, the Site Allocations and Development Plan Policies Document and advice in the National Planning Policy Framework. Accordingly, a recommendation of refusal is made.

## **SUMMARY RECOMMENDATION**

**REFUSE**

## **PROPOSAL**

This application seeks outline planning permission with all matters reserved (except for means of access), for the development of up to 92 dwellings, employment development amounting to 757 square metres floorspace for storage and distribution and industrial use and associated works including landscaping. Access would be via a new roundabout junction on Congleton Road.

## **DESCRIPTION OF SITE AND CONTEXT**

This application relates to a greenfield site lying to the west of Macclesfield on the north side of Congleton Road. The site measures approximately 6.7 hectares in size and forms part of a wider site measuring 26 hectares in size allocated for up to 300 dwellings and 10 hectares of employment land / uses under Policy LPS 15 of the Cheshire East Local Plan Strategy (CELPS).

The site allocation itself is bounded by agricultural land to the north which has been safeguarded for future development as part of LPS 19 (South West Macclesfield), existing residential development to the east beyond the Rising Sun Public House / Hotel and agricultural fields to the south and west designated as Green Belt. The site occupies a frontage with Congleton Road along its southern boundary.

The site was removed from the Green Belt on adoption of the Cheshire East Local Plan Strategy. Danes Moss Local Wildlife Site is located 250 metres to the southeast of the site beyond the South Macclesfield Development Area (SMDA) allocated under LPS 13.

## **RELEVANT HISTORY**

17/2206M - Creation of a roundabout junction and new access road at Congleton Road, Macclesfield – Appealed against non-determination – Dismissed 16-Apr-2018

21/4040S - EIA Screening opinion Phase 1 for outline planning application (with all matters other than access reserved) for the development of up to 92 dwellings, employment development and associated works including landscaping: and full permission for the access arrangements via a new roundabout junction on Congleton Road - Pending

## **POLICIES**

### **Development Plan**

#### 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

IN1 Infrastructure

IN2 Developer Contributions

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities  
SC3 Health and wellbeing  
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  
SE7 The Historic Environment  
SE9 Energy Efficient development  
SE12 Pollution, land contamination and land stability  
SE13 Flood risk and water management  
CO1 Sustainable travel and transport  
CO3 Digital connections  
CO4 Travel plans and transport assessments  
LPS 15 Land at Congleton Road, Macclesfield

Site Allocations and Development Policies Document (SADPD)

GEN1 - Design principles,  
ENV1 - Ecological network,  
ENV2 - Ecological implementation,  
ENV3 - Landscape character,  
ENV5 - Landscaping,  
ENV6 - Trees, hedgerows and woodland implementation,  
ENV7 - Climate Change,  
ENV12 - Air quality,  
ENV14 - Light pollution,  
ENV15 - New development and existing uses,  
ENV16 - Surface water management and flood risk,  
ENV17 - Protecting water resources,  
INF1 - Cycleways, bridleways and footpaths,  
INF3 - Highways safety and access,  
INF6 - Protection of existing and proposed infrastructure  
INF9 – Utilities.

**Other Material Considerations**

National Planning Policy Framework (The Framework) 2021  
National Planning Practice Guidance  
Cheshire East Design Guide

**CONSULTATIONS**

**ANSA (Greenspaces and CEC Leisure)** – No comments received.

**Cadent Gas** – No objection.

**Cheshire Archaeology Planning Advisory Service** – No objection

**Cheshire Wildlife Trust** – Comments awaited.

**Education** – No objection subject to a financial contribution of £274,297 towards secondary and SEN school places. No contribution towards primary provision is required.

**Environment Agency** – No objection subject to conditions relating to contaminated land and surface water drainage.

**Environmental Protection** – Object on the basis that the proposed industrial uses on the employment site are incompatible with the residential uses and have high potential to detrimentally affect residential amenity. In the vent of an approval, conditions / informatives relating to noise mitigation, electric vehicle infrastructure, dust control, contaminated land, construction hours, piling, floor floating and ultra low emission boilers are recommended.

**Lead Local Flood Authority (LLFA)** – No objection subject to conditions relating to surface water attenuation, restriction of surface water flow, submission of a detailed drainage design strategy and submission of details of finished ground and floor levels.

**Head of Strategic Transport** – Object. The access proposals for the new roundabout are acceptable in that they would be sufficient capacity to serve this initial phase of development and a possible wider masterplan development. This design is also capable of operating within capacity with the SMDA development should it come forward.

In regard to the wider traffic impact of the development, the principal concern is the A536 Flowerpot junction where the developer has assumed that the Council's Flowerpot improvement scheme is in place. It does not assess the impact of the development with the existing arrangement which is over capacity.

The Transport Assessment concludes that even with the Council's proposed improvement at the Flowerpot in place it does not fully accommodate the proposed development traffic and also the committed scheme at SMDA. Having said that, the scale of this development is not considered large enough to support a refusal of this development in traffic terms alone at this junction, but the application provides little detail on how it would even attempt to mitigate / fund it's impacts at both the Flowerpot Junction and at the Moss Lane / London Road Junction.

**Housing Strategy & Needs Manager** – No objection subject to 30% of the units being provided as affordable with a tenure split of 65% / 35% between social / affordable rent and intermediate tenure.

**Natural England** – Comments awaited.

**NHS Eastern Cheshire Clinical Commissioning Group** – Request a financial contribution of £94,752 to support premises development of the Waters Green Medical Centre and development of additional primary care premises within Macclesfield.

**Public Rights of Way** – The proposal would directly affect would affect Public Footpath Gawsworth No. 20. No objection subject to conditions / informatives requiring the submission of a public rights of way scheme of management, pre-commencement and post-completion

condition surveys of the surface of the Public Right of Way and scheme of pedestrian and cycle signage.

**United Utilities (UU)** – No objection subject to foul and surface water drainage being connected on separate systems and submission of a surface water drainage scheme.

## **VIEWS OF THE TOWN AND PARISH COUNCILS**

**Macclesfield Town Council (MTC)** - Object on the grounds of:

- i. Macclesfield Town Council, as a statutory consultee, was not notified of the planning application.
- ii. That the application is to be considered by delegated authority and not the SPB as originally intended.
- iii. Some documents cannot be viewed, therefore not all information is available.
- iv. In consideration of the limited public comments, the degree of scrutiny afforded to the public.
- v. The impact of the new roundabout on traffic in the area, exacerbated by the busy Flowerpot junction and its proposed improvements, and the relief road for LPS13.

Additionally, MTC sought clarification on the following:

- The reason for the application to be determined by delegated authority and not committee i.e. SPB.
- The reason Macclesfield Town Council was not consulted.
- The extent of the distribution of the developer's pre-consultation leaflet.

**Gawsworth Parish Council** – Object to this application in its current guise and considers the application is premature.

- Contrary to the NPPF there was no pre-application engagement/consultation with the local community. Whilst the applicant did meet with the Parish Council this was only to present an almost finalised plan which it was stated would be submitted within days. There was no pre-application consultation with the local community and the applicant stated that the planning application publicity was sufficient for this.
- The Parish Council considers it is inappropriate for a small portion of a strategic site to come forward for outline planning consent as this prevents a holistic view being taken for the site particularly with regard to s106 contributions and the provision of on-site facilities. In the eventuality that the other portions of the site were not to come forward this would create an isolated development which does not connect with the existing settlement.
- The Parish Council is aware that the masterplan does not carry the support of the owners of all of the land which makes up the strategic site. Without this agreement there is a significant risk that the masterplan will not be adhered to, requiring future revision or that only part of the development will come forward. This is contrary to the Cheshire East Local Plan Strategy which places great weight on the importance of the site being planned in a "co-ordinated and comprehensive manner".

The Parish Council objects to the masterplan as proposed and considers that:

- a) The masterplan should consider and detail the heights of the land, proposed buildings and the resultant height of development to enable an assessment to be undertaken of the wider impact of the masterplan on the landscape and greenbelt.
- b) Without knowledge of the type of employment uses proposed, the employment land is likely to be in an inappropriate position in the centre of the site. The application does not comply with policy L1 of the Gawsworth Neighbourhood Plan by virtue of failing to detail how impacts on residential amenity will be avoided or mitigated and the Parish Council is concerned that surrounding the employment site by residential development is not conducive to avoiding the impact on residential amenity.
- c) The masterplan proposes that housing will front onto the main access road which would form a future connection to LPS19 and form part of any future South West Macclesfield Link Road; this road is being designed to be a busy thoroughfare and the Parish Council considers that it would be inappropriate to have multiple accesses from residential properties onto this road due to the impact this would have on traffic flow/highway safety and residential amenity (particularly noise and pollution).

The Parish Council questions the location, size and design of the proposed roundabout. The Parish Council considers that a single entrance to the site would be more appropriate with internal circulation. The Parish Council notes that the proposed roundabout is significantly larger than the roundabout approved for the SMDA site without any justification.

The proposed road width for the main through road is only 6.75m; it is noted that the SMDA road width is 7m and the Parish Council is not satisfied the proposed width is appropriate for the planned usage of the road as a major thoroughfare.

## **OTHER REPRESENTATIONS**

Representations have been received from 6 properties objecting to this application on the following grounds:

- The supporting documents should refer to the site as 'Land North of Congleton Road, Gawsworth' not just 'Congleton Road'
- Application pre-emptive of the outcome of the Formal Consultation of the CE Community Governance Review
- A number of documents are not viewable
- The congestion of traffic on the main road affecting traffic by the traffic lights at the Flower Pot
- Time taken to get to work on an existing busy road
- Air pollution
- Impact on neighbouring privacy
- Destruction of wildlife in the woodland and surrounding area
- Health service and education to service an additional 300 houses
- Removal of green belt
- Jobs for residents of 300 houses
- Macclesfield amenities are already oversubscribed
- Impact on the Flower Pot junction from increase in traffic
- Loss of woodland

- Concerns are also raised over the Penningtons Lane / Hillcrest area becoming a "rat run" cut through for people trying to cut out congestion going into Macclesfield
- Traffic surveys undertaken at wrong time (during lockdown)
- Increased demand on local refuse centre
- Existing footpaths are overgrown and unkempt
- Concerns are raised over the nature of the employment and retail areas and impact on residents from noise and pollution
- The line of the future South West Macclesfield Link Road should be drawn by Cheshire East Council in their comprehensive developers brief so that it forms the easily recognisable green belt boundary
- Contrary to LPF 15 in that the masterplan has not shown it would not prejudice comprehensive development of the site in a coordinated manner
- Pedestrian and cycle proposals inadequate as are carriageway widths
- The proposed masterplan does not have the agreement of all the landowners
- Not enough details has been shown across the whole masterplan to prove it is technically sound
- Proposal does not address previous Inspector's findings that the proposal has been substantiated by surveys and reports to evolve its future development
- The masterplan details significant drainage attenuation under the employment areas which are controlled by another landowner with no agreement from them
- Whilst described as Phase 1, it is unlikely that the development would start at the outer edge of the site and should start from the existing urban edge
- Other landowners do not support the distribution of uses shown on the masterplan

## **OFFICER APPRAISAL**

### **Principle of Development**

Macclesfield is identified as one of the principal towns in Cheshire East where CELPS Policy PG 2 seeks to direct 'significant development' to the towns in order to 'support their revitalisation', recognising their roles as the most important settlements in the borough. Development will maximise the use of existing infrastructure and resources to allow jobs, homes and other facilities to be located close to each other and accessible by public transport.

The application site is allocated as a Strategic Site for housing under Policy LPS 15 of the Cheshire East Local Plan Strategy (CELPS). When the Council adopted the Cheshire East Local Plan Strategy on 27th July 2017, the site was removed from the Green Belt.

Site LPS 15 states that the development of Congleton Road will be achieved over the Local Plan Strategy period through:

1. The delivery of around 300 new dwellings;
2. Provision of around 10 hectares of employment land and employment related uses;
3. Incorporation of green infrastructure, including a neighbourhood park and public open space;
4. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities; this could link to Site LPS 13 and provide a strategic southwest green route around the town;

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 readily recognisable Green Belt boundary would be reinforced that will endure in the long term.

Additionally, the following site-specific principles of development apply:

- a. The development would be expected to contribute towards off-site road infrastructure improvements in the central and southern Macclesfield area.
- b. Any development that would prejudice the future comprehensive development of the adjacent safeguarded land will not be permitted (Site reference LPS 19).
- c. The access road must be designed to serve any potential future development on the adjacent safeguarded land and it must be of a standard to form part of any future South West Macclesfield Link Road.
- d. The development would be expected to provide improvements to existing and include the provision of new pedestrian, cycle and public transport links to existing and proposed residential and employment areas, shops, schools & health facilities. The provision of a southwest green route would link with existing north to south routes in the form of the Macclesfield Canal and Middlewood Way.
- e. The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC 5 'Affordable Homes'.
- f. The development should deliver compensatory habitats on the site as required.
- g. A desk based archaeological assessment is required for the site, with targeted evaluation and appropriate mitigation being carried out, if required.
- h. A landscaped buffer should be incorporated between development and the rear of properties on Hillcrest Road.
- i. Any application would need to be supported by a full ecological appraisal. Mitigation would be required to address any impacts on protected species. Any woodland, orchards or other priority habitats or habitats of local wildlife site quality on the site should be retained and buffered by areas of open space/habitat creation.
- j. Any development proposals must avoid any impacts on Local Wildlife Sites. This should include indirect impacts resulting from changes in hydrology, hydrochemistry, air pollution and recreational impacts.
- k. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the site.

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*". In light of LPS 15, which allocates this site for housing and employment development, the principle of developing part of the site for residential purposes is acceptable.

However, this proposal does not include all the land allocated under LPS 15. Whilst it is not a requirement that any applications submitted on allocated sites are done so in a single application, criteria 6 of Policy LPS 15 requires that a:

6. *“master plan should be submitted so the site may be planned in a co-ordinated and comprehensive manner”.*

On the adoption of the Local Plan Strategy on 27 July 2017, the site LPS15 was allocated for development for the provision of around 300 homes and 10 Ha of employment land. Alongside a housing allocation LPS16 at land South of Chelford Road (200 homes) and LPS 19 safeguarded land (95.7ha) the land at Congleton road forms part of a long-term strategy for the future growth of Macclesfield. Whilst there can be no exact certainty as to the scale or timing of future housing or employment needs, over time it is envisaged that development will ultimately extend between the Chelford and Congleton Roads. Critical to this will be a connecting spine road which will serve future developments and, in time, allow through traffic to connect between the main Congleton and Chelford Roads. Provisions of suitable junctions for this local road are built into planning policy for both site LPS 15 and LPS 16.

LPS Site 15 is one of only two allocations in Macclesfield that allocate fresh land for employment use (alongside site LPS 13). At 10 Ha it is by far the largest of the two and therefore represents the principal employment allocation for Macclesfield – which is the second largest town in Cheshire East. The site is considered suitable for meeting the needs of primarily local businesses, that up to now, have had limited options for expansion. Central to the rationale for amending green belt boundaries was based on the “need to allocate sufficient land for market and affordable housing and employment development, combined with the adverse consequences for patterns of sustainable development of not doing so” [Local Plan Inspectors Report paragraph 94]. In other words, green belt previously ‘shrink wrapped’ the town and so space is needed on its periphery to allow for sustainable development in its broadest sense.

However, land removed from the green belt is a precious and limited resource – it must be used judiciously – otherwise more green belt may need to be taken up or it be perceived that much cherished green belt has been ‘sacrificed’ in vain. Congleton Road therefore represents the largest and best employment allocation in Macclesfield. It is vital that it be delivered for the benefit of local business. The principle of development at Congleton Road is not at all in dispute. However, the requirement to provide land for business and to plan for future development needs is central to the need to plan coherently and comprehensively.

The obligation to provide a suitably arranged housing and employment site, the need to secure an appropriate green belt boundary alongside a spine road with access to the adjoining safeguarded land - all underline why Local Plan Strategy Policy LPS 15 requires the submission of a comprehensive and coordinated masterplan. These are complex and potentially competing elements requiring proper planning and coordination to ensure they can all be properly accommodated. Whilst mixed use allocations can bring many benefits, housing and business can also create environmental and amenity conflicts if not suitably arranged. Similarly, whilst housing is reasonably tolerant of changes in levels, business accommodation usually requires a flat or level site to succeed. Equally whilst a long-term green belt boundary can usually be achieved alongside housing were as it may be more challenging adjacent to industry. As such, it is appropriate to consider the design of the submitted masterplan.

## **Design**

NPPF paragraph 130 notes that planning decisions should ensure that developments are: visually attractive because of good architecture and layout; are sympathetic to local character

and history, while not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place, and create attractive and distinctive places to live, work and visit. Paragraph 134 notes that permission should be refused for poor design that fails to take the opportunities for improving the character and quality of an area.

Policy SD2 (Sustainable development principles) of the CELPS requires provision or contribution towards identified infrastructure, services or facilities. The policy in point vi requires for the development to be socially inclusive and, where suitable, integrate into the local community. The Policy in point 2 ii. expects residential development to provide access to a range of forms of public transport, open space and key services and amenities. Point iii. requires incorporation of measures to encourage travel by sustainable modes of transport such as walking, cycling and public transport.

Policy SE1 notes that development proposals should make a positive contribution to their surroundings by: - Ensuring design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness, and character of settlements - Encouraging innovative and creative design solutions that are appropriate to the local context.

Criterion 6 of LPS 15 requires development proposals to be supported by a *'master plan so the site can be planned in a co-ordinated and comprehensive manner. The masterplan must detail how a readily recognisable Green Belt boundary would be reinforced that will endure in the long term'*.

As this is an outline application with matters relating to layout, scale and appearance reserved for approval at a later stage, this information is not submitted in detail for consideration at this stage. Whilst this application does not relate to the whole allocation at LPS 15, a masterplan has been submitted with the application in an attempt to show how the site allocation (amongst other requirements) could be developed to deliver around 300 new dwellings with 10 hectares of employment land.

The proposal would be served by a new roundabout on Congleton Road positioned at a point roughly midway along the site frontage to LPS 15. It would be a 60 metre four arm roundabout with short sections of the internal roads leading into the site with two arms off the roundabout serving the site. The western arm is likely to serve residential development with shared ped/cycle footways. The northern arm includes shared ped/cycle footways and will serve the employment element of the site.

Approximately 10 blocks of residential development are shown on the masterplan delineated by various features with approximately 7 hectares of employment uses consolidated in the central section of the site allocation but offset towards the east adjoining the existing woodland next to the Rising Sun Public House. Of the features, the most notable is the potential future South West Macclesfield Link Road running through the to the boundary with the safeguarded land to the north (LPS 19). This potential route would run directly through the residential elements shown on the submitted masterplan, avoiding the employment uses. This is of concern in that such a link road would be of an infrastructure which would be better suited to run through less sensitive land uses (such as employment) and with a better buffer through the use and design of better laid out areas of open space and green infrastructure.

Additionally, the proposed employment uses show little capacity or opportunity for relief between internal uses. For example, the edge of such uses would be better transitioned with areas of landscaping and open space, but instead are shown to adjoin the neighbourhood park and areas of residential development with limited buffering. This has implications for a poor juxtaposition and requires consideration in respect of compatibility of uses to ensure future residential amenities are safeguarded. This will be given further consideration later in this report.

Of further concern, the submitted masterplan fails to secure a readily recognisable Green Belt boundary to the west, which this application site partly covers. There are some pinch points where residential development is shown in close proximity to the western boundary (shown 2 and 12 on the masterplan). This shows very little buffer or opportunity for landscaping / green infrastructure to bolster the boundary with the Green Belt and this, fails to satisfy the criterion 6 of LPS 15. Taking these issues into account, the masterplan is not coordinated or comprehensive and is not therefore acceptable to inform and help deliver this important site allocation.

It is apparent that not all landowners / parties who would be integral to the delivery of the wider site allocation have been party to the masterplan, one of which has objected to the application. This brings into question the likelihood that the proposed masterplan would provide an appropriate framework for developing the site and could therefore prejudice the delivery of other uses within the wider site allocation if it is bound by the submitted masterplan. As discussed, Congleton Road represents the largest and best employment allocation in Macclesfield and it is vital that it be delivered for the benefit of local business. Owing to the above issues, the masterplan does not protect this element of the site allocation for employment use in order to maintain an adequate and flexible supply of employment land, as required by CELPS Policy EG 3.

Further, the application site relates to the most south-eastern part of the site where it adjoins the Green Belt to the west. This is the outer edge of the site and thus would not be the natural place to begin development to ensure it is well integrated with the existing development to the north and east whilst achieving a readily recognisable boundary with the Green Belt as discussed above. Consequently, the general principles and parameters shown on the masterplan are not acceptable and would therefore prejudice the delivery of a site allocated for residential and employment uses contrary to Policies LPS 15 and EG 3

### **Housing Land Supply**

The Council has deliverable supply of housing land in excess of the minimum of 5 years required under national planning policy. As a consequence of the decision by the Environment and Communities Committee on 1 July 2022, to carry out an update of the Local Plan Strategy (LPS), from 27 July (the fifth anniversary of its adoption), the borough's deliverable housing land supply is now calculated using the Council's Local Housing Need figure. The latest published assessment of deliverable housing land supply can be found in the Cheshire East Housing Monitoring Update (base date 31 March 2022) which confirms a deliverable five-year housing land supply of 11.6 years.

The 2021 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities (DLUHC) on the 14 January 2022 and this confirmed a Housing

Delivery Test Result of 300% for Cheshire East. The 2022 Housing Delivery Test Result has not yet been published by DLUHC.

Under-performance against either of these can result in relevant policies concerning the supply of housing being considered out-of-date with the consequence that the ‘tilted balance’ at paragraph 11 of the NPPF is engaged. However, because of the Council’s strong performance, the ‘tilted balance’ is not engaged by reference to these housing supply and delivery tests.

The Council can now demonstrate a 5 year supply of land for housing, but it is important to note that this proposal would deliver 92 no. dwellings on an allocated site within the adopted Local Plan within one of the Principal Towns in the Borough. The Council needs to keep the supply rolling and proposals that bring forward the Council’s strategic vision through the development of the allocated sites such as this one will assist in relieving pressure on other edge of settlement sites and the countryside. As such, this is a benefit of the scheme albeit it does not realise the intended quantum of residential development envisaged by LPS 15.

### Affordable Housing

Policy SC 5 of the CELPS requires the provision of 30% affordable housing on all ‘windfall’ sites of 15 dwellings or more. This relates to 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.

As this is an outline application which includes up to 95 dwellings, 28 of the units will be required to be affordable, depending on the final number of dwellings on the application site. To satisfy the required tenure split, 23 of the units would need to be provided as social rented accommodation and 13 of the units as intermediate tenure.

The current number of those on the Cheshire Homechoice waiting list with Macclesfield as their first choice is 1608. This can be broken down as below;

	How many bedrooms do you require?						
First Choice	1	2	3	4	5	5+	Grand Total
Macclesfield	<b>942</b>	<b>398</b>	<b>179</b>	<b>56</b>	<b>33</b>		<b>1608</b>

The Intermediate need is the same as the whole borough. The need is for 1, 2 and 3 bedroom dwellings for 1<sup>st</sup> time buyers and those families who cannot afford to buy on the open market without the schemes discounts.

The applicant has confirmed that the proposal will provide 30% of the site as Affordable Housing with the required tenure split. The precise number, size, location and type of units will be secured at Reserved Matters stage. On this basis, the Council’s Housing Strategy and Needs Manager has no objection and the scheme is in compliance with Local Plan Policy SC 5 and criterion b of LPS 15.

## Education

One of the site specific principles of the site allocation under LPS 15 is that the development of the site will require “contributions to education and health facilities”.

In the case of the current proposal for 92 dwellings, the Council’s Children’s Services have advised that a development of this size would generate:

- 16 - Primary children (92 x 0.19)
- 14 - Secondary children (92 x 0.15)
- 1 - SEN children (92 x 0.51 x 0.023%)

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

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. Whilst it is acknowledged that this is an existing issue, the 1 child with special educational needs (SEN) expected from this development will exacerbate the shortfall.

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

- $14 \times \pounds 17,959 \times 0.91 = \pounds 228,797$  (Secondary)
- $1 \times \pounds 50,000 \times 0.91 = \pounds 45,500$  (SEN)
- Total education contribution:  $\pounds 274,297$ .

The applicant has confirmed acceptance of this requirement and therefore this application is compliant with criterion 5 of LPS 15 in this regard.

## Healthcare

The NHS Eastern Cheshire Clinical Commissioning Group (CCG) has commented on the application. The NHS has noted that 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 17% 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. A model of ‘working at scale’ will be required, in which the six GP practices work much more closely together to remove duplication and inefficiencies from the primary care system. This will result in at least two of the six GP practices physically merging, with the associated building costs of merging the two (or more) GP practice footprints into one.

To facilitate this, a financial contribution will be required as part of this application, which 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.

Where a planning application has not provided a breakdown of the dwelling unit sizes in the proposed development (as is the case with this outline application), the CCG has assumed mix of 3 and 4 bed houses for costing purpose until such time as the size of the dwelling units are confirmed, at which point a revised and more accurate calculation can be confirmed.

For this planning application, the CCG has requested a financial contribution towards health infrastructure via Section 106 of £94,752. This provides an indication of the contribution required to comply with criterion 5 of LPS 15 of the CELPS. However, a formula-based approach would be utilised in the s106 in order to secure the appropriate contribution once the details of the dwellings / occupancy has been fully detailed at the reserved matters stage.

### **Public Open Space and Recreation**

The local plan allocation for this site and Policy SE 6 of the CELPS sets out that the open space requirements for housing development are (per dwelling):

- Children's play space – 20sqm
- Amenity Green Space – 20sqm
- Allotments – 5sqm
- Green Infrastructure connectivity 20sqm

This policy states that it is likely that the total amount of 65sqm per home (plus developer contributions for outdoor and indoor sports) would be required on major Greenfield and brownfield development sites. The indicative site plan shows areas of on site open space including across the wider site allocation. At 65sqm per dwelling, the total amount of on-site open space required could be up to 5,980 square metres. The indicative masterplan for the site shows an on site open space provision of approximately 1916 square metres (excluding pond areas), which would exceed the requirement.

There would sufficient opportunity to locate a Local Area of Play (LEAP) standard play area on site although this is not shown within the application site edged in red. The necessary outdoor sports and indoor sports facilities would be provided by way of a financial contribution towards off site provision.

Criterion 3 of LPS requires the 'incorporation of green infrastructure, including a neighbourhood park and public open space' into development proposals. The size of development would not justify the provision of a neighbourhood park on its own, but one is shown within the masterplan for the wider site allocation.

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 £1,000 per family dwelling or £500 per 1 / 2 bed apartment (excluding the affordable properties) with the final contribution determined upon the final number of properties on site.

Comments are awaited from the Greenspaces and Leisure Officers and will be reported to members by way of an update.

### **Air Quality**

Policy SE 12 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 186 of the NPPF and the Government's Air Quality Strategy.

Air quality impacts have been considered within the air quality assessment submitted by the applicant. 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 NO<sub>2</sub> and PM<sub>10</sub> 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:

- 2019 - Verification;
- Opening year Do-Minimum (DM) (predicted traffic flows in 2024 should the proposals not proceed); and,
- Opening year Do-Something (DS) (predicted traffic flows in 2024 should the proposals be completed).

The assessment concludes that the impact of the future development on the chosen receptors will be negligible with regards to all the modelled pollutants with only one receptor predicted to experience a slightly adverse impact. However, the proposed development is considered significant in that it is highly likely to change traffic patterns and congestion in the area.

Macclesfield has three Air Quality Management Areas, and as such the cumulative impact of developments in the area is likely to make the situation worse, unless managed.

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.

A development of this scale and duration would be expected to have an adequate demolition, construction and trackout dust control plan implemented to protect sensitive receptors from impacts during this stage of the proposal and this is mentioned within the assessment as a form of mitigation.

Conditions necessary to ensure that local air quality is not adversely impacted for existing and future residents could be achieved by conditions relating to securing the provision of electric vehicle infrastructure and ultra low emission boilers. Subject to these conditions, the proposal will comply with policy SE 12 of the CELPS.

### **Residential Amenity**

CELPs Policy SE 12 states that development should ensure an appropriate level of privacy for new and existing residential properties. Policy HOU 12 of the SADPD states development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive users or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

Policy HOU13 of the SADPD sets out standards of space between dwellings, which new housing development is generally expected to meet. This is required to maintain an adequate standard of privacy and amenity between residential properties, unless the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings.

The nearest existing residential properties are located to the northeast and southwest of the site. Those to the southwest are located approximately 120 metres away and those to the northeast approximately 300 metres away. As such, the amenity afforded to existing properties would be respected by the proposed indicative layout.

It is important to note that the detailed layout and appearance of the scheme are reserved matters for consideration at a later stage. However, having regard to the indicative layout, it is considered that a scheme of this size could be accommodated on the site, whilst maintaining the required separation distances between neighbouring properties and the proposed dwellings, and between the new dwellings within the development itself. Sufficient private amenity space for each new dwelling could be secured at reserved matters stage. No significant amenity issues are raised at this stage.

It must be noted that this application is not to consider the employment uses shown on the submitted masterplan, as they do not form part of this application.

## **Noise**

The application is supported by a noise considerations assessment (NCA) which details potential noise mitigation measures in order to ensure that occupants of the proposed dwellings are not adversely affected by current and future traffic noise in the vicinity of the site as well as noise generated by the proposed adjoining employment uses.

The NCA addresses noise related considerations in terms of the planning and orientation of buildings, noise mitigation measures and ventilation requirements to dwellings at relevant locations within the overall site. In general, the methodology, conclusion and recommendations of the report are acceptable as confirmed by the Council's Environmental Protection Unit (EPU). However, the EPU has expressed concerns regarding the proposed employment area shown on the submitted masterplan – which is positioned in the middle of the development and surrounded by the proposed new dwellings.

The EPU is concerned that the proposed planning use for B2 (general industrial use), E(g)(iii) (industrial processes), and B8 (storage and distribution including open air storage) could undermine residential amenity. Whilst the NCA looks at orientation of the industrial buildings, position of loading bays and location and restricted operational noise levels of external plant and equipment, it does not address the type of noise which such industrial and commercial uses could create and fails to highlight noise mitigation as part of the structure of the buildings themselves. Other possible environmental impacts such as the release of odours, fumes and dust is not addressed within the application.

In terms of the proposed B8 storage and distribution, containment of activities inside an appropriately constructed building may contain all noise. However, noise from outdoor activities such as deliveries and loading and collections could result in noise problems in the locality.

In the case of all three planning uses, noise from vehicle movements including the use of heavy goods and other large vehicles will be generated as the transport route will pass close to the new dwellings and such movements may occur during sensitive times.

However, the main concern would be in relation to the proposal for the E(g)(iii) industrial processes and B2 general industrial use to be carried out at the site. Dependant on the type of business, such industrial uses have high potential to be noise generative both inside and outside of relevant buildings, and could also result in odours, fumes and dust being caused in the locality. The EPU have advised that such industrial uses are better located on designated industrial estates for the reason of potential environmental impact and are not suited to be positioned in close proximity to residencies. However, this needs to be tempered with the fact that this site is part of an allocation for the said uses. The employment uses are only indicative and therefore with an appropriate layout, residential and employment can coexist with appropriate design and noise attenuation measures.

Based on the submitted masterplan, the proposed industrial uses on the employment site have high potential to result in harm to the residential amenity of the residents who live within the proposed development and could potentially affect other nearby dwellings. Dependant on the type of activity involved in the industrial businesses, certain types of noise produced and possible odours / fumes / dust can often be difficult to control. The situation is made worse by the limited separation distance between the proposed dwellings and the proposed employment site as shown on the masterplan. The EPU has advised that this aspect of the planning application should be reconsidered / refused.

As noted above, this application is not to consider the employment uses, which are mainly outside of the application site. However, the whole purpose of the allocation is to achieve a coordinated and comprehensive development of the whole allocation which means that a framework needs to be developed which achieves a well planned and laid out mix of uses without causing environmental disturbance or pollution in accordance with SADPD Policy HOU12 and SE 12. The submitted masterplan, due to its lack of coordinated approach would potentially result in unsatisfactory relationship between noise sensitive residential uses and noise generating employment uses without appropriate buffers.

## Highways

Policy CO1 of the CELPS considers matters of highway safety. Appendix C of the CELPS identifies minimum Parking Standards for residential development in Principal Towns and Key Service Centres and for the remainder of the borough.

The highways infrastructure requirements were considered during the allocation of this site under the Local Plan process and its subsequent adoption where the expectations for accessing the site were set out. It was envisaged that this site would form an integral part of a future South West Macclesfield Link Road and to serve some 95.7 hectares of safeguarded land under LPS 19 to the north. The development is also expected to contribute towards off-site road infrastructure improvements in the central and southern Macclesfield area (criterion a site specific requirements of LPS 15).

A previous application for a new roundabout to access LPS 15 was considered under planning ref; 17/2206M and was dismissed at appeal as it did not provide a comprehensive and co-ordinated development of the LPS 15 land as required by LPS 15 (6).

This application proposes a revised roundabout design with a 60 metre ICD (inscribed circle diameter) on Congleton Road. Only access is being applied for in detail in this application and as indicted is a new 60 metre four arm roundabout with short sections of the internal roads within the site. There are two arms off the roundabout serving the site. The western arm is likely to serve residential development and is 6.75 metres wide with 3 metres shared ped/cycle footways. The northern arm is 7.3 metres wide with 3 metres shared ped/cycle footways and will serve the commercial element of the site. The approach arms on Congleton Road have been flared to provide two lanes to increase capacity at the junction.

Capacity and Development Impact

The submitted roundabout design will need to provide enough capacity to support the development of the wider site allocation and also a potential future link to Chelford Road. The assessment has included the delivery of up to 300 dwellings and 7ha of employment uses in either B2 or B8 use classes.

The trip generation of the development has been derived using TRICS data based upon the 300 units and the estimated commercial floorspace that may come forward amounting to 28,000 square metres floorspace. The resultant trip generation is shown in the table below.

	Weekday Morning Peak			Weekday Evening Peak		
	Arrivals	Departures	Total	Arrivals	Departures	Total
Residential	45	132	177	126	72	198
Employment	160	75	235	49	163	212
Total	205	207	412	175	235	410

The redline boundary of this specific application relates to 92 residential units and not the full masterplan allocation and as such the applicant has assessed the traffic generation of only the 92 units.

	Weekday Morning Peak			Weekday Evening Peak		
	Arrivals	Departures	Total	Arrivals	Departures	Total
Application (92 units)	14	40	54	39	22	61
Full Masterplan	205	207	412	175	235	410
Percentage of Application to Full Masterplan	7%	19%	13%	22%	9%	16%

The applicant has based the distribution of the traffic on the 2011 census journey to work data for the local areas and then assigned to the following routes.

Route	Origin / Destination	Percentage	
		Resi	Emp
1	Southwest on the A536 Congleton Road	11%	25%
2	Northeast on the A536 Congleton Road / east along Moss Lane (then the SMLR once in place)	5%	5%
3	Northeast on the A536 Congleton Road / east on the A536 Park Lane	19%	15%
4	Northeast on the A536 Congleton Road / north on Oxford Road	61%	46%
5	Northeast on the A536 Congleton Road / west on Ivy Lane	4%	9%
Total		100%	100%

The assessments undertaken have been based upon observed traffic counts in 2021. These have been growthed to 2026 and then committed development added. Although the development of the South Macclesfield Development Area (SMDA) has the benefit of outline approval, it is not certain as to the extent or timing of development that might come forward on the SMDA site. Therefore, the applicant has undertaken an assessment with or without the SMDA development in place.

The results of the capacity assessment show that the A536 Congleton Road site access roundabout works well within capacity limits in both scenarios i.e. with SMDA or without SMDA. It can be concluded that the design and size of the proposed access roundabout is sufficient to cater for the LPS 15 allocation and also the SMDA application.

There are a number of other junctions that have been assessed in regard to traffic impact again with or without the SMDA development. The locations are as follows:

A536 Congleton Rd/Moss Lane Priority Junction  
A536 Congleton Rd/Thornton Ave Junction  
A536 Congleton Rd/Ivy Ln/Park Ln Signal Junction (Flower Pot Junction)

The current layout at the Congleton Rd/Moss Lane junction is a priority junction and as part of other approved development, an upgrade to a ghost right turn (Henshaw development) junction was secured. The impact of the development at this junction has shown that the upgraded junction would not be sufficient to cater for the full masterplan development even without the SMDA development and clearly would be substantially worse with the SMDA included. The applicant has tested the provision of a signal junction at this location and has shown that it would be capable of accommodating both the full masterplan and SMDA in 2026.

In summary, the full masterplan indicated by this proposed development would be required to fund the provision of a traffic signal junction at Moss Lane even without the SMDA coming forward.

The development impact at the Thornton Road junction is limited to the morning peak only with or without SMDA development, where the operation of the junction is above capacity. Given that the forecast queues are relatively modest (13 PCU's – passenger car unit) it is accepted that this would not result in a 'severe impact' and that no additional capacity improvements are necessary at the Thornton Avenue junction.

The capacity assessment of the A536 Congleton Road/Ivy Lane/ Oxford Road (the Flower Pot junction) shows that the junction would be operating over capacity in 2026 even with the CEC proposed road improvement scheme in place even without SMDA traffic included and without traffic from this development included. The Council's Flower Pot scheme is still in development and is funded in the Council's Medium Term Financial Strategy. Subject to confirmation of the land acquisition process (a CPO is planned as a fallback to negotiations), this can be considered a committed scheme for the purposes of this application.

Clearly, adding the traffic from LPS 15 would increase the level of queuing and delay even further. The Council's Head of Strategic Transport (Highways) has advised that the operation of this junction is a concern in both scenarios, with SMDA or with traffic generated by this development on LPS 15 and especially if both developments come forward. On this basis, the Council would need to consider if there are any additional improvements that could be made to the junction to accommodate the level of development traffic or if there are any other measures that can mitigate the impact of the development.

### Accessibility

It is important that developments of this scale are fully accessible to all road users which includes pedestrians and cyclists. The applicant has submitted an improvement pedestrian and cycle plan which indicates that the existing footway on Congleton Road will be widened on the development side to provide a shared facility (although no specific details have been submitted) and linked to the proposed SMDA access. Given the importance of this connection to link this development to the town and educational facilities, it is essential that the available width, land ownership and adoptable highway boundary are available to provide a high-quality connection. Officers do not consider there is sufficient evidence to confirm this based on the information provided. Based on the limited information supplied, it appears that it would be necessary to cross Congleton Road to continue with the Cycleway - if this is the case a controlled crossing would be required. No details have been submitted or a funding commitment made and in the absence of this, the scheme does not align with LPS 15 site specific principle criterion D which requires that:

*“the development would be expected to provide improvements to existing and include the provision of new pedestrian, cycle and public transport links to existing and proposed residential and employment areas, shops, schools & health facilities”*

The proposed roundabout access does include for 3 metre shared ped/cycle facilities on both the northern and western access arms.

### Highways Summary

The proposed new roundabout access on Congleton Road is a large roundabout that has sufficient capacity to serve this initial phase of development and a possible wider masterplan development. This design is also capable of operating within capacity with the SMDA development should it come forward. Therefore, it is accepted that the submitted access design can accommodate the level of development proposed and if approved would be delivered via a S278 Agreement with the Council.

It is proposed to improve the sustainable linkages to the site as part of this application. Should these improvements be provided then site accessibility will be improved. Again, the specific details would need to be agreed and the works delivered via a S278 Agreement.

In regard to the wider traffic impact of the development, the principal concern is the A536 Flower Pot junction where the developer has assumed that the Council's Flowerpot improvement scheme is in place. It does not assess the impact of the development with the existing arrangement which is over capacity. The Transport Assessment concludes that even with the Council's proposed improvement at the Flowerpot in place, it does not fully accommodate the proposed development traffic and also the committed scheme at SMDA. Having said that, the scale of this development is not considered large enough to support a refusal of this development in traffic terms alone at this junction, but the application provides little detail on how it would even attempt to mitigate / fund its impacts at both the Flowerpot Junction and at the Moss Lane / London Road Junction.

In the absence of an agreed Strategy with the Developer, the Council has suggested the following approach, should members be minded to approve this application:

### Proposed Funding and mitigation Strategy – Highways

Although a committed development, the shape / scale of delivery of the SMDA scheme, at least in its current form is unclear and it is this development in the main that has the largest operational impact on the Flowerpot junction. Looking at this development in isolation, the impacts at the Flowerpot, plus the LPS 15 traffic are that the Council's improved junction scheme operates at or just over its maximum capacity.

The Council is examining ways to deliver further improvements at the Flowerpot Junction. These will mostly focus on Technology solutions.

It should also be noted that, the new layout will improve pedestrian and cycling facilities, helping to improve sustainable travel options and reducing the need to use private vehicles.

In this context, it is considered this development and the wider LPS 15 site should, as a minimum contribute and support the delivery of the Council's Flowerpot improvement scheme, or an improved version of it - as essential mitigation for the LPS 15 site.

The Council's Medium Term Financial Strategy shows that the current approved budget for the Scheme is £10.04M, with a DfT contribution to the project of £3.5M. The Council is therefore 'forward funding' the current gap. Of this forward funding, c£1.9M relates to signed S106 agreements. The remainder is from future developer contributions / and or the Council's own

Capital funding, with the Council seeking to maximise the level of external contributions to the junction improvement.

Criterion 5 and site specific principle 'a' of LPS 15 states that this allocation is expected to contribute to off-site road infrastructure in the Southern Macclesfield area. As LPS 15 represents the last major development in Macclesfield that is able to contribute to the Flowerpot Scheme (and with direct impacts) it is necessary to secure an appropriate contribution to the Scheme. It is accepted however, that contributions to infrastructure have to be justified and in keeping with the scale of impact. In determining what an appropriate contribution strategy might be for the LPS 15 site we therefore have had regard to what has previously been agreed.

The SMDA application contributed £1.2M (in 2017 prices) from 950 houses. However, this contribution at the time, was to a scheme estimated to cost £5M - the contribution was therefore 25% of the total cost of the scheme at that time (on the basis this allowed the Scheme to be fully funded by developments). The new estimated scheme cost as approved in the Council's MTFS is c£10M. To maximise developer contributions to the Scheme, the LPS 15 site should contribute the full funding requirement that the Council is underwriting / forward funding. Taking into account the current level of earmarked contributions this is £4.6M. This is calculated as a contribution of c£15,000 per dwelling assuming this funding is spread over the housing allocation only of LPS 15. Therefore, if Members were minded to support this application, a contribution of £15,000 per dwelling would be required from this development towards the Council's improvement scheme (or variation thereof) at the Flower Pot junction.

There are also mitigation measures required at the Congleton Road/Moss Lane junction. However, the improvements conditioned by the SMDA scheme do address this. It is considered that the wider LPS 15 site should safeguard the delivery of this improvement scheme with a flexibly worded contribution should the SMDA scheme not be delivered in time. The applicant has provided no estimates for the cost of delivering this improvement and therefore it is impossible at this time to determine a proportionate contribution or trigger for a S278 improvement scheme.

There are several issues that need to be clarified to support this application in highways terms and as such it is recommended that the application is refused on lack of information as detailed below.

1. Provision and deliverability of a LTN 1/20 compliant Shared use Cycleway from the development towards the proposed junction with the SMDA scheme, including crossing facilities of Congleton Road.
2. An estimated cost and / or delivery strategy for the Moss Lane / London Road junction improvement
3. The proposed Mitigation / funding Strategy for the Flowerpot Junction.

The proposal, whilst providing an appropriately design access proposal does not provide suitable mitigation against the impacts of the development proposed taking into account other committed developments. The scheme is therefore at variance with CLPS Policy CO1 and criterion '5' and site specific principle 'a' of LPS 15.

## **Public Rights of Way**

Policy LPS 15 criterion 'd' of the CELPS requires the creation of new pedestrian, cycle and public transport links to existing and proposed residential and employment areas, shops, schools & health facilities. The provision of a south west green route would link with existing north to south routes in the form of the Macclesfield Canal and Middlewood Way.

The development, if granted consent, would affect Public Footpath Gawsworth No. 20, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way. Public Footpath Gawsworth No. 35 runs adjacent to the site but does not appear to be directly affected by the proposal. The Public Rights of Way Unit (PROW) welcome the proposed links for non-motorised users but require further details as to the proposals for the paths and different users. The direct on impact on Public Footpath Gawsworth No. 20 could be dealt with by condition and the submission of suitable detail at reserved matters stage regarding the precise layout of the site.

The site access will connect with the existing footway network on Congleton Road. As this is an outline application, the internal footways and cycle path connections are not to be determined at this stage and will be dealt with at reserved matters. Similarly, with regard to the pedestrian and cycle connections with the adjoining residential areas, there is scope at the detailed reserved matters stage to ensure integration and connectivity with the existing housing development to the north and east. The indicative layout supports this concept.

## **Trees**

Policy SE5 of the CELPS and ENV6 of the SADPD relate to trees, hedgerows and woodland. The objective of the policies is to protect trees that provide a significant contribution to the amenity, biodiversity, landscape or historic character of the surrounding area.

The application is supported by an Arboricultural Statement and has identified a hundred and thirty individual trees (T1 to T130), twenty-one tree groups (G1 to G21), a woodland (W1) and eleven hedges (H1 to H11). The trees identified include the wider development site not just the application site. There are currently no specimens subject of Tree Preservation Orders within the application site.

The arboricultural report states that there will be a need to remove 'several U category trees as appropriate arboricultural management, irrespective of the development. Implementing the outline development proposal will require the removal of seven B category trees, fifteen C category trees, and one C category group, the loss of which would be mitigated by the provision of new trees and landscaping. Implementing the masterplan layout for the wider allocation site would require the additional removal of a further one A category tree, four B category trees, sections of two B category groups, two C category groups and three hedges, the loss of which could be mitigated for in management of retained tree cover and provision of new trees and landscaping. One A category group, thirty-eight B category trees, three B category groups, one B category woodland, twenty-four C category trees, three C category groups and two field boundary hedges on and adjacent to the outline application site, can be retained. If the masterplan layout for the wider allocation site were implemented, a further seven A category trees, three A category groups, twenty B category trees, five B category groups, sections of two B category groups, ten C category trees, 1 C category group and seven hedges could be retained'.

Comments are awaited Council's Tree / Arboricultural Officer and will be reported to members by way of an update.

## **Landscape**

Policy SE 4 of the CELPS expects all development to incorporate appropriate landscaping which reflects the character of the area through appropriate design and management; where appropriate, provide suitable and appropriate mitigation for the restoration of damaged landscape areas; preserve and promote local distinctiveness and diversity; avoid the loss of habitats of significant landscape importance, and; protect and / or conserve the historical and ecological qualities of an area. Policy LPS 15 indicates the need for the incorporation of green infrastructure, including a neighbourhood park and public open space, pedestrian and cycle links.

As part of the submission a Landscape and Visual Assessment (LVA) has been submitted. This identifies the baseline landscape character, specifically NCA 61: Shropshire, Cheshire and Staffordshire Plain and that the Cheshire East Landscape Character Assessment 2018 identifies the area to the west as LCT 11- Higher Wooded Farmland, specifically LCA 11b – Gawsworth and to the east as LCT 9 – Mossland and specifically LCA9b – Danes Moss. The site itself covers an area of approximately 6.74 hectares. The total area of LPS 15 is approximately 26 hectares. The site and surrounding area are identified as semi-improved grassland, marshy grassland ranging between 160 – 170 metres Above Ordnance Datum (AOD) with a number of ponds, scattered mature trees, hedgerows and a high voltage electricity line along a northwest – southwest alignment and a pylon on the southern boundary.

The Landscape Assessment indicates that the landscape sensitivity for the site is 'low' and that at the construction phase there would be a 'moderate' magnitude of effect, remaining as 'moderate' at Year 1 and reducing to 'low – negative' at Year 15. The overall effect is identified as 'minor adverse' at all stages. For LCA 9b – Danes Moss the overall effect is identified as 'minor adverse' until Year 15 where it reduces to 'negligible'. For LCA 11b – Gawsworth the overall effect is identified as 'minor adverse' until year 15, when it would be 'negligible'. The LVA identifies that effects for FP 20 Gawsworth would remain up to 'moderate adverse' even after 15 years, that effects for FP30 Gawsworth, FP 35 Gawsworth FP 24 Gawsworth and FP5 Gawsworth would be 'minor adverse'. For residential receptors, those along Hillcrest Road would remain 'moderate adverse' even after 15 years. The remainder identified would be either 'negligible' or 'minor adverse'. Impacts for road users are identified as 'moderate adverse' (Congleton Road and Pennington Lane).

The design evolution of the LVA states that the woodland blocks will be used to create a visual barrier and define the edge to the Green Belt, use-built height to create a transition from rural to urban, strengthen existing boundary vegetation, respect the landscape character and enhance footpath and cycleway links into the wider area. The LVA states that there will be robust woodland planting and open space along the Green Belt boundary and that for the hedgerow field pattern contributes to the local landscape and can be used positively to influence the layout and massing of the masterplan. The LVA states that the proposed development has responded to the landscape and visual context of the site by retaining boundary vegetation where possible within a framework of new strategic planting to create a sensitive transition between the site and the wider countryside.

The Council's Principal Landscape Architect broadly agrees with the LVA, but this is an outline application and the Masterplan – Strategic Masterplan Framework with is indicative. While the masterplan does show much of the existing hedgerow framework, this may be compromised as the design process progresses, particularly in close proximity to the employment area, and while the intention is to provide robust woodland planting along the Green Belt boundary this has already been compromised by the easement of the overhead power lines along this part of the site and also by the proximity of residential development to this boundary at a number of locations, notably blocks 2 and 12. Serious consideration will need to be paid to the transition along the southern boundary between the proposed development and wider landscape.

In terms of progressing the overall design the guidance offered in the Cheshire East Design Guide will need to be adhered to closely, in terms of the street hierarchy, adequate space for avenue planting along the main routes and provision of a hierarchy of green infrastructure with the site and complementing and enhancing that green infrastructure that already exists. The Council's Principal Landscape Architect suggests that more consideration needs to be given to connectivity with the wider development area to the north, particularly for pedestrian and cyclists.

Whilst the impact on the landscape character of the area would not be significant, given that the landscape sensitivity is low. However, the design of the masterplan reduces opportunities to secure a landscaping scheme which would provide a readily recognisable Green Belt boundary owing to the positioning of residential development at Blocks 2 and 12. Further, the proposal provides a lack of appropriate landscape buffer to the rear of the existing residential properties to the east on Hillcrest Road, as required by criterion 6 and site-specific principle 'h' of LPS 15. Accordingly, the proposal is contrary to CELPS Policy LPS 15.

## **Ecology**

Policy SE3 of the CELPS and ENV2 of the SADPD require all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. The site specific policies for LPS15 include the following clauses relating to nature conservation matters:

- The development should deliver compensatory habitats on the site as required.
- Any application would need to be supported by a full ecological appraisal. Mitigation would be required to address any impacts on protected species. Any woodland, orchards or other priority habitats or habitats of local wildlife site quality on the site should be retained and buffered by areas of open space/habitat creation

Any development proposals must avoid any impacts on Local Wildlife Sites. This should include indirect impacts resulting from changes in hydrology, hydrochemistry, air pollution and recreational impacts.

The submitted ecological appraisal covers a much more extensive area than the red line of the current application. The Council's Nature Conservation Officer (NCO) has advised that the submitted report be amended to show the red line of the current application overlain onto the Phase One Habitat plan of the site as this would assist in determining which habitats are present within the red line of the application.

The submitted ecological assessment is a preliminary report and the NCO has advised that there are numerous further surveys and assessments required to allow a confident assessment of the ecological impacts of the proposed development to be made. The outstanding ecological assessments are detailed below. All of these must be undertaken and reports submitted prior to the positive determination of this application.

The following ecological matters are relevant to the current proposal:

Statutory Designated Sites - This application is located within Natural England's SSSI Impact risk zones for residential development. Comments are awaited from Natural England who would advise on the potential impacts of the proposed development upon statutory designated Sites.

Non-statutory Sites - Danes Moss Local Wildlife Site is located 250 metres to the southeast of the site.

The submitted information advises that there is potentially a hydrological link between the ditches on site and the ditches associated with the Local Wildlife Site. The NCO has advised that further information on this potential link is required to enable a confident assessment of the potential impacts of the proposed development on the LWS to be made.

Marshy Grassland and Semi Improved Grassland - These two habitats are present on site. Habitats of this type have the potential to be of significant nature conservation value. As the submitted ecological appraisal does not include any detailed botanical survey data for these habitats, it is not possible to determine their value. Further botanical survey data in the form of a full species list for each habitat with associated abundance data on the DAFOR scale is required prior to the positive determination of the application.

Great Crested Newts - There are several ponds within and in close proximity to the application site. The proposed development may therefore result in an adverse impact upon this species. The submitted ecological assessment recommends that either surveys are undertaken to establish the presence/absence of this species or that the development be entered into Natural England's district licencing scheme.

The potential impacts of the proposed development upon this protected species must be resolved prior to the determination of this application. Entry into Natural England's district licencing scheme for the species is likely to be acceptable. However, the application must be supported by evidence that the development is eligible to join the scheme in the form of a copy of the countersigned agreement with Natural England.

Common Toad - This priority species is known to be present in the broad locality of the application site. No assessment of the potential impacts of the proposed development has been included with the submitted ecological assessment. An assessment of the potential impacts of the proposed development upon this species must be undertaken and submitted in support of the application.

Hedgerows - Hedgerows within the red line of the previous application at this site (17/2260M) were identified as being 'Important' under the Hedgerow regulations. This current application must be supported by a Hedgerow Regulations Assessment to show the likely impacts of the proposed development upon hedgerows based on the submitted illustrative masterplan.

Water Voles - There are ditches present within the application boundary that may be suitable for this species and the submitted ecological assessment recommends that a survey be undertaken for this species to establish its presence/absence. A Water Vole Survey has been submitted in support of the application. The surveys did not identify any conclusive evidence of water vole presence within the onsite ditches and therefore this species are likely to be absent from the site.

Bats - Several trees are present on site that offer potential for roosting bats including one with a bat box attached. To determine whether roosting bats are likely to be affected by the proposed development, a detailed assessment must be undertaken of all the trees on site. Any trees with potential to support roosting bats which may be affected by the development must be subject to a survey to determine the presence/absence of roosting bats.

Bats are likely to forage and commute around the application site. The submitted ecological report recommends that a bat activity survey is undertaken to establish the value of the site for bats. A copy of a report of the required bat activity survey must be submitted prior to the determination of the application.

Barn Owls - This species is known to be present in this broad locality. The NCO has advised that a survey must be undertaken of any trees on site with potential to support this species. All trees with potential to support this species must be subject to a survey regardless of whether they are likely to be retained or lost.

Breeding Birds - The submitted ecological assessment identifies potential for priority birds species to be present on site and recommends that a detailed breeding bird survey is undertaken to establish the value of the site for birds. The NCO has advised that a breeding bird survey must be undertaken and a report submitted prior to the determination of the application.

Priority Invertebrate Species - A number of priority moth and butterfly species are known to be present in this broad location and suitable habitats for these species are present on site. The application site is however unlikely to be of particular importance for these species. To ensure that there is not a net loss of habitat for these species as a result of the development it must be ensured that the proposed development delivers a net gain for biodiversity as measured using the biodiversity metric discussed below.

Brown Hare and Hedgehog - No evidence of these two priority species was recorded during the submitted survey, but they are known to occur in the wider area. It is therefore possible that these species may occur on the application site on a transitory basis. The NCO has advised that the proposed development would result in a 'minor adverse impact' upon these species as a result of the loss of suitable habitat and the risk of animals being injured during works. The submitted ecological appraisal includes recommendations for measures to ensure that the habitat on site is rendered unsuitable for brown hare prior to the commencement of works and measures to reduce the risk posed to hedgehogs. If planning consent is granted the implementation of these measures must be secured by means of a condition.

Reptiles - The submitted ecological assessment advises that the application site has potential to support reptile species and recommends that a survey is undertaken. A detailed reptile

survey must therefore be undertaken and a report submitted prior to the determination of the application.

Bluebell - This priority plant species was recorded in associated with boundary hedgerows and field margins associated with fields 1,2,3,4 and 7. An assessment of the impacts of the proposed development upon this species must be undertaken and submitted in support of the application.

Badger - No badger setts or evidence of badger activity was recorded on site during the submitted survey. However, the species is known to be present in the broad locality and may possibly use the site for foraging on at least an occasional basis. Based on the current levels of badger activity on site the proposed development is not likely to result in a significant adverse impact upon this species. However, as the status of badgers on a site can change in a short timescale, if planning consent is granted a condition should be attached which requires the submission of an updated badger survey with any future reserved matters application.

Biodiversity Net Gain - Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. The applicant must undertake and submit an assessment of the residual ecological impacts of the proposed development using the Defra biodiversity offsetting 'metric' methodology. An assessment of this type would both quantify the residual impacts of the development (after identified potential impacts have been avoided, mitigated and compensated for in accordance with the mitigation hierarchy) and calculate in 'units' whether the proposed development would deliver a net gain or loss for biodiversity. If the calculation shows that the proposed development would fail to deliver a net gain for biodiversity additional habitat creation proposals would be required.

In the absence of the information relating to some of the ecological matters reported above, insufficient information has been submitted with the application to determine the likely nature conservation and biodiversity impacts of the development. Accordingly, compliance with CELPS Policy SE 3, SADPD Policy ENV2 and site-specific principle 'i' of LPS 15 has not been demonstrated.

## **Peat**

Policy SE 10 of the CELPS relates to proposals for minerals development. Its aims are to ensure there is a sustainable provision of minerals within the Borough. Whilst bullet 9 of Policy SE 10 states that the Council will "not support proposals for peat extraction from new or extended sites", this is in reference to sites for the working and mining of minerals. This is a scheme for residential development and therefore Policy SE 10 is not relevant or applicable to this application. This conclusion has been supported at appeal in the determination of planning ref; 19/3098M (Land between Chelford Road and Whirley Road, Macclesfield).

The Geo-Environmental Assessment which accompanies the application confirms that peat is present on the site. However, the quantum is not specified and would require further survey. Given the compressibility of peat, some areas of peat will need to be excavated and backfilled with material to enable appropriate ground works to be undertaken and suitable foundations to be used. However, until further survey work is undertaken and detailed layout provided, the extent of peat extraction cannot be determined or measures for its reduction established at this stage.

## **Flooding and Drainage**

The site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less. The Council's Flood Risk Manager and United Utilities have been consulted on this application and have no objection subject to conditions. Therefore, the development is considered to be acceptable in terms of its flood risk and drainage impact and will comply with policy SE 12 of the CELPS.

## **Contaminated Land**

The submitted Phase I Preliminary Risk Assessment has been assessed by the Council's Environmental Protection Unit (EPU), who have no objection. Any risk from unidentified contamination can be dealt with by appropriate conditions. The EPU has advised that there may be risk from gas owing to the presence of Danes Moss Landfill 25 metres away and the presence of peat and that the applicant should seek further advice from the Environment Agency regarding this nearby landfill. Such matters could be dealt with by condition and accordingly, the proposal complies with CELPS Policy SE12.

## **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 Macclesfield including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

## **S106 HEADS OF TERMS**

A s106 agreement would be required to secure:

- **Affordable Housing comprising 30% (65% of which will be for social / affordable rent and 35% for shared ownership / intermediate tenure)**
- **Education contributions of £228,797 (secondary) and £45,000 (Special Educational Needs) = total of £274,297**
- **NHS contributions of £94,752 to support premises development of the Waters Green Medical Centre and development of additional primary care premises within Macclesfield**
- **Highways contribution of £15,000 per dwelling towards the Council's improvement scheme (or variation thereof) at the Flower Pot junction**
- **Public Open Space on site including provision of NEAP / LEAP**
- **Management Plan for the on-site public open space NEAP / LEAP**
- **Contribution towards Recreation Open Space of £1,000 per open market family dwelling or £500 per 1 / 2 bed open market apartments**
- **Contribution towards indoor recreation tbc**

## **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;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of affordable housing, public open space, indoor and outdoor sport (financial) mitigation, education (financial), healthcare (financial) mitigation and highway (financial) mitigation are necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, safe, inclusive and mixed communities and to comply with local and national planning policy.

The development would result in increased demand for school places at the secondary schools and special education needs within the catchment area which currently have a shortfall of school places. To increase the capacity of the schools which would support the proposed development, a contribution towards secondary and SEN school education is required based upon the number of units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

## **CONCLUSIONS**

The proposal does not provide an agreed masterplan to enable the delivery of a coordinated and comprehensive development on this important allocated site. The proposal is therefore contrary to part 6 of Policy LPS15 of the Cheshire East Local Plan Strategy and would potentially prejudice the delivery of this site allocation as intended by LPS 15 including important additional employment uses within Macclesfield.

The submitted masterplan, due to its lack of coordinated approach would potentially result in unsatisfactory relationship between noise sensitive residential uses and noise generating employment uses without appropriate buffers. It would also fail to provide a readily recognisable boundary with the Green Belt and a lack of landscape buffer with existing residential properties on Hillcrest Road.

The proposal, whilst providing an appropriately designed access proposal does not provide suitable mitigation against the impacts of the development proposed taking into account other committed developments.

The information submitted with the application does not sufficiently demonstrate the proposal will not have a detrimental impact on a number of protected species / nature conservation matters, including impact on the nearby Danes Moss Local Wildlife Site.

The impact of the development upon archaeology, infrastructure (education and health), affordable housing provision is acceptable and would be controlled via a S106 Agreement and

conditions. Matters relating to drainage / flood risk, public rights of way and air quality would be acceptable with the imposition of conditions.

The impact on trees and the provision of public open space / recreation will be subject to further update.

The proposal is contrary to the relevant policies of the Cheshire East Local Plan Strategy, the Site Allocations and Development Plan Policies Document and advice in the National Planning Policy Framework. Accordingly, a recommendation of refusal is made.

## **RECOMMENDATION**

### **REFUSE for the following reasons:**

#### **1. Prejudicial to the delivery of the site allocation**

The application site lies within allocation LPS 15 of the Cheshire East Local Plan Strategy (CELPS). The proposal does not comply with Criteria 6 of LPS 15 as the submitted masterplan fails to show how this allocated site would be delivered in a co-ordinated and comprehensive manner. It would therefore prejudice the delivery of a site allocated for residential and employment uses contrary to Policies LPS 15 and EG 3 of the Cheshire East Local Plan Strategy.

#### **2. Insufficient Information on Highways Impact**

Insufficient information has been provided to demonstrate that the site would provide a shared use cycleway from the development towards the proposed junction with the SMDA including crossing facilities of Congleton Road, an estimated cost and / or delivery strategy for the Moss Lane / London Road junction improvement and the proposed Mitigation / funding Strategy for the Flowerpot Junction. As such, the proposed development is contrary to Policies CO 1, SE 6 and LPS 15 criterion 4 and site-specific principle 'd' of the CELPS, Policy INF3 of the SADPD and guidance contained within the NPPF.

#### **3. Noise Impact on Future Residential Amenity**

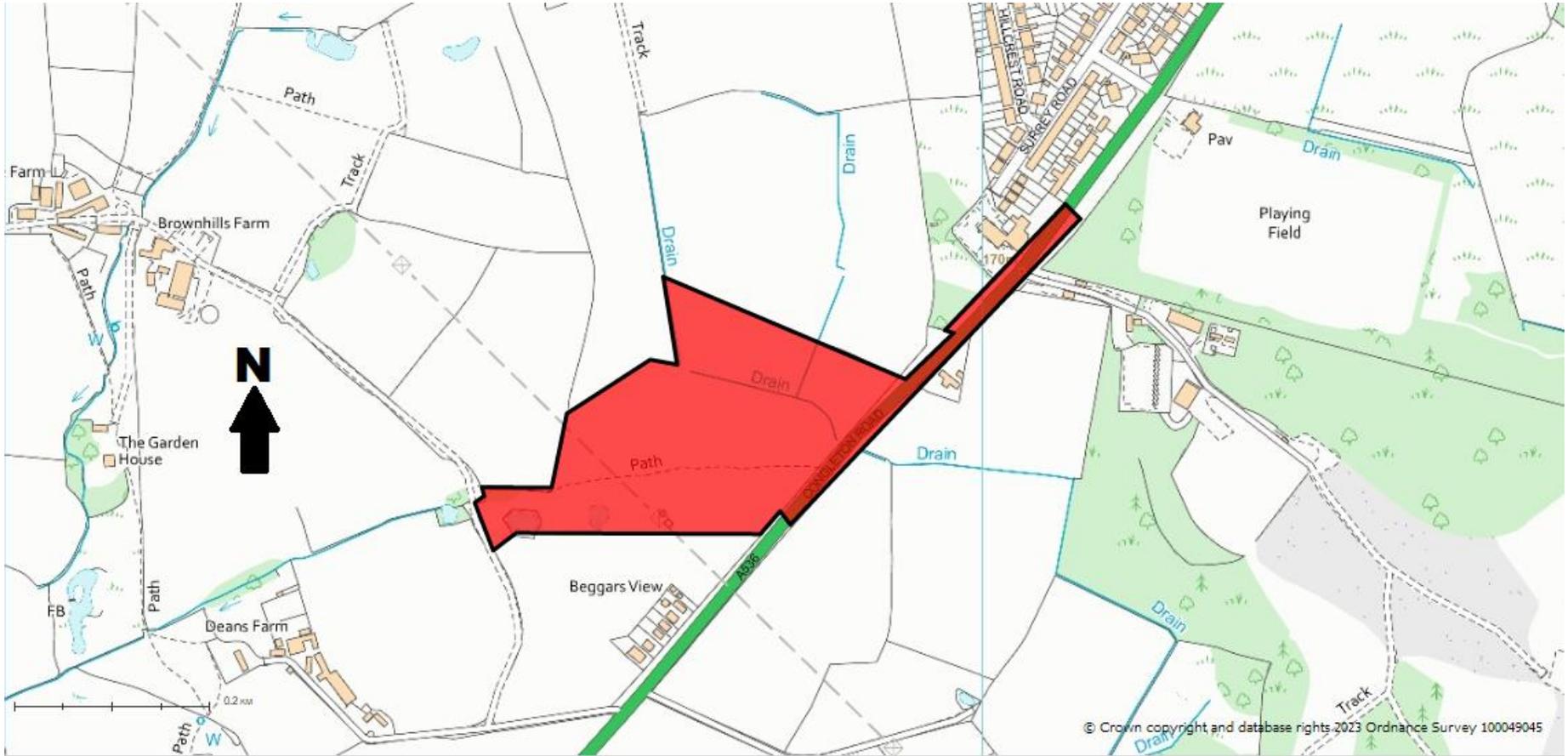
The submitted masterplan has failed to demonstrate how development across site allocation LPS 15 could be achieved without resulting in an unsatisfactory relationship between noise sensitive residential uses and noise generating employment uses owing to a lack of appropriate buffers. The proposal would therefore cause environmental disturbance or pollution contrary SADPD Policy HOU12 and CELPS Policy SE 12.

#### **4. Insufficient Ecological / Nature Conservation Information**

Insufficient information has been submitted in support of this application to allow an assessment of the impact of the development upon a number of species and the Danes Moss Local Wildlife Site. There is a lack of information regarding the hydrological link between the ditches on site and the ditches associated with the Local Wildlife Site. No botanical survey data in the form of a full species list for each habitat has been submitted.

Further surveys relating to Common Toad, Great Crested Newts (or entry onto a district licensing scheme), a Hedgerow Regulations Assessment, Water Vole, Bat Survey, Barn Owls, breeding birds, reptiles and bluebells. The Council therefore has insufficient information to assess the potential impacts of the proposed development upon protected species, the Local Wildlife Site and nature conservation. The proposed development is contrary to CELPS Policy SE 3, SADPD Policy ENV2 and site-specific principles 'i' and 'j' of LPS 15 and guidance contained within the NPPF.

*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 or in the event of an appeal, the Head of Planning 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.*

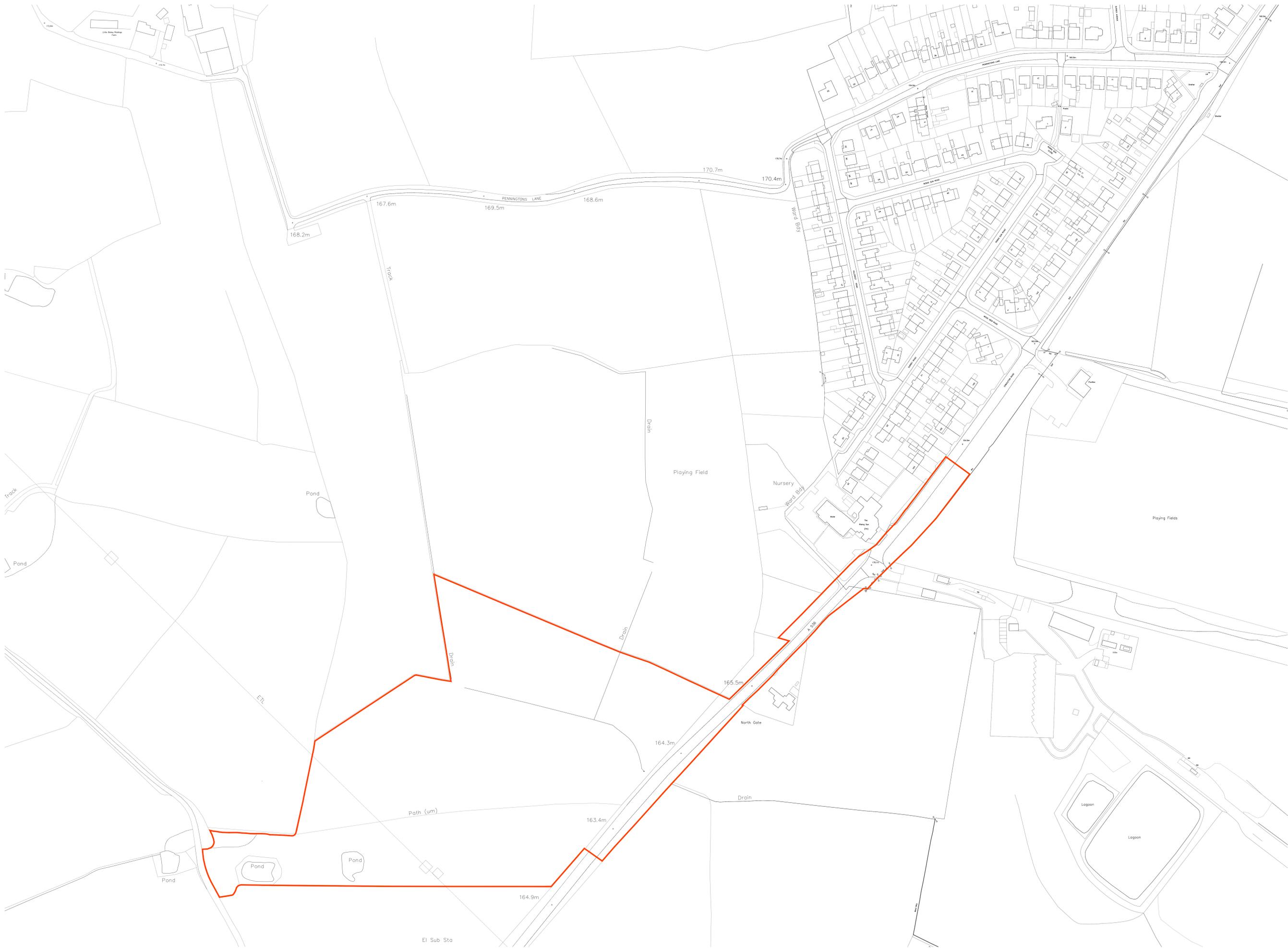


**21/4113M**

**Land North of Congleton Road  
Macclesfield**



Application Boundary



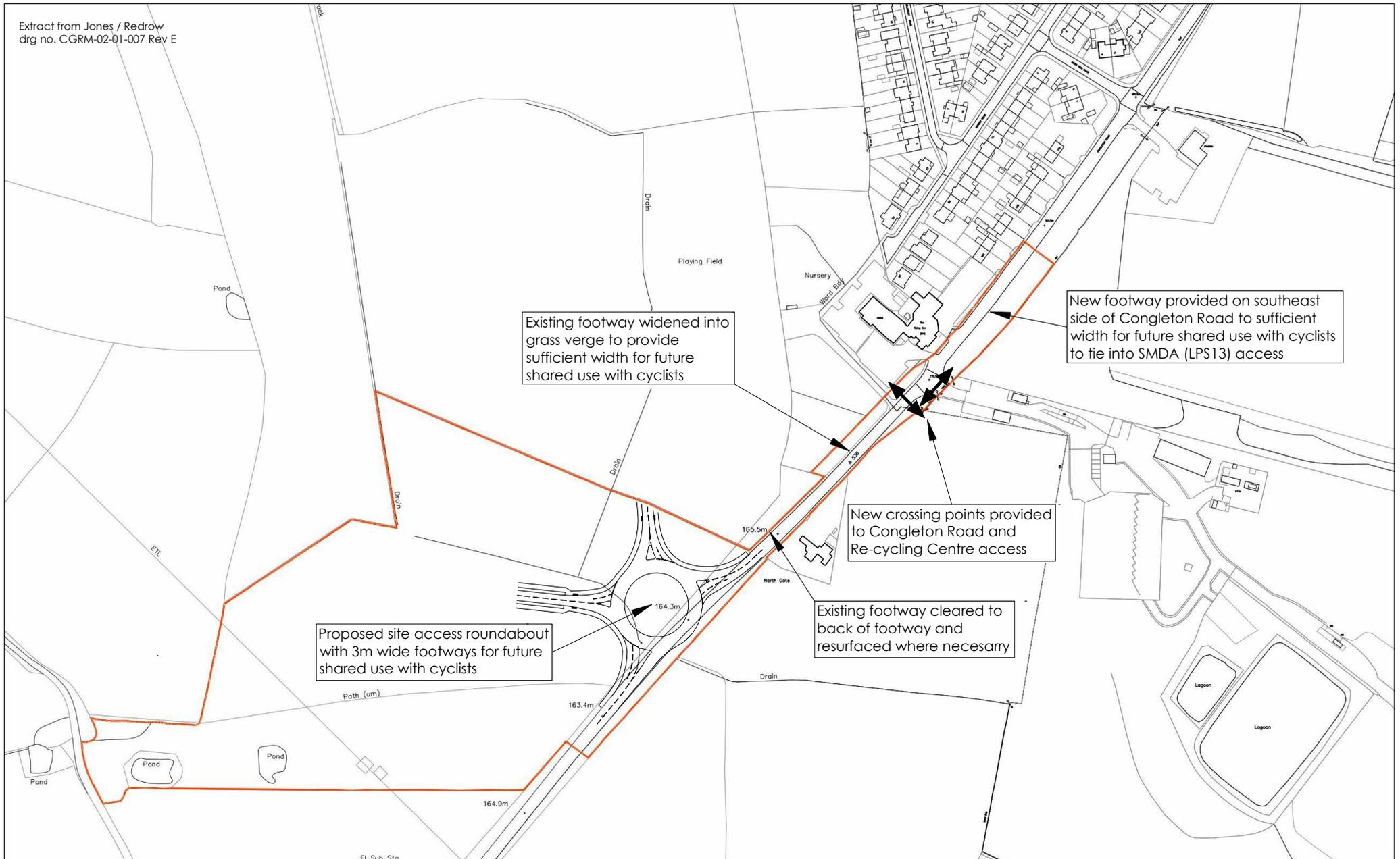
13.07.2021	Final Edge Assessment	JB
01.07.2021	Final Edge Assessment	JB
26.06.2021	Final Edge Assessment	MS
08.06.2021	Final Edge Assessment	MS
29.05.2021	Final Edge Assessment, Site Edge returned, north	MS
	error added, Jones Homes logo added	JB
Revision:	Date	Description

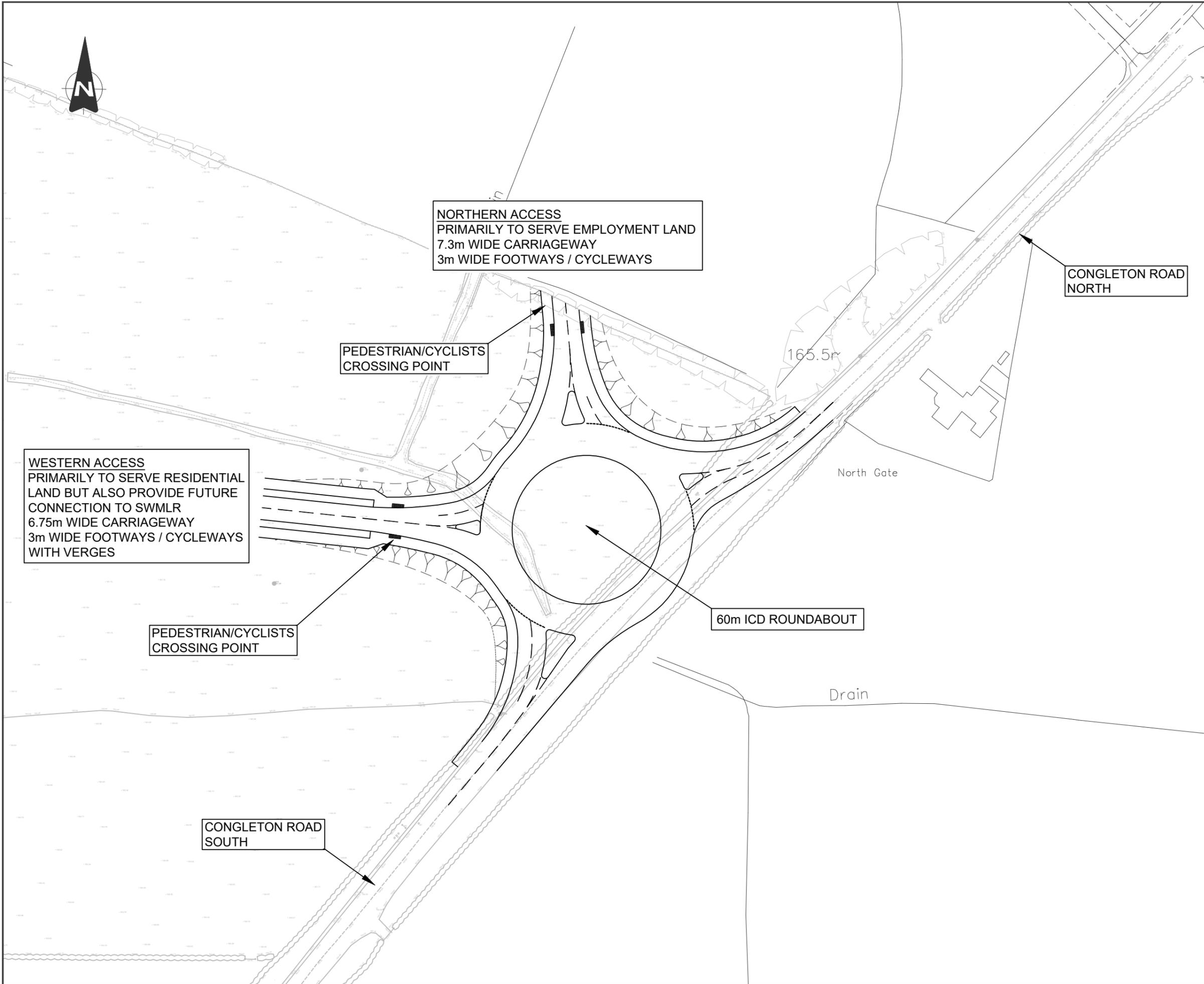
Development	<b>CONGLETON ROAD</b>
Location	<b>Macclesfield</b>
Marketing Name	
Drawing Title	Location Plan
Drawing Number	<b>CGRM-02-01-007</b>
Revision	<b>E</b> Scale @ A3 1:1000
Drawn By	JB Date Started June 2021
Checked by	DM

**REDROW HOMES**  
 Redrow Homes NW  
 Redrow Homes Group, Conington, Macclesfield, Cheshire, SK10 4JL  
 Tel: 01223759500 Web: www.redrow.co.uk

Legal Disclaimer T&C  
 This report has been prepared after a consideration of our Contract & Conditions Plan

**Figure D1** Proposed Footway Improvement Plan  
(Not to Scale)





KEY:

Rev.	Date	Revision Details	Drawn	Check	App.



Barnett House  
53 Fountain Street  
Manchester  
M2 2AN  
T: 0161 235 6365  
F: 0161 235 6566  
E: info@cbotransport.co.uk  
W: www.cbotransport.co.uk

<b>Client</b>	Jones Homes/Redrow	
<b>Project</b>	Congleton Road, Macclesfield	
<b>Drawing Title</b>	Proposed Site Access	
<b>Drawn</b>	<b>Checked</b>	<b>Approved</b>
LPB	PC	PC
<b>Scale / Size</b>	<b>Date</b>	
1:1000@A3	09.07.2021	
<b>Status</b>	<b>Drng No</b>	<b>Rev</b>
Planning	CBO-0685-001	



- KEY**
- LPS15 Boundary (25.96ha)
  - Residential Development (8.85ha)  
Up to 300 dwellings at average density of 34dph
  - Residential Frontage
  - Employment B2, B8 and E(g)(iii) (7ha)
  - Employment Frontage
  - ✱ Ancillary Uses
  - Open Space comprising Amenity Green Space, Children's Play Space and Green Infrastructure Connectivity (8.88ha)
  - Allotments (0.15ha)
  - Existing Trees and Hedges
  - Proposed Trees and Woodland
  - Proposed Orchard (0.18ha)
  - Drainage Attenuation Basin (0.41ha)
  - Swales Diverting Existing Drains
  - ➔ Link Road As Part Of Future SWMLR With Footway Cycleways And Trees In Verge
  - ➔ Access Road
  - ➔ Secondary Road
  - ➔ Penningtons Lane
  - ➔ PRoW
  - ➔ Byway Open To All Traffic (BOAT)
  - Pedestrian Connections
  - Shared Footpath Cycleway
  - Footpath
  - Existing Bus Stop
  - Local Area for Play (LAP)
  - Locally Equipped Area for Play (LEAP)
  - ✱ Multi Use Games Area (MUGA)
  - ✱ Entrance Gateway Feature
  - 6m Easement to 11kV Overhead Line
  - 21m Easement to 400kV Overhead Line
  - LPS19 Safeguarded Land
  - LPS13 South Macclesfield Development Area
  - ➔ Connection to LPS13 Access and Link Road

- 1 Employment land and employment related uses enclosed by existing trees and hedgerows and located centrally close to Congleton Road and away from the sensitive northern and western edges.
- 2 Residential development land located to the northern and western edges overlooking Penningtons Lane and defining new Green Belt boundary.
- 3 New readily recognisable Green belt boundary defined by robust woodland planting and open space with residential development set back between 20m and 70m.
- 4 Potential future connection to adjacent safeguarded land (LPS 19).
- 5 Link road with 6.75m wide carriageway, 3m wide shared footpath cycleways, verge and tree avenue planting; designed to serve any potential future development on the adjacent safeguarded land (LPS 19) and form part of any future South West Macclesfield Link Road.
- 6 Strategic south west green route through the development, along existing tree and hedge lines, connecting Congleton Road and Penningtons Lane and linking to the safeguarded land (LPS 19) and towards the existing routes along the Macclesfield Canal and Middlewood Way. Route to include a footpath cycleway.
- 7 Neighbourhood Park, with Local Equipped Area for Play and Multi-Use Games Area, located at the centre of the development as a focal point and buffer to the employment area. park includes access to the employment area and green infrastructure connectivity to Penningtons Lane.
- 8 Landscape buffer 5-7.5m wide between the development and the rear of existing properties on Hillcrest Road with tree planting. Proposed dwellings to back on to landscape buffer back on and include min 15m long gardens.
- 9 Landscape buffer 10m wide to Penningtons Lane, with footpath adjacent.
- 10 New footpath connection to Penningtons Lane.
- 11 Landscape buffer and green corridor between residential and employment area.
- 12 Development to positively front onto roads, park, open space and countryside with ancillary uses to key employment frontages on Congleton Road and the park.
- 13 Enhanced connectivity along Congleton Road with shared footpath cycleway and landscape enhancements connecting to LPS13 and SMDA link road.

Rev	Description	Drawn	Approved	Date

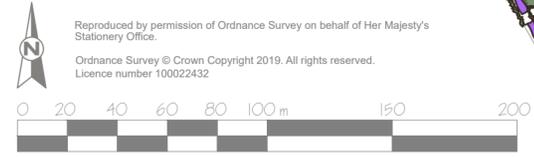
**THE ENVIRONMENT PARTNERSHIP**  
 Genesis Centre, Birchwood Science Park, Warrington WA3 7BH  
 Tel 01925 844004 e-mail tep@tep.uk.com www.tep.uk.com

Project:  
**LPS15 Land North of Congleton Road, Macclesfield**

Title:  
**Strategic Masterplan Framework with Phase 1 Application Boundary**

Drawing Number:  
**A18874.016**

Drawn	Checked	Approved	Scale	Date
EL	NKH	NKH	1:2000 @ A2	22/07/2021



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Application No: 21/6443M

Location: Marton Meadows Golf Club, CONGLETON ROAD, MARTON, SK11 9HF

Proposal: The proposed level changes of the existing field parcel will be met by the importation of inert fill material. Currently the existing field parcel is a large, even gradient area, sloping east to west. There is a large area of poorer drainage, resulting in a Marshy Grassland habitat area. It will allow the creation of a better quality facility through providing an additional 3no holes, this will be improve playing environment and the overall golf course.

Applicant: Kevin Pearson, APC Land Solutions Ltd.

Expiry Date: 28-Jul-2023

## **SUMMARY**

Outdoor recreation development in the Open Countryside which is deemed essential for the expansion of an existing rural business is deemed acceptable in principle. For the reasons set out in this report, it is deemed that the proposed development is essential for this purpose.

The works would result in the raising of land levels to facilitate the changes to the golf course. Overall, there would be changes to the appearance of the open countryside, but the improvement to the golf course, allowing better access for users and to meet the requirements of the golf World Handicap System is considered necessary. This would allow the club to be registered with Golf England and the Cheshire Golf Union, to the benefit of a local business in the village.

The proposal would provide a way of utilising 85,000 cubic metres of inert material as part of land improvement works, thereby providing it with a useful purpose as opposed to being deposited in landfill and would assist in addressing an identified significant shortfall in inert waste management capacity within the authority as identified in the latest Cheshire East Waste Needs Assessment Update.

Highways have raised no objections as the access has now been widened to allow for safe HGV movements. The number of movements should be conditioned, as should the timescales for them taking place.

There will be impacts on ecology, trees and hedgerows and these can be mitigated by the measures set out in the application.

Conditions would ensure that the materials imported would be suitable.

The Environment Agency and the Council's flood risk team have no objections subject to conditions.

The scheme therefore represents a sustainable form of development and the planning balance weighs in favour supporting the development.

**RECOMMENDATION: Approve subject to conditions**

## **SITE DESCRIPTION AND CONTEXT**

The application site is a parcel of land, 3.6 hectares in size, to the south of the existing Marton Meadows Golf Club, located on the eastern side of the A34 (Congleton Road), within the Open Countryside.

Access during development would be taken from Congleton Road using an existing track adjacent to St James and St Paul's Church.

The topography of the land falls from high ground on the eastern boundary towards the western boundary with Chapel Brook which runs through a small part of the western part of the site.

## **DETAILS OF PROPOSAL**

The application proposes level changes of the existing field parcel by the importation of inert fill material. Currently the existing field parcel is a large, even gradient area, sloping east to west. There is a large area of poorer drainage, resulting in a Marshy Grassland habitat area. It will allow for the creation of a better-quality golf facility through providing an additional 3no holes.

## **RELEVANT HISTORY**

- 21/3874M - Operational development required to carry out the change of use of the buildings A & B to C1 use approved by Part 3 Class R of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended) confirmed through prior approval application reference 20/2459M – Approved 8th February 2022
- 20/4440M - Change of use of land to create a golf practice field including practice bays and associated development – Approved 18<sup>th</sup> July 2022
- 21/3873M - Extension to the clubhouse building and extension of the existing dropped kerb access – Approved 9th February 2022
- 20/2459M - Prior approval of the change of use of the ground floors of two agricultural buildings to a flexible use (C1 use - hotel) – Approved 13th August 2020
- 20/0417M - Change of use from barn to offices and widening of existing drop kerbs – Withdrawn 11th March 2020
- 19/5174M - Prior Notification of proposed demolition large agricultural barn – Prior Approval Not Required – 4th December 2019

19/3944M - Change of use (of existing rural building) to D2 Golf Simulator – Approved 24th October 2019

19/3570M - Variation of condition 2 (approved plans) on application 18/2652M (Redevelopment of Marton golf club), to allow for the re-siting of the approved storage building (tractor shed) – Approved 5th December 2019

18/2652M - Redevelopment of Marton golf club including the conversion of the existing barns into holiday accommodation (12no units); conversion of the existing clubhouse into a community hub and local facilities; provision of a new club house, storage building; children's play area; car parking; landscaping and other associated works – Approved 2nd April 2019

13/1040M - Conversion of Existing Redundant Farm Building into Storage Units – Approved 1st May 2013

13/0123M - Conversion of existing redundant farm building into storage units – Withdrawn 18th February 2013

74525P - 9 Hole Golf Course with Club House – Approved 23rd December 1993

21113PB - Replacement of old implement shed by a new one – Approved 23rd January 1980

14723PB - Kitchen Extension W.C Store Utility & Hall Extension – Approved 6th June 1978

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

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

### **Development Plan:**

The Development Plan for this area comprises the adopted Cheshire East Local Plan Strategy (CELPS), the Site Allocations and Development Policies Document (SADPD) and the saved policies from the Marton Village Neighbourhood Plan (MVNP).

## **POLICIES**

### **Development Plan**

#### **Cheshire East Local Plan Strategy (CELPS)**

- PG1 – Overall Development Strategy
- PG7 – Spatial Distribution of Development
- PG2 – Settlement Hierarchy
- PG6 – Open Countryside
- EG2 – Rural Economy
- SC1 – Leisure and Recreation

SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 – Design  
SE2 – Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 – The Landscape  
SE5 – Trees, Hedgerows, Woodland  
SE6 – Green Infrastructure  
SE11 – Sustainable Management of Waste  
SE12 – Pollution, Land Stability and Land Contamination  
SE13 – Flood Risk and Water Management  
SE14 – Jodrell Bank  
CO1 – Sustainable Travel and Transport

**Site Allocations and Development Policies Document (SADPD)**

GEN1 – Design Principles  
ENV1 – Ecological Network  
ENV2 – Ecological Implementation  
ENV3 – Landscape Character  
ENV4 – River Corridors  
ENV5 -Landscaping  
ENV6 – Trees, Hedgerows and Woodland Implementation  
ENV14 – Light Pollution  
ENV15 – New Development and Existing Uses  
ENV16 – Surface Water Management and Flood Risk  
ENV17 – Protecting Water Resources  
HOU12 - Amenity  
HER9 – Jodrell Bank World Heritage Site  
RUR5 – Best and Most Versatile Agricultural Land  
RUR6 – Outdoor Sport, Leisure and Recreation Outside of Settlement Boundaries  
INF3 – Highway Safety and Access  
REC5 – Community Facilities

**Cheshire Replacement Waste Local Plan (CRWLP)**

Policy 1: Sustainable Waste Management  
Policy 12: Impact of Development Proposals  
Policy 14: Landscape  
Policy 17: Natural Environment  
Policy 18: Water Resource Protection and Flood Risk  
Policy 22: Aircraft Safety  
Policy 23: Noise  
Policy 24: Air Pollution; Air Emissions Including Dust  
Policy 25: Litter  
Policy 26: Odour  
Policy 27: Sustainable Transportation of waste  
Policy 28: Highways  
Policy 29: Hours of Operation

Policy 32: Reclamation  
Policy 36: Design

**Marton Village Neighbourhood Plan (MVNP)**

HD2 – Design Policy  
PE1 – Landscape Character Policy  
PE2 – Trees and Hedgerows Policy  
TRA1 – Sustainable Transport  
PCA1 Heritage  
SBS1- Small Business Support Policy

**Other Material Considerations**

National Planning Policy Framework  
National Planning Policy for Waste  
Cheshire Waste Needs Assessment

**CONSULTATIONS:**

**Highways:**

Originally objected to the proposal due to the access not being suitable for HGVs. Revised plans have now been submitted that address these concerns.

**Environmental Protection:**

No objection subject to conditions relating to the materials to be imported and land contamination.

**Environment Agency:**

No objection.

**Flood Risk:**

No objection.

**Marton Parish Council:**

Object to the amount of material to be imported, vehicle movements, highway safety, impact on the tranquillity of the church.

**REPRESENTATIONS:**

140 representations have been received at the time of report writing, 11 expressing objections and 129 in support:

Objections

- Potential to pollute Chapel Brook
- Out of keeping with the rural character of the area
- Noise, dust vibration and disturbance during development
- Highway safety
- Danger to pedestrians and cyclists
- Extra traffic and HGV movements
- Impact on trees

- What will the nature of the imported waste be?
- Impact on drainage
- Should use the existing land contours
- Impact on the structural stability of the church
- Could cause risk to the tree planting that has taken place in the village
- Impact on users of the church
- It is a money-making exercise
- Impact on property values

#### Support

- It would be a long-term investment for the club
- Would improve the standard of play
- Would improve the landscape and benefit ecology
- A great need to allow official world handicaps
- Will benefit the local economy increase tourism and create employment opportunities

#### **APPRAISAL:**

##### **Principle of Development**

The proposal is to create 3 new holes at the golf course, increasing the standard of the facilities for members and visitors. It would provide a facility with improved disabled access and would allow the course to meet the technical standards to pass the yardage threshold for registration on the World Handicap System and Golf England standards. This would enable players with an official world handicap the ability to play at the course and allow the club to enter and compete in national competitions. This weighs in favour of the proposal when balanced against the amount of inert waste to be imported.

Policy PG6 of the CELPS allows for development for outdoor recreation and also for development that is essential for the expansion or redevelopment of an existing business. The proposal therefore complies with Policy PG6.

The aim of Policy EG2 (Rural Economy) of the CELPS is to support appropriate rural businesses whilst in turn, protecting the countryside. Policy SBS1 of the MVNP has a similar aim. The application proposals will support this established local rural business and possibly lead to local job opportunities. The facilities will also assist in improving public health. The proposals are therefore deemed to adhere with Policies EG2 and SBS1.

Policy SC1 of the CELPS refers to leisure and recreation. It states that Cheshire East Council will seek to protect and enhance existing leisure and recreational facilities in Cheshire East. The application site relates to an established Golf Course within the village of Marton which lies within the Open Countryside. Although there are residential properties nearby, the site mostly backs onto open land. It is not deemed that it is located in or adjacent to a 'centre' in this regard. It is accessed directly from Congleton Road the A34, so is deemed to be accessible. Matters of character, amenity and biodiversity are addressed elsewhere in this report, but in short, are deemed not to be harmed. In response to the specific criteria listed, the proposals would support an existing business use, relates to an established facility, supports an outdoor sports facility and the visitor economy. As such, the proposals are deemed to adhere with Policy SC1 of the CELPS.

Policy SE11 of the CELPS requires proposals to maximise opportunities for waste to be managed in accordance with the principles of the Waste Hierarchy, giving priority to:

- i. prevention
- ii. preparation for re-use
- iii. recycling
- iv. other recovery
- v. disposal

The proposal would provide a means of managing 85,000 cubic metres of inert material in a sustainable manner in order to provide the landform necessary for improvements to the golf course and prevent the material from being sent to landfill. This supports the broad principles of the NPPW and accords with CELPS policy SE11.

The updated Cheshire East Waste Needs Assessment predicts that by 2025, there is likely to be a significant capacity gap in the authority for deposit of inert material to land, and this facility will therefore help contribute to addressing that predicted gap in waste management provision. This is considered to be a significant benefit of the development proposals and should be given significant weight in the determination of this application.

In summary, the application seeks to increase the size and use of the golf course to the benefit of a local business, a by-product of this will be the provision of a means of the deposit of inert waste, this is not the driving force behind this application, but it will help to fund the provision of the improved golf facilities. It is understood that the field is currently not financially viable for agriculture due to its size, topography and poor drainage and the drainage issues would be resolved by the development.

The proposal is therefore acceptable in principle subject to compliance with other relevant considerations.

### **Landscape and Visual Impacts**

CELPS Policy SE4 requires all new development to conserve landscape character and quality and, where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness. Development will be expected to (amongst others) incorporate appropriate landscaping, preserve local distinctiveness and protect and/or conserve the historical and ecological qualities of an area.

Policy ENV5 of the SADPD inter-alia, requires that landscaping that is sympathetic to the existing landscape and makes satisfactory provision for the maintenance and aftercare of the scheme.

The proposals would entail raising land levels by up to 5 metres in places, which is significant, but would facilitate the provision of a course that would be more challenging for players.

The site is 3.32 hectares in size and is largely scrubland currently as it is no longer used for agriculture. In terms of the wider landscape, it is a relatively small field immediately adjacent to the existing golf course and when the development is completed, it would be viewed in the context of the overall golf course site. Whilst the proposal would involve creating a more formal landscape than the current rural appearance of the field, it is not considered that this would cause any significant harm as no new permanent structures are proposed.

It is considered that the significant increase in levels can be assimilated into the landscape by sufficient and appropriate planting, including trees and hedges. A Landscape Masterplan has been submitted with the application, which officers consider would provide suitable landscaping for the site, particularly with the retained vegetation on the boundaries.

During the course of the development, there will be adverse impacts caused by the presence of plant, machinery and porta cabins, however this will be temporary and would not cause long-term harm the character and appearance of the area.

The Landscape and Visual Impact Assessment (LVIA), submitted with the application assesses the landscape character of the site to be tolerant of change with landscape character sensitivity considered low. It considers that in landscape terms the scheme would have a moderate impact.

There are two public footpaths in the vicinity, Marton FP1 and Marton FP2, however these are both in excess of 200m away from the closest boundaries of the site and as such views from them would suffer no significant harm as a result of the proposals.

The proposal is therefore considered to be in compliance with Policy SE4 of the CELPS and Policy ENV5 of the SADPD.

### **Residential Amenity**

Policy HOU12 of the SADPD and Policy SE12 of the CELPS require development to ensure that there would be no unduly detrimental effects on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking. Policy SE12 also requires development to ensure that it is designed and located so as not to result in a harmful or cumulative impact upon air quality.

The site is not in close proximity to residential properties; therefore, the main issue would be the impact of HGVs travelling past them on the way to the site. It is accepted that there would be an increase in HGV movements through the village for the duration of the importation operation, however it is not considered that this would lead to a significant adverse impact on residential amenity to warrant refusal of the application. A condition should be imposed requiring the applicants to notify the LPA of the commencement of the importation of the fill materials and requiring cessation of importation, 18 months from the commencement.

Concerns have been expressed about disturbance during funerals in the churchyard. However, as traffic (including HGVs) passes the churchyard in the current situation, it is not considered that this is a matter that would warrant the refusal of the application.

The proposal is therefore considered to be in compliance with Policy HOU12 of the SADPD and Policy SE12 of the CELPS.

### **Highways**

This application was initially objected to due to concerns about the suitability of the access. Further information has since been received from the applicant and a site visit carried out by highways, and the achievable visibility splays are now considered to be acceptable.

The amended access has been widened to allow additional maneuvering space for vehicles. Additional swept paths have been provided and the access is now acceptable.

It is estimated that there would be between 40 and 56 HGV movements per day, around 7 in and 7 out per hour, which is considered to be acceptable. The times that HGVs can arrive at and leave the site should be controlled by condition.

No objection is raised by the Head of Strategic Transport.

The proposal is therefore considered to be in compliance with Policy INF3 of the SADPD and Policy TRA1 of the MVNP.

## **Nature Conservation**

### *Marshy grassland*

An area of marshy grassland is present on site. To avoid any impacts on this habitat as a result of the proposed development there are no levels changes proposed within 8m of it. The submitted Biodiversity Enhancements Map includes details of a fenced off buffer around this area to safeguard it during the construction phase. These measures can be secured by condition

### *Brown Hare and Hedgehogs*

Brown Hare, which is a priority species and hence a material consideration, is present on site. Whilst breeding of this species was not confirmed the submitted ecological assessment advises that suitable habitat for breeding occurs on site. It is considered that the proposed development is likely to result in a minimal localised adverse impact upon this species.

No evidence of Hedgehogs was recorded on site however the submitted ecological assessment advises that there are features present on site that might be suitable for use by this species.

It is considered that if this species was to occur on site the proposed development would potentially result in a minimal adverse impact upon it. Mitigation measures to minimise the risk to this species are detailed in the submitted ecological assessment. These measures can be secured through condition.

### *Lapwing*

A detailed breeding bird survey has not been undertaken in support of this application. Lapwing, a priority bird species and hence a material consideration, was however recorded as breeding on site. It is considered that the proposed development is likely to result in the loss of suitable breeding habitat for this species which will result in an adverse impact significant in the local context. This should be balanced against the benefits of the scheme

### *Bluebell*

This priority plant species was recorded on site. The submitted ecological assessment however advises that the retention and protection of the hedgerows on site would be sufficient to safeguard this species.

### *Badgers*

Badgers are active on the application site, but no setts are present. It is considered that the proposed development would result in the temporary loss of foraging habitat that is likely to have a low-level adverse impact upon this species.

The status of Badgers on a site can, however, change within a short timescale. Consequently, the submitted ecological assessment includes recommendations for an updated Badger survey to be undertaken prior to commencement. This can be secured through condition.

#### *Brook*

The brook on site would not be affected by the proposed levels changes. The submitted Biodiversity Enhancements Map includes proposals for the fencing off of a buffer adjacent to the brook during the construction phase.

#### *Ecological Enhancement*

In accordance with Local Plan Policy SE3(5) all development proposals must seek to lead to an overall enhancement for biodiversity. In order to assess the overall loss/gains of biodiversity an assessment has been undertaken and submitted using the Defra Biodiversity 'Metric' version 3.1.

The metric as submitted shows a net gain for biodiversity of 10.59%.

It is considered that a 30 year habitat management plan is required to secure the proposed biodiversity net gain. This matter may be dealt with by means of a planning condition if consent is granted.

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3. The applicant has submitted an ecological enhancement strategy which includes proposals for the incorporation of bat and bird boxes and brash/deadwood piles. These are considered to be acceptable.

The proposal is therefore in compliance with Policy SE3 of the CELPS and Policies ENV1, ENV2 and ENV4 of the SADPD.

#### **Drainage**

As originally submitted, the Lead Local Flood Authority (LLFA) had concerns about the potential for surface water run-off to impact on third party land. Following the submission of a revised Flood Risk Assessment (FRA) and discussions with the applicant, these concerns were addressed and the LLFA are now satisfied that there would not be issues with surface water run-off to third party land and Chapel Brook which flows to the east of the site.

The Environment Agency also placed a holding objection on the application as they also needed to see a revised FRA due to potential loss of floodplain from Chapel Brook. Following the submission of the revised FRA and plans confirming that there will be an 8m buffer between the site and the brook, the EA have withdrawn their holding objection.

The proposal is therefore in accordance with Policy SE13 of the CELPS and Policies ENV16 and ENV 17 of the SADPD.

### **Pollution Control**

As the proposal involves the import of inert waste, it is necessary to ensure that these are not going to lead to unsuitable materials being imported to the site. To this end, conditions are proposed relating to a strategy for monitoring the nature of the imported materials and inspection of materials to ensure that oversized or unsuitable particles are removed and not buried at the site.

In addition, the applicant will be required to liaise with the Environment Agency to ascertain whether an Environmental Permit is required. Waste transported to and from the site must only be carried by a registered waste carrier.

Subject to conditions the proposals are in accordance with Policy SE12 of the CELPS and Policy ENV17 of the SADPD.

### **Trees**

There are trees within and adjacent to the site, none of which are subject to Tree Preservation Orders. A Tree Survey and Arboricultural Impact Assessment have been submitted with the application.

The trees in that would be in closest proximity to the access road would be T1, a Sycamore on the point of access, on the northern boundary of the access road and on the rear boundary of the churchyard.

Apart from T1, it is not considered that the proposed development would have any significant adverse impact on trees in and adjacent to the site. In terms of the impact on T1, it is necessary to provide protection measures for the roots of this tree. Subject to that condition, the proposal is considered to be acceptable in arboricultural terms.

The proposal is therefore in accordance with Policy SE5 of the CELPS, Policy ENV6 of the SADPD and Policy PE2 of the MVNP.

### **Heritage**

The access road to the site runs alongside the boundary with the churchyard of the Church of St James and St Paul, which is a Grade I listed building. Also within the churchyard is a cross which is a Grade II listed building and a scheduled ancient monument.

Concerns have been expressed about the impact of HGVs passing the church would have on the delicate fabric of the church. To address this issue, the applicant has submitted a technical note, undertaken by an acoustic consultant relating to vibration levels. This technical note concludes that even in the worst case scenario, vibration levels would be suitably low so as not to cause damage to the building.

In terms of the setting of the church, there would be some limited harm to its setting. However, this would be on a temporary basis and would end when the development was complete. As such it is not considered that it would warrant refusal of the application.

## **CONCLUSIONS**

Outdoor recreation development in the Open Countryside which is deemed essential for the expansion of an existing rural business is deemed acceptable in principle. For the reasons set out in this report, it is deemed that the proposed development is essential for this purpose.

The works would result in the raising of land levels to facilitate the changes to the golf course. Overall, there would be changes to the appearance of the open countryside, but the improvement to the golf course, allowing better access for users and to meet the requirements of the golf World Handicap System is considered necessary. This would allow the club to be registered with Golf England and the Cheshire Golf Union, to the benefit of a local business in the village.

The proposal would provide a way of utilising 85,000 cubic metres of inert material as part of land improvement works, thereby providing it with a useful purpose as opposed to being deposited in landfill and would assist in addressing an identified significant shortfall in inert waste management capacity within the authority as identified in the latest Cheshire East Waste Needs Assessment Update.

Highways have raised no objections as the access has now been widened to allow for safe HGV movements. The number of movements should be conditioned, as should the timescales for them taking place.

There will be impacts on ecology, trees and hedgerows and these can be mitigated by the measures set out in the application.

Conditions would ensure that the materials imported would be suitable.

The Environment Agency and the Council's flood risk team have no objections subject to conditions.

The scheme therefore represents a sustainable form of development and the planning balance weighs in favour supporting the development.

## **RECOMMENDATION:**

**Approve subject to the following conditions:**

- 1. Time limit (3 years)**
- 1. Development in accordance with the approved plans**
- 2. Materials**
- 3. Development in accordance with recommendations in the Ecological Impact Assessment**
- 4. Within 6 months of the date of this permission, submission of a habitat creation method statement and 30 year habitat management plan The habitat management plan to include a schedule of ecological monitoring and reporting and a mechanism to secure the**

agreement and implementation of contingency measures in the event that monitoring reveals that habitats on site are failing to achieve their target distinctiveness and/or condition.

5. Submission and implementation of 30-year habitat management plan
6. Prior to the use as part of the golf course commencing, the features to enhance biodiversity shall be provided and retained thereafter
7. Provision of the protective fencing to the 8m buffer zone
8. Protection of breeding birds
9. Root protection measure for tree T1 to be provided prior to commencement of development
10. Widening of the access prior to commencement of development
11. Limiting HGV movements to the site to 112 per day, 56 entering and 56 leaving
12. Records of HGV movements shall be kept at the site and available for inspection by the LPA
13. Notification to the LPA of commencement of importation and requirement for importation to cease after 18 months
14. Hours of operation including HGV movements restricted to 07:00 to 19:00 Monday to Friday. 08:00 to 14:00 Saturday and no working on Sundays or public holidays
15. No crushing or processing to take place on the site
16. Topsoil to be stripped and stored away from the imported material
17. Loads of imported material shall be screened for oversized or unsuitable materials and any found shall be removed from the site
18. No importation of fill shall commence until a strategy containing information relating to the materials proposed to be imported, including a proposed testing regime, has been submitted to and approved in writing by the Local Planning Authority (LPA).
19. Only dry, inert material shall be imported into the site
20. Post-completion of the development, a topographical survey to demonstrate that the levels comply with the submitted plans, shall be submitted to and approved in writing by the LPA
21. Stockpiles of imported materials shall be limited to 3m in height

**Informatives:**

**NPPF**

**Approved plans**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chair (or in their absence the Vice Chair) of the Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

