

Reference 11/4501M

Location: Kay Metzeler Ltd, Wellington Road, Bollinton SK10 5JJ

Proposal: Outline planning application for the demolition of existing buildings and redevelopment of the site for residential purposes (a maximum of 99 dwellings) and the relocation of the Co-op foodstore with the entrance off Wellington Road – all matters reserved.

Applicant: How Planning

Expiry Date: 08-Jun-2012

SUMMARY RECOMMENDATION

Approve, subject to conditions and the completion of a S106 agreement

MAIN ISSUES

- Loss of a site allocated for employment purposes
- Housing policy and supply
- Provision of affordable housing
- Design, layout and density
- The scale of the proposal – impact of height, mass, bulk, character and appearance of the area
- Impact on residential amenity
- Noise issues from the electricity sub station
- Sustainability of the site
- Environmental issues
- Flooding and drainage
- Impact on landscape, trees and ecology
- Impact on highway safety and traffic generation
- Provision of open space
- Redevelopment benefits
- Heads of Terms for a Legal Agreement

REASON FOR REPORT

The application seeks outline consent for up to 99 dwellings and a foodstore and is considered to be of strategic importance.

DESCRIPTION OF SITE AND CONTEXT

The site is located to the north of Wellington Road, in the centre of Bollinton. The site measures 4.4 hectares (approx. 10.86 acres).

The site is bounded by the Middlewood Way (viaduct) to the east. To the west lies woodland and farmland (which falls within the Green Belt). Bollington Medical Centre lies directly to the south of the site with residential development beyond on Wellington Road. The River Dean flows along the northern boundary of the site and then along the western boundary and partly through the site.

The site comprises generally of single-storey, metal clad and blockwork structures.

The majority of the site is visible from the Middlewood Way (viaduct).

There are a number of trees adjacent to the arches, which lead through to Adlington Road Business Park.

The viaduct (which is locally listed) forms the edge of the Bollington Conservation Area.

Within the Macclesfield Borough Local Plan (2004), the whole site is allocated under policy E4. This policy allows for general industry (Class B2), warehousing (Class B8), high technology (Class B1b), and light industry (Class B1c) usage.

DETAILS OF PROPOSAL

Outline Planning permission is sought for the redevelopment of the site for residential development (a maximum of 99 dwellings) and the relocation of the Co-op foodstore with the entrance off Wellington Road. The proposed parameters for the residential would comprise the following: -

- **6 three-storey semi detached houses**
- **44 two-storey semi detached houses**
- **5 two-storey link detached houses**
- **17 two-storey detached houses**
- **15 two-storey terraced houses**

It should be noted that this is a decrease from the originally submitted proposal, which was for up to a maximum of 126 dwellings.

The developer seeks agreement to the principle of development to be determined at this stage, whilst matters of access, appearance, landscaping, layout and scale are reserved for subsequent approval.

RELEVANT HISTORY

Many applications have been received in relation to the Kay Metzeler site over the years. However, it should be noted that these relate to the applications for development of the industrial premises. They are not considered to be of relevance to the determination of this application.

POLICIES

National Planning Policy Framework (The Framework)

Regional Spatial Strategy

- DP1 Spatial principles applicable to development management
- DP2 Criteria to promote sustainable communities
- DP4 Sequential approach to making the best use of existing resources
- DP5 Objective to reduce need to Travel and increase accessibility
- DP7 Criteria to promote environmental quality
- DP9 Objective to reduce emissions and adapt to climate change
- W3 Supply of Employment land
- L2 Understanding Housing Markets
- L4 Criteria on targets for regional housing provision
- L5 Affordable housing provision
- RT2 Strategies for managing travel demand and regional parking standards
- RT9 Provision of high quality pedestrian and cycle facilities
- EM1 Objectives for protecting the Region's environmental assets
- EM2 Remediating Contaminated Land
- EM18 Decentralised Energy Supply

Local Plan Policy

Built Environment

- BE1– Design Guidance
- BE2 – Historic Fabric
- BE3 – Conservation Area

Development Control

- DC1 – New Build
- DC3 – Amenity
- DC5 – Natural Surveillance
- DC6 – Circulation and Access
- DC8 – Landscaping
- DC9 – Tree Protection
- DC35 – Materials and Finishes
- DC36 – Road Layouts and Circulation
- DC37 – Landscaping
- DC38 – Space Light and Privacy
- DC40 – Children's Play Provision and Amenity Space
- DC41 – Infill Housing Development
- DC63 – Contaminated Land

Employment

- E4 – General Industrial Development

Transport

- T2 – Integrated Transport Policy

Environment

NE11 – Protection and enhancement of nature conservation interests
NE17 – Nature Conservation in Major Developments

Housing

H1 – Phasing policy
H2 – Environmental Quality in Housing Developments
H5 – Windfall Housing
H8 – Provision of Affordable Housing
H9 – Occupation of Affordable Housing
H13 – Protecting Residential Areas

Recreation and Tourism

RT5 – Open Space

Implementation

IMP1 – Development Sites
IMP2 – Transport Measures

Other Material Considerations

Interim Planning Policy: Release of Housing Land (Feb 2011)
Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Market Housing Assessment (SHMA)
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994
North West Sustainability Checklist
SPG on Section 106 Agreements (Macclesfield Borough Council)
Ministerial Statement – Planning for Growth (March 2011)

SUMMARY OF CONSULTATIONS

Strategic Highways Manager

Comments that the redevelopment results in a minor net increase in traffic overall that will not have a detrimental effect on the road network or cause congestion issues. There are benefits of the redevelopment in that there will be a reduction in HGV traffic, as an industrial use has been removed.

Environmental Health Officer

They assessed the application in relation to the construction phase of development, noise, air quality and contaminated land.

Demolition and construction phase of development

They recommended that conditions are attached in relation to the hours of construction and the hours of pile foundations (should they be required). If piling work was found to be necessary on the site as part of the development, then the contractors should be members of the Considerate Construction Scheme and should also consider and select a piling system which would result in the least disturbance to nearby residents in terms of noise and vibration.

Noise Assessment

The Noise Assessment has been considered and its contents are acceptable. The recommendations from the report should form conditions of any approval of this application. Of particular relevance are the noise mitigation measures which would be incorporated into the design/structure/fabric of the dwellings and commercial premises on the site.

Dust Control

In terms of demolition, site preparation and construction phases, it is recommended that mitigation measures are implemented to minimise dust.

Contaminated Land

This site has a history of use as a Mill and Works, which may include a gasworks and areas of filled ground. Therefore, the land may be contaminated.

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The report submitted in support of the application identifies potential contamination issues and recommends that further investigations are required to allow the preparation of a suitable remedial method statement.

A Phase II investigation shall be submitted and approved in writing and any remediation works carried out as necessary.

Environment Agency (EA)

Raised no objections in principle to the proposed development, subject to the following conditions and informatives:

- The development shall be carried out in accordance with the approved Flood Risk Assessment and the mitigation measures, which relate to the provision of a surface water drainage scheme, based on sustainable drainage principles and limiting surface water run-off using underground storage. The external and internal levels are to be set as per the illustrative layout
- Although the EA are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information relating to the proposals to an acceptable standard to ensure that the proposed development can go ahead without posing an unacceptable flood risk.
- A detailed method statement for the removal of the weir. An assessment of removing the weir upstream and downstream will be required.
- A detailed method statement for any bank works, including reprofiling.
- A detailed management plan for the buffer riparian / linear park area adjacent to the River Dean. This should include details of the planting scheme and long term management regime for the area.

- A detailed management plan for the eradication or management of the invasive plant species on site.
- Given the sensitive location of the site, the EA recommends conditions are attached to ensure that any risks posed to controlled waters from land contamination are appropriately assessed.

Cheshire Fire and Rescue Service

Provided comments with regard to access and facilities for the fire service and asked the development is in compliance with guidance which supports the Building Regulations, for details of the water main installations, a fire risk assessment, the design of the refuse storage area(s) to ensure it / they can be maintained as a safe and secure area. The Fire Authority recommends the fitting of domestic sprinklers.

Sustrans

- 1) The site lies close to the Middlewood Way, National Cycle Network Route 55. Walking and cycling journeys could be encouraged along this route particularly to Macclesfield amenities and the mainline station. A development of this size could make a contribution to further enhancements of the Middlewood Way.
- 2) The design of any smaller properties should include storage areas for buggies/bicycles.
- 3) Travel planning should be included with targets and regular monitoring for the site.

Public Rights of Way Team

Commented that the development does not appear to affect a public right of way.

Greenspaces

Commented in relation to the improvement of public rights of way, countryside access and active travel.

The proposed development presents an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes.

The applicant's documents refer to the creation of a new footpath / cycleway within the linear park and a new bridge link to the Adlington Road playground and Middlewood Way access, both of which are welcomed.

The applicant has accepted the inclusion of a planning condition which would detail a management scheme to maintain the public open space and public rights of way through the site in perpetuity.

Housing Strategy and Needs Manager

Initially objected to the application.

The Councils Affordable Housing Interim Planning Statement states that Cheshire East Council will seek provision of 30% affordable housing on any sites over 15 units, with a tenure mix of the affordable housing of 65% rented affordable housing and 35% intermediate tenure.

Following the receipt of an independently verified viability appraisal, the Housing Strategy and Needs Manager accepts that in this instance, due to genuine viability issues, it is only possible to provide 15% of the dwellings as affordable units.

Archaeology Planning Advisory Service

Notes that the application is supported by a Heritage Assessment. This reports notes that the Kay Metzeler site is recorded in the Cheshire Historic Environment Record, where it is stated that a series of mills were present on the site from the late 18th Century until the area was cleared and re-developed in the second half of the 20th Century. The complex was known as Waterhouse Mills and was concerned with cotton production.

The comprehensive demolition of the mill structures means that there are no significant upstanding remains of the 19th Century complex, but an examination of the historic mapping allows the accurate identification of a number of areas of interest, with particular reference to structures associated with the mill's power systems. These include the leat which fed the mill's reservoir and which the master plan indicates will be filled in as part of the development. In addition, the wheel pit is clearly shown on the Ordnance Survey first edition 25" map (c 1880), whilst subsequent 19th Century mapping shows a small extension to the mill, adjacent to the wheel pit, which may be associated with the documented change from water power and the erection of an engine shed.

The Development Control Archaeologist does not consider that the significance of these features is such that it would be reasonable to object to the development on archaeological grounds, or to recommend a programme of pre-determination evaluation. However, it is advised that those aspects of the development affecting the leat, wheel pit, and probable engine house should be subject to archaeological monitoring and recording (a developer-funded watching brief). This is an approach that has been used on a number of mill sites in Cheshire East in the recent past and has proved to be an effective and proportionate approach to recording a significant aspect of the area's industrial heritage. The work may be secured by a condition.

The School Organisation and Capital Strategy Manager

Confirmed that there is projected to be sufficient unfilled places at both the "local" primary school and also the "local" secondary school to accommodate the pupils generated by this development.

The Parks Management Officer.

Comments are awaited.

VIEWS OF THE TOWN COUNCIL

Bollington Town Council

Original Consultation

Objected to the plans as originally submitted (comments received on 11th April 2012).

The Civic Society and Town Council held public consultation last year. They argue that the consultation articulated the wishes of the community and this was fed into the site development process. However, the outline application fell short of those wishes. They considered:

- a) The Heads of Terms as outlined in the Section 106 Agreement do not conform with policy, as set out in the Supplementary Planning Guidance. In particular, they do not take into account the impact of this large development on Bollington. The allocations should recognise the need for recreational facilities for young people, for off-street parking and for investing in community facilities such as the two Community Centres, The Bollington Cross Project, Arts Centre, Leisure Centre, Civic Hall and Library.

The S106 allocations to the Co-op and the repair of the viaduct are too large. The transfer of the Co-op is to be welcomed but is a commercial transaction and should not absorb resources meant for community use.

- b) Overdevelopment: The plans for 126 houses are a too great concentration of houses, to the detriment of provision for employment on a mixed development. The public consultation showed a clear wish for a mixed development which would include employment opportunities. This has been neglected as the jobs created in the transferred Co-op will be replacement rather than new employment.
- c) The plans for 126 houses ignore the wish for a housing mix with larger family homes. These are required to enable families to move within the Bollington community. The submitted plans have a too dense concentration of housing.
- d) Traffic flows are of concern. This concentration of smaller houses and flats has provision for two spaces per unit dwelling. This traffic, coupled with the flow of traffic generated by the retail store, will increase congestion during the morning and evening rush hours. There should be a more balanced allocation of space between retail office and housing.
- e) The new medical centre, which was strongly supported by the community consultation, has been withdrawn from the scheme. This is a setback for the viability and sustainability of the scheme from the point of view of the community.

The current medical centre is poorly sited with a blind entrance and exit on the main road through the town. The parking is limited and awkward.

The Medical Practice has chosen to expand on its current site. This will cause increased problems for parking and traffic flow. With the Medical Practice withdrawn, there will now be very limited off street parking to support local events at the Arts Centre which has a high footfall.

- f) The suggested building materials do not reflect the site's close proximity to the stone built Bollington Conservation Area. This area is one of stone cottages stone church and former Sunday school, stone Town Hall and next to the Waterhouse, which is a listed building, a substantial and distinctive stone house.

If the Strategic Planning Board is minded to grant permission, Bollington Town Council would ask the Committee to:

- a. Restrict the number of houses
- b. Ask for a detailed traffic survey to ensure an adequate flow of traffic.
- c. Require additional employment opportunities and off-street parking to compensate for that being taken out of use.
- d. Condition appropriate building materials
- e. Require a Section 106 Agreement that reflects and responds to Bollington's community needs in line with Supplementary Planning Guidance. This indicates a sum of £630k rather than the sum of £500K on offer.

There should be very limited money spent on either the Co-op transfer or the viaduct.

The agreement should provide support to the Community Centre's, The Bollington Cross Project, the Arts Centre, the Leisure Centre, the Civic Hall and the Library.

Revised Consultation

Following revisions, Bollington Town Council supports the proposal and reduced home density of up to 109.

However, it asked Members to take into account the following when they consider the application.

1. The Section 106 agreement does not conform to the policy as set out in the Supplementary Planning Guidance. In particular, they do not take into account the impact of this large development on the local community that has limited space to provide sports and leisure facilities.
2. The people who come to live in the 109 houses will benefit from the earlier efforts of the townsfolk to create a network of sporting and cultural facilities. The developers will sell their houses more easily because Bollington is well-known as an attractive place to live and where local people become involved in community life. However,

some of these facilities need to be improved and expanded to support growth and community expectation.

3. They argue the need for increased provision for older teenagers. This need will be fulfilled in the Bollington Cross Youth Project supported through two town plans and consistently supported by Bollington Town Council, Macclesfield Borough and Cheshire East Council. The land near the Leisure Centre is the only suitable place for such facilities in Bollington and will serve teenagers who live at this development as well as other teenagers from further away. Without the investment in such facilities, young people will travel further to Macclesfield and beyond undermining sustainability.
4. They ask the Members to support the view that the S106 agreement should reflect the requirements of the community as expressed through Town Plans and the Town Council. They draw attention to an extract from the SPG:
 - That requires off-site facilities that are necessary to meet the needs of the community in order to avoid placing a burden on the existing community
 - Notes that whilst the purpose of planning gain contributions is to address the impact of development and not existing needs, an area's particular needs may well be a relevant matter in considering what appropriate mitigation measures may be.

The Town Council recommended that the S106 addresses the following community requirements and that Members are mindful of the increased pressure 109 houses will have on facilities and the need to ensure that its leisure, cultural and sports facilities are destinations of choice for residents.

With this in mind, they express their support for the following projects for inclusion in the section 106:

Open Space, Sports & Leisure

1. The Bollington Cross Youth Project (Funding sought £100k)

This project budgeted at circa £250k has appeared in two Town Plans.

The aim is to provide a suite of facilities for young people on land at the back of Bollington Cross Leisure Centre (the only area in the parish suitable for such a development). Facilities include:

- a refurbished play area,
- teen shelter,
- MUGA (Multi use Games Area)
- specifically designed pitches for youth football.

The project provides for both male and female physical activities.

The S106 provides an opportunity to realise this project and to attract outside funding from the Football Association. All the preparatory work has been done. A grant from the Government through Cheshire East realised a part of the project in upgrading the play area. This would bring to a successful conclusion a commitment by Bollington Town Council which is unlikely to be achieved in any other manner.

The number of houses proposed will require increased facilities for young people of all ages in the community. The Bollington Cross Youth Project will provide those facilities.

2. The Civic Hall (funding sought £70,000)

The Civic Hall (including the Library and associated car park) is part of a suite of facilities the Town Council has decided to accept from Cheshire East as part of their assets transfer policy. The transfer will take place on 1st September this year.

Ownership of the Civic Hall by the Town Council will ensure a community leisure and performance space in perpetuity.

The facility is currently used for:

- indoor bowling,
- tap dance,
- BOKWA dance,
- light opera shows,
- horticultural shows,
- art exhibitions,
- art classes,
- the flower club,
- weddings and other events.

The Hall has not been well maintained and repairs have not been of adequate quality. The kitchen facilities, lighting, bar area and the furniture need an overhaul and renewal. The Town Council has precepted an amount to cover some upgrading costs, but this will not be enough to bring the Hall to an acceptable modern standard of service.

The above allocation will ensure that not only the basics can be achieved, but that Civic Hall will become a venue of choice rather than a fall back option.

The site will increase the population in the centre of town and put more pressure on all community facilities in Bollington.

3. Bollington Recreation Ground cricket and football pavilion and bowling hut -refurbishment and development of facilities. (funding sought £30,000)

The Recreation Ground has green flag status. It is due to be transferred to the ownership of Bollington Town Council in the next stage of asset transfer.

The Recreation Ground Pavilion, used for both football and cricket, is in need of refurbishment, including improved refreshments and club facilities and improved security measures. Furthermore, the Bowling Hut has reached the end of its life and is in need of replacement.

The Friends of the Recreation Ground and Cheshire East Council have worked hard to attain Green Flag status, but the physical facilities provided need to be upgraded if that status is to be maintained. The Recreation Ground is a short walk from the site (via the riverside walk) and will be a leisure and sporting resource for residents on the KM site.

4. Skate Park Adlington Road Play Park-drainage improvement of the grassed kick about area (funding sought £10,000)

The Play Park improvements have been a staged project of the Bollington Town Council since 2005.

There have been two stages so far:

- the improvement of the play facilities.
- the creation of a new skate park replacing outdated equipment.

The third stage will be the improvement of the central kick-about area. Bollington Town Council will be responsible for commissioning the work. The skate park is a short walk from the KM site via the riverside walk.

Arts and Culture

5. Bollington Arts Centre (BAC) (funding sought £50,000)

The Arts Centre is housed in an adapted schoolhouse, which consists of a small performance space, bar / exhibition area and ancillary rooms used for a variety of courses. It is a well used and popular venue providing chamber concerts, jazz sessions, folk music performances as well as plays and comedy nights.

It is a charitable trust, run by volunteers and is self-financing. BAC makes a significant contribution to the Town's arts and culture provision and is unique in the community.

It operates on a tight budget, yet is improving and growing its facilities. It has recently been hit by the need to provide a new electricity supply which

has interrupted its development of backstage rooms. The building is relatively small and activities have increased and this improvement work is necessary to support its programme.

Kay Metzeler residents would be immediately next door to the Arts Centre and are likely to increase pressure on its facilities.

The Management Committee is committed to ensuring that Bollington Arts Centre serves the community and asks, through the Town Council, to access funds from section 106 obligations.

Further important considerations raised were:

Traffic

The development has provision for two spaces per unit dwelling. This traffic coupled with the flow of traffic generated by the retail store will increase congestion during the morning and evening rush hours. There should be a full traffic impact assessment to determine a safe exit and entrance is designed and consideration given to controlled pedestrian crossings to ensure those living on the new development can cross the road to access public transport into Macclesfield and beyond.

Disabled and mobility provision

Adequate provision must be made for the disabled and for mobility provision throughout the site and at the entrance to the site.

Materials

Close attention needs to be paid to the quality of building materials and design to ensure it is not detriment to the Conservation Area.

OTHER REPRESENTATIONS

Bollington Civic Society

Bollington Civic Society welcomed the reduction in numbers. The former number was a source of considerable concern to members of the Civic Society. It is a significant reduction and will also reduce the volume of traffic generated by this development.

Bollington Civic Society understands that there will now be a certain number of four-bed, detached houses on the other side of the river and this is welcomed.

These remarks do not, of course, have any bearing on The Civic Societies views on the S106 issues which remain unchanged and will do so, until the monies are directly deployed for the benefit of the community. Bollington Civic Society do not believe that supporting the move of the Co-op for commercial gain to the extent of £240,000 and setting aside £250,000 for carrying out the repair work on the viaduct arches - which should be undertaken by CEC - meets this criterion. There will need to be significant changes in this area before The Civic Societies members support the current proposal.

Cheshire Gardens Trust

Reference was made to the proposed development within the garden at the rear of the current Medical Centre. Whilst not part of the current application, it is shown as a continuation of this development, presumably to be part of a subsequent application.

An objection is made to the current application, on the basis that approval of the current indicative layout would imply approval of the principle of continuation into the adjacent site. The Cheshire Gardens Trust recommend that the principle of retention of the Victorian garden is established at the earliest possible stage.

Objections

3 letters of objections have been received. The letters are summarised as follows:

An objection was lodged on the basis that this strategically located site should be used to enhance the facilities in Bollington. This would include significant off-street parking and the relocation of a number of existing premises that have inadequate parking.

Ideally, there would also be new employment opportunities to partially offset those lost with the closure of Kay Metzeler. Instead, the Town is offered a housing estate. The only improvement to the town's facilities is the relocation of the Co-Op. Welcome as this is, this will use a significant part of the funding that the developers make available to the town, whereas the relocation should be a purely commercial transaction between the developers and the Co-op.

The plans fulfil few of the wishes of the people of Bollington (who have expressed a desire for a scheme to include a mixture of housing and small business units, a new Medical Centre, a new site of the Co-op mini supermarket (in a less congested area), as well as community car parking

The lack of any small business provision will further erode Bollington as a working town and take it nearer to becoming dormitory, reducing its vitality and economic viability.

Whilst the relocation of the Co-op supermarket is applauded, the suggested position near the main road merely transfers many of the traffic problems, which affect the present site on Albert Road.

It is also believed that there should be some provision of off-street parking on the site to meet the needs of the people using the shops, the Waterhouse, the Catholic Church, the Arts Centre and any future development of the Methodist Church. For the Arts Centre, losing the concessionary car park will seriously compromise the viability of this unique facility which has a footfall of at least 20,000 people per year.

The access to the site is very restricted as it must serve shoppers and residents alike and will worsen the congestion in an already busy area on a road that is the main thoroughfare to west Bollington and Pott Shrigley.

A resident from Adlington Road raises concerns were a vehicle access formed through one of the arches of the Middlewood Way viaduct, along the route of the old Kay Metzeler fire brigade access track, alongside the River Dean to exit on to Adlington Road by the river bridge were proposed. Any such access would be unsafe, would remove car parking spaces and would increase danger to all road users and pedestrians.

The resident endorses the comments of The Civic Society and specifically agrees with The Civic Society with regard to the proposed use of Section 106 monies to waterproof the road surface of the Middlewood Way viaduct.

APPLICANT'S SUPPORTING INFORMATION

The following information has been submitted in support of the application:

- A Planning Statement
- A Design and Access Statement
- A Site Appraisal including geo-tech assessment
- An Employment Land and Market Overview Feasibility Analysis
- An Arboricultural Implications Assessment and Method Statement
- Heritage Assessment
- A Noise Assessment
- A Flood Risk Assessment
- A Flood Risk Assessment Sequential and Exceptions Test Appraisal
- A Community Consultation Report
- A Transport Assessment
- An Ecological Assessment
- An Archaeological Report
- Draft Head's of Terms for a Section 106 Agreement
- A Viability Appraisal

Details of the above documents can be found on the application file.

OFFICER APPRAISAL

Principle of Development

Paragraphs 12 and 13 of The Framework states that the development plan is the starting point for decision making.

“Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”

The:

“NPPF constitutes guidance for local planning authorities and decision-takers”...

and is:

“a material consideration in determining applications”.

Paragraph 14 states:

“At the heart of the NPPF is a presumption in favour of sustainable development”...

“For decision-taking this means” (unless material considerations indicate otherwise)... “where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole: or*
- Specific policies in this Framework indicate development should be restricted”*

The site is allocated as an existing employment area where policy E4 (which normally permits Use Classes B2, B8, B1b and B1c) applies. Furthermore, Policy E1 seeks to normally retain both existing and proposed employment areas for employment purposes to provide a choice of employment land in the Borough. As such, there is a presumption that the site will be retained for employment purposes. This proposal therefore constitutes a departure from the Development Plan. Planning decisions must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

In this case, there are a number of relevant material considerations when considering the proposed loss of employment land. These are:

- The site is located in the centre of Bollington, on a main through route, and the surrounding use is primarily residential.
- Replacement of a potentially unneighbourly use to adjacent residents.
- HGV's associated with the existing use would be removed from the highway.
- The site is vacant and there is an oversupply of employment land in both the former Macclesfield Borough and the wider Cheshire East area.
- The indicative scheme (as revised) provides a good mix of housing types. 15% of which is offered to be affordable.

- A Linear Park would be created adjacent to the river.
- Some on-site public open space would be provided.
- The river would be widened which will prevent flooding on site and up-stream.
- There may be an opportunity to repair the viaduct to enhance usability of the space below. The developer has offered £250 000 towards this.
- The Co-op would be relocated to the Kay Metzeler site, which would free up the existing site for an alternative, more suitable use.
- A contribution is offered to the Bollington Youth Project of £20 000 – to enhance facilities for young people locally.
- Provision of family-sized homes in Bollington.
- The site is in a relatively sustainable location. The site has good access to the major road network (Wellington Road) and a bus service. Shops and schools are in good walking distance.
- There is an identified shortage of housing land supply and a need for affordable housing.

Consequently, although contrary to the Development Plan, it is acknowledged that there are significant material considerations that indicate that the principle of a residential-led development on this site is acceptable in this location and that a case to retain employment land would not be sustainable. This is looked at in more detail below.

Loss of Employment land

The application site is designated for employment uses within the Local Plan.

Policy E1 seeks to retain employment land for employment purposes. However, Paragraph 22 of The Framework states that:

“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

An Employment Land and Market Overview report from Hallams Property Consultants was submitted with the application.

In conclusion, the report advises:

- The site largely provides poor quality, outmoded industrial, warehouse and office accommodation incapable of economic repair and upgrading for occupation.
- The buildings require demolition. The cost of undertaking these works in addition to any possible remediation due to potential contamination issues is significant. The cost of bringing the site forward for redevelopment in terms of providing good quality, modern industrial/warehousing space is significant and not feasible given the level of rents achievable in today's market.
- The existing access for commercial vehicles via Wellington Road is poor. This would be considered inadequate by most modern day employment occupiers and other uses such as car showrooms etc would severely affect the marketability and ultimately values that could be extracted from the site.
- There is already around 30 years worth of supply (excluding the application site) of employment land in the immediate areas of Macclesfield, Tytherington and Bollington based on historic take-up rates from 1996 and an over supply of employment land in Cheshire to 2018 based on the RSS.
- Employment redevelopments which include industrial/warehousing, office, retail, health clinics and leisure facilities, either by developing accommodation or disposing of land is wholly and financially unviable.
- There is currently no demand for the premises. The site is no longer considered as a potential location for modern businesses.
- Demand for employment sites in the immediate locality is predominantly for plots of less than 1 acre and there is currently in excess of 30 years worth of supply in relation to take-up identified.
- Overall, there is 50 540 sq m of existing office and industrial space available currently in Macclesfield.

A number of the points made in the Employment Land and Premises Report are considered to be valid. The comments in relation to the number of office vacancies in the area is evidenced and backed up by the Council's independent reports.

Cheshire East's Annual Monitoring Report 2010/2011

Table 5.3 of the 2010-2011 Annual Monitoring Report indicates there is 296.69 hectares of employment land in Cheshire East. Of this, 20 hectares is committed for non-employment uses, leaving 286.69 hectares. Approximately 60 hectares is located within the former Macclesfield Borough. During this

period, the annual take up rate was 1.96 hectares per year. Using the same take-up rate, it is assumed that there is a 26.35 year supply across the former Macclesfield Borough.

The key consideration for this application is whether there is sufficient employment land with the local area, to meet current needs. The following is a list of large employment sites in the former Macclesfield Borough where employment land is available:

- Tytherington Business Park
- Lyme Green Retail and Business Park
- Hurdsfield Industrial Estate
- Adlington Park
- Poynton Industrial Estate
- Stanley Green Industrial Estate, Handforth
- Parkgate Industrial Estate, Knutsford
- South Macclesfield Development Area

The Council has commissioned an employment land review, which in part will identify the nature and scale of employment land needed in Cheshire East to meet its sub-regional policy requirement and local business needs.

At this juncture, it is considered that there is adequate Employment Land available across the District, and the loss of this site will not lead to an inadequate supply in this area.

Need for additional housing

Members should note that on 23rd March 2011, the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15th June 2011, this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework (NPPF).

Collectively, these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

"The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy".

Whilst PPS3 'Housing' has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing

requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government’s overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) which was adopted in March 2012.

The SHLAA has put forward a figure of 3.94 years housing land supply. Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However, for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East. Accordingly once the 5% buffer is added, the Borough has an identified deliverable housing supply of 3.75 years.

The NPPF clearly states at paragraph 49 that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- specific policies in the Framework indicate development should be restricted.”*

The forthcoming Cheshire East Local Plan will set new housing numbers for the area and identify sufficient land and areas of growth to meet that requirement up to 2030. The Submission Draft Core Strategy will be published for consultation in the spring of 2013. Consequently, the current shortfall in housing land will be largely remedied within the coming year or so. However, in order that housing land supply is improved in the meantime, an Interim Planning Policy on the Release of Housing Land has been agreed by the Council. This policy allows for the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as part of mixed development in town centres and in regeneration areas, to support the provision of employment, town centres and community uses.

The proposed development complies with the IPP as it is a regeneration scheme which is part of a mixed development in a town centre.

From the above, it can be concluded that:

- The Council does not have a five year supply of housing – and the presumption in favour of sustainable development should apply.
- The proposed development complies with the Interim Planning Policy as it is a mixed development located in a town centre
- The Cuddington Appeal in Cheshire West and Chester and other recent appeals in Blackpool, Fylde and Worsley, Salford indicate that significant weight should be applied to housing supply arguments.
- The NPPF is clear that, where a Council does not have a five year housing land supply, its housing supply relevant policies cannot be considered up to date. Where policies are out of date planning permission should be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole”*.

Overall, housing supply is a very important consideration in the determination of this application and must be given considerable weight.

On balance, it is considered that the principle of the scheme is acceptable and that it accords with the general policy of encouraging housing to meet the supply needs of the authority. The application turns, therefore on whether there are any significant and demonstrable adverse effects, that indicate that the presumption in favour of the development should not apply and this is considered in more detail below.

Need for additional affordable housing in the area

Policy H8 of the Local Plan requires the negotiation for the provision of 25% affordable housing. However, since then the Council has adopted the Interim Planning Statement on Affordable Housing which, on sites of 0.4ha or 15 or more dwellings in settlements of over 3,000 population, seeks to provide a minimum proportion of affordable housing of 30%. In addition, this document also looks for developments of 10 or more dwellings to provide a minimum of 25% low cost housing.

This site should therefore be providing 33 affordable dwellings and 27 low cost dwellings.

The Affordable Housing Interim Planning Statement states that on all sites over 15 units, the affordable housing requirement will be 30% of the total units with a tenure split of 65% social or affordable rent, and 35% intermediate tenure. The Affordable Housing Interim Planning Statement also requires that the affordable units should be tenure blind and pepper potted within the development; the external design - comprising elevation, detail and materials - should be compatible with the open market homes on the development, thus achieving full visual integration.

The Housing Need information taken from the Strategic Housing Market Assessment 2010 shows that for the Macclesfield & Bollington sub-area there is a need for 318 new affordable units per year, this is made up of need for 175 x 2 bed, 109 x 3 bed and 49 x 1/2 bed older persons. There was a slight oversupply of 1 and 4 bed units. The Strategic Housing Market Assessment also identified that the tenure preferences for affordable housing in Cheshire East were 65% social rent and 35% intermediate tenure.

Due to this, the Housing Strategy and Need Manager seeks the provision of 30% affordable housing on this site, split as 65% rented affordable units and 35% intermediate tenure units. As this application is up for up to 99 dwellings, this would equate to a requirement for 30 affordable units.

The applicant is only proposing 15% affordable housing, which does not meet the requirements of the Affordable Housing Interim Planning Statement in terms of the percentage of affordable housing provided or the tenure split required. However, a lower percentage of affordable housing has been considered to be acceptable, in this instance, as there are genuine viability issues, which has been independently verified.

The applicant is offering the intermediate affordable housing units on a discounted from open market basis with a discount of 30% applied to give a sales value of £130 000 to £135 000 for each affordable unit.

On the basis of the above, the Housing Strategy and Needs Manager raises no objection to the application.

Design, layout, density and impact on residential amenity

Design, appearance, layout and scale considerations are all reserved. They are therefore not the subject of decision here.

Local Plan policies BE1, H2, H13, DC1 and DC35 address matters of design and appearance.

Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting.

Policy H2 requires new residential development to create an attractive, high quality living environment.

Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

It is considered that, in the context of this site, it should be possible to design a scheme which satisfies the policy requirements highlighted above. The indicative layout would confirm this and helps to illustrate that a decent landscaped setting can also be provided.

The indicative layout illustrates that satisfactory separation distances can be achieved between the existing medical centre adjacent to the site and the houses proposed within the new development. It is considered that it should be possible to design a scheme with separation distances which would comply with the requirements of Local Plan Policy DC38.

The basic principles have been outlined, but the content of the current design and access statement should not be assumed as an acceptable level of detail for design consideration. The basic parameters (i.e. number of storeys) identified are acceptable, but work will need to be undertaken to address a number of issues at the detailed design stage. Officers are confident that a high quality design package can be accommodated on the site.

Design and Access Statement

The applicants have produced a Design and Access Statement which examines the indicative details for the final form of the development and this provides supporting information for the design of the scheme. Officers raised initial concerns with the applicant's agent and information has now been provided in relation to the loss of buildings of interest (i.e. the pavilion and stone office / lodge buildings), the relationship with the viaduct, the leat and more information has been provided on the linear park.

Officers have recommended that a map which shows the heritage assets surrounding the site should be submitted, as it will illustrate how the character and urban context has been arrived at.

Scaled parameters

Bearing in mind:

- a) the scale of the buildings that currently exist in the vicinity of the site,
- b) factors such as distance standards, amenity and outlook (which will have to be satisfied on a reserved matters application).

The proposed maximum ridge height of 13.5m is considered unnecessarily high. It is therefore recommended that the ridge height of the dwellings be conditioned to scale parameters between 8.5 metres (for two storey dwellings) and 11.0 metres in height (for three storey dwellings).

The density and scale of the proposed housing is considered to present an adequate compromise between the need to make efficient use of land whilst respecting the character of the locality.

Design layout which reduces overshadowing from the viaduct

Concern is raised that properties are sited too close to the viaduct. Therefore, a condition is proposed which would give a minimum distance any house should be sited from the viaduct. This is for space and light purposes. The indicative layout shows houses within 10 metres. The height of the viaduct is approximately 15m. Therefore, having regard to the local plan policy DC38, it is suggested that there should be a minimum distance of 24 metres between the rear elevations of the dwellings backing onto the viaduct and the viaduct itself. This should, in addition, allow for issues relating to access for maintenance to the viaduct to be addressed. This will affect 4 no. plots. However, these should be comfortably accommodated on the site.

Condition of the viaduct

It is evident from the comments made by the Town Council and The Civic Society that there is little local support for Section 106 money to be secured for repairs/maintenance to the viaduct. This is largely due to the fact the structure is owned by Cheshire East Council. However, the Council does not currently have money allocated to undertake the necessary repairs and securing opportunities to repair and maintain an important local heritage asset should be seized where possible.

The structure is a local landmark and important historically. If money cannot be secured as a benefit of the development, the viaduct will deteriorate further, and may in time become a blight on the development, rather than a key character feature. Money could be sought for repairs to the viaduct, but at the very least funds should be secured for a maintenance strategy and watching brief to ensure works can be phased over a number of years. This would have to be secured under a Section 106 Agreement.

Retention of the buildings associated with the mill

Consideration has been given to the retention of the Gatehouse (reception) building and Sports Pavilion as these are considered to be heritage assets. The Gatehouse building was built in 1922. However, it is noted that retaining

these buildings would further affect the viability of the proposals. These buildings need to be recorded prior to demolition.

Possible future indicative layout

An area was identified on the originally submitted plan to the rear of the medical centre. This “indicative layout” area should not be considered as part of the determination of this planning application and has been omitted from the revised plans. No comments have been made on this element of the site. Officers would suggest that any future developer for this part of the site, makes a pre-application enquiry with the Local Planning Authority to gain advice on its suitability for development.

Waterhouse Mill

The sites history is important. The developer has agreed to the addition of interpretation boards on the site (potentially within the Linear Park), which will help reinforce the historic character of the site. This can be addressed by a condition. The interpretation panels should also focus on any findings once the site clearance works have begun.

Car parking

It is recognised that this is a development within the centre of Bollington. However, where in-curtilage parking is desired, national guidance advises locating garages, or carports alongside houses, set back from the building line. Options generally need to be explored for reducing the amount and visual impact of cars parked in front gardens.

Highway Safety

It is noted that the Strategic Highways Engineer raises no highway objections.

In considering the traffic impact of the development proposals, it is important to remember that there is an existing consent for industrial development that will have produced trips on the local highway network including HGV movements. Additionally, the existing Co-op store is being moved to the site from an existing central town location.

The applicant has assessed the trip rates for both the existing industrial / commercial and the proposed development and indicates that there will be a net increase of 33 trips am peak and 59 trips pm peak hours. The trip rate assessment submitted by the applicant is considered accurate and a reasonable assessment of the increase in traffic. As this was a commercial site, there was an element of trips being HGV's and this proposal will see a substantial reduction in lorry movements through Bollington.

The background traffic on the B5090 Wellington Road is around 800 vehicles (two-way) maximum in the evening peak hour and when the additional net traffic is added of 60 trips, it does not have any material impact on the road network

The proposed new access will provide a good standard of access. An emergency access route will be retained to the rear of the site and provides a

link to Adlington Road. This will be used on a daily basis as a footpath/cycle link.

With regard to sustainable travel, there are a number of bus services close to the site. The site will provide a new cycle route between Wellington Road and Adlington Road and also link the Middlewood Way.

No comments are provided on the indicative layout as this is an outline application. Internal road design issues will be dealt with in the reserved matters submission.

As the Co-op is being relocated, there is potential for vehicles to park on Wellington Road and not use the dedicated car park within the site. Consequently, the Highways Engineer would seek a contribution of £4000 to install parking restrictions should problems with on-street parking occur.

Environmental Issues

The Environmental Health Officer raises no objection to the application, subject to conditions in relation to construction, noise, and contaminated land.

A Phase II contaminated land investigation shall be required and any remediation required as necessary.

The proposed residential use is a sensitive end use. A report submitted with the application identified potential contamination and recommends further investigation.

Cycling and Rights of Way

The proposed development should make adequate facilities for pedestrian and cyclist access to, from and within the site. The footpaths on the site connect with the Middlewood Way and the national cycle network and therefore will provide both pedestrian and cyclist routes for business and leisure journeys. It is important that the Middlewood Way is maintained in a satisfactory condition and that good access is maintained.

The documents refer to the creation of a new footpath / cycleway within the linear park and a new bridge link to the Adlington Road playground and Middlewood Way access.

Landscape, Greenspaces and Trees

Landscape details are a reserved matter not for the consideration in this application, but at the detailed stage.

The Landscape Officer raised various concerns to the originally submitted scheme. However, the revised plan has addressed these issues.

The riverside 'Linear Park' has been widened and now has scope for new planting and other features. The 'active frontages' overlooking the riverside path and other open spaces would provide good surveillance of these areas.

These properties have been set back to provide more front garden space and a railing fence has been incorporated to separate them from the public areas.

Strong concerns were raised about the proximity of the plots adjacent to the viaduct. The viaduct would have an overbearing impact on these dwellings. The revised plans show how some of this area has been to be used as Public Open Space. Details for the proposed fencing and screen planting around the sub-station should be addressed as part of the landscape details at reserved matters stage.

The Arboricultural Officer raises no objections to the outline scheme in principle. This outline application is supported by an Arboricultural Implications and Method Statement which identifies those trees proposed for retention within the proposed scheme and those identified for removal due to their condition or for the purposes of development.

Unprotected Trees

The report identifies various individual and groups of semi mature and early mature trees located internally within the site which will require removal to accommodate the development or are not worthy of retention by virtue of their condition. The majority of these trees are not protected by the Tree Preservation Order, which protect selected trees within the site.

Discussions carried out with the Senior Arboricultural Officer, prior to the submission of the application, have agreed the removal of most of these unprotected trees in principle, including the removal of the linear group of Sycamore adjacent to the viaduct to the eastern boundary of the site. Some unprotected trees are to be retained; those of some note being a group of young Sycamore along the boundary of the adjacent sub station, which will provide some boundary screening to Plots 59-61.

The revised plan shows the retention of the existing Hornbeams along the Wellington Road frontage and planting of 7 additional trees, which is welcomed.

Protected trees

The removal of the protected Sycamore (T40 of the report) has been agreed on the basis of providing an optimum access position and to provide adequate radii and sight lines in accordance with highways requirements. The relocation of the access to accommodate the tree would have impacted on provision for car parking for the proposed Co-op building. In this regard, these reasons outweigh the loss of the protected tree. Mitigation for the loss of this tree is to be provided within the Linear Park / Village Green Area or adjacent to the new access into the site, adjacent to the existing group of protected Pine and the remaining Sycamore.

Removal of the dying protected Sweet Chestnut is accepted (T35 of the Arboricultural Report). The omission of Plot 85 and reconfiguration showing plots 77-79 on the revised plan now provides an acceptable relationship to the two protected Pine and Sycamore (T36, 38 and 39 of the report (G12 of the

Order). There should be no levels changes within the RPA of these trees and a condition should be attached for details of any retaining walls that may be necessary to retain soils.

The revisions to Plots 97-114 are noted. The exact positions of protected trees (G15 of the TPO) along the northern boundary of the site have not been plotted. Whilst Plots 90 - 93 appear to be located some 20 metres from this boundary, and appear to provide an acceptable relationship to those protected trees on the boundary, the steep nature of this site will likely necessitate significant level changes to accommodate slab levels and adequate garden space. The Arboricultural Officer has concerns with regard to Plot 94 in terms of its possible position in relation to boundary protected trees, the impact upon the rooting environment of trees and any proposed level changes required to accommodate necessary slab levels. A cross section of the site has been requested in order to demonstrate existing and proposed levels.

The revised plots 97 and 98 are now located closer to the eastern boundary of the site. The Arboricultural Officer has concerns that the position of these Plots will now impact upon the group of protected Lime trees located within Garden Street (G16 of the TPO). These trees need to be included in the report as they overhang the site and are therefore a material consideration. These details have been requested.

The revised access arrangements around G4 are acceptable. Details of porous driveway construction can be subject to an appropriate condition.

Ecology

The Nature Conservation Officer raises no significant ecological issues in relation to the proposed development. The Nature Conservation Officer has commented as follows:

Badgers

An active main badger sett and a disused annex sett have been identified on the proposed development site. The main sett will be retained on site. However, it will be necessary to close the disused annex sett. The submitted ecological assessment advises that a Natural England license will be required to close the annex sett and makes some brief recommendations relating to the timing and supervision of the works.

The Nature Conservation Officer advises that the retention of the main badger sett and the closure of the annex sett is an acceptable approach as the main area of badger activity would be retained. However, as the current application is outline only, the Nature Conservation Officer recommends that a condition be attached to any permission granted requiring any future reserved matters application to be supported by an up to date badger survey and a detailed mitigation method statement.

Loss of Woodland Habitat

The submitted indicative layout would result in the loss of an area of woodland in the along the western boundary of the site. A development in accordance with the indicative layout would therefore be contrary to local plan policy NE7.

The submitted Phase One Habitat survey has identified this habitat as being plantation broad leaved woodland. From the Nature Conservation Officers site visit, there appeared to be no obvious evidence of the woodland originating from a plantation.

It would be useful for the applicant's ecological consultant to confirm why they considered this habitat to be plantation.

An additional survey of the woodland over the coming weeks would be useful to more fully assess the nature conservation value of the woodland.

Breeding birds

Conditions are suggested to safeguard breeding birds and to ensure some additional roosting/nesting potential is provided as part of the proposed development.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The hedgerows on site do not appear to be particularly significant in terms of their nature conservation value. However, if any hedgerows are to be lost it must be ensured that their loss is compensated for through the creation of new native species hedgerows as part of any finalised landscaping scheme for the site.

Wet drain

The wet drain in the northern part of the site has some nature conservation value in the very local context. The Nature Conservation Officer recommends that consideration is given to retaining and modifying the drain as a feature of the proposed development.

Non-native invasive species

The non-native invasive plant species Himalayan balsam has been recorded on site. If planning consent is granted, the Nature Conservation Officer recommends that a condition is attached requiring the submission of a method statement for the eradication of this species from the site.

Open Space

Formal comments are awaited from the Parks Management Officer in relation to the commuted sum which would be required from the developer towards the Borough Council's sports, recreational and open space facilities as required by policies in the Local Plan. The payment of the sum would be included in the legal agreement and would be based on guidance in the Section 106 SPG. Comments have been made in relation to the scheme in general.

The Parks Management Officer notes that no strategy for the open spaces and linear park has been submitted. This document should outline the purpose, aims and objectives to guide the design process, proposed look and feel of the space, contents, maintenance and quality. There should be seating or resting points at regular intervals, imaginative interpretation, signposting to other links / facilities, wildlife features, varied maintenance regimes, and bespoke and quality materials and detail. The linear park could take cues from Bollington Recreation Ground in terms of detail, signage and sculptures to provide some cohesion and connectivity.

Within the rearranged and improved open space adjacent to the viaduct, it is requested that a section of the mill leat is retained. This will enhance the diversity across the site and open space, provide a link to the past uses of the site for future residents and users and be an attractive feature.

The footbridge proposed over the River Dean is an important introduction to the site. It will provide a potential link through to Adlington Road and beyond, to facilities and enhance the network of green spaces. It also provides an opportunity to celebrate the site and its uses.

The gateway to the linear park is important and further work is required to explain and define the entrances and transition to open space. They also offer the opportunity to introduce bespoke features which celebrate and enhance the site, strengthening its individuality and sense of place.

It has been agreed that it is neither appropriate or desirable to provide children's play space or sport and recreation facilities on site. Amenity open space is being provided on site in the form of the linear park. A commuted sum for the offsite provision of children's play space and sport and recreation facilities will therefore be required.

OTHER MATERIAL CONSIDERATIONS

It is considered that the majority of issues raised by the public are covered in the report above. In addition, the following observations are made with regard to their comments:

Number and types of housing to be provided

The revised plan illustrates both a reduction in the number of properties on the site and includes up to 13 larger family dwellings.

No new medical centre

It is understood that the developer attempted to work with the doctors at the medical centre. However, the doctors could not find a scheme which would have been viable for them. Consequently, within the current financial constraints they have to work within, it would not be possible to relocate the doctor's surgery onto the application site.

Co-op relocation

This is considered to be a benefit of the scheme. The existing Co-op on Albert Road is on a corner and the community has concerns regarding its associated

parking and highway safety. The relocation of the community has largely been pursued by the developer at the request of the community.

Section 106 contributions

This matter is addressed in the Heads of Terms section below.

HEADS OF TERMS

Viability

A full viability appraisal has been submitted with the application. This identifies the costs of the development and expected returns. Land Values were supplied by CBRE, which take into account the following:

- Residential build cost.
- Retail build cost.
- Road infrastructure.
- Contingency.
- Abnormal costs.
- Aqueduct repairs.
- Professional fees.
- Finance rate.
- Marketing costs.
- Land value
- Coop purchase.
- Public Open Space.
- NW Electricity.

In order for redevelopment to take place, the value of the site for housing and the Co-op must exceed existing use values and the return for the landowner. In this instance, although British Vita has ceased to operate, there is still a significant period for their lease to run, which generates a return for the owner, which allows an existing site value to be calculated.

The Council has had the developer's viability appraisal independently assessed. Although the developer considered that the build costs of the development are significantly higher than those suggested by the Council's external assessor, the applicant has agreed to accept our conclusions.

The conclusion of our assessor was that unfortunately the development would not be viable if a full quota of Section 106 requirements were sought. As such, Officers have negotiated a package which would provide:

- 15% affordable housing,
- the relocation of the Co-op,
- £270 000 of contributions.

Initially, the developer proposed that the money should be spent on the viaduct and Bollington Youth Project.

Bollington Town Council also has views on how the money should be allocated.

The developer is supportive of the money being spent on local requirements for local people. However, it is of course essential to ensure that the contributions meet CIL regulations and are suitably linked to the proposed development.

Officers have considered the Council's SPG on Section 106 Agreements. It is considered that the money could be allocated for use of play (formal and informal) at:

- Adlington Road,
- Bollington Recreation Ground
- Coronation Gardens,

or improvements to the sports provision at Bollington Recreation Ground, including changing facilities and access improvements to the Middlewood Way.

Money could be sought for repairs to the viaduct, but at the very least funds should be secured for a maintenance strategy and watching brief to ensure works can be phased over a number of years. The Council can then engage with the local community, post decision on how best to utilise this money.

In addition, the developer has agreed to pay for a Traffic Regulation Order of £4 000 to ensure safe access and egress from the site.

There have been requests for the contributions from the development to go towards the Bollington Cross Youth Project, the Civic Hall and Bollington Arts Centre, as well as at Adlington Road and Bollington Recreation Ground.

All of the above groups make a valuable contribution to the community of Bollington.

The Supplementary Planning Guidance on Section 106 Agreements does allow for commuted sum payments to be requested for such facilities, separate to the requirements for public open space, sports and recreation, education etc. as required in national legislation. On this occasion, the viability study has demonstrated that the development could not make these contributions available.

For clarity the heads of terms are:

- 15% Affordable Housing = 15 units to be 65% social or affordable rent, and 35% intermediate tenure.
- A commuted sum would be required for offsite provision for use towards play (formal and informal) at Adlington Road, Bollington Recreation Ground and Coronation Gardens, improvements to the sports provision at

Bollington Recreation Ground, including changing facilities, and improvements to the Middlewood Way. Funds should be secured for a maintenance strategy and watching brief to ensure works to the viaduct are phased over a number of years. The commuted sum total is £270 000.

- Relocation of the Co-op.
- £4 000 for a Traffic Regulation Order.
- A 15 year sum for maintenance of the open space will be required IF the council agrees to the transfer of the open space to CEC on completion. Alternatively, arrangements for the open space to be maintained in perpetuity will need to be made by the developer, subject to a detailed maintenance schedule to be agreed with the council, prior to commencement

Community Infrastructure Levy (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 15% affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu for off site provision of recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 99 dwellings, the occupiers of which will use local facilities, and there is a necessity to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

A commuted sum would be required for offsite provision for use towards play (formal and informal) at Adlington Road, Bollington Recreation Ground and Coronation Gardens, improvements to the sports provision at Bollington Recreation Ground, including changing facilities, and improvements to the Middlewood Way / viaduct is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The relocation of the Co-op is provided as a benefit of the scheme by addressing a traffic problem elsewhere in the town and is necessary to ensure that the site has an element of mixed use.

The £4 000 for a Traffic Regulation Order is necessary to ensure that the highway adjacent to the site is maintained safely.

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

CONCLUSIONS

This scheme is in outline form with all matters reserved for future consideration. There will be an opportunity to consider the detail raised in some of the comments expressed, at the time of the reserved matters application.

Overall, the scheme is considered to be sustainable development as:

- The application site comprises previously allocated land in a sustainable location, with access to local services, including shops, schools and good public transport links.
- The proposal would bring environmental improvements.
- The proposed development comprises a maximum of 99 dwellings, 15% of which would be affordable dwellings (because of viability issues). A good mix of house types and sizes are proposed and the development helps meet the Council's housing targets. A viability appraisal has been independently assessed to ensure that the development is deliverable.
- The indicative layout and scale of the development would make efficient use of this previously allocated site and provide a residential scheme that would contribute to the housing needs of the area. Although the access, layout and scale would be a reserved matter, the indicative details submitted would have an acceptable impact on the character of the area and it is considered that it would be possible to comply with the distance standards between properties contained within the Local Plan.
- It is considered that the extent to which the proposal would impact on neighbouring residential amenity would be acceptable.
- The Council's Arboricultural Officer accepts the general principles of the development in relation to the impact on trees. However, concerns are raised with regard to the submitted layout plan due to the relationship between some of the protected trees and some of the proposed dwellings, with specific reference to plots 94, 97 and 98. The applicant has been made aware of this issue and revised plans, taking into account the Arboricultural Officer's concerns has been requested. These will be the subject of an update report.
- The Council's Nature Conservation Officer largely supports the proposals. However, further information has been requested in relation to the Loss of Woodland Habitat

In summary, for the reasons outlined, it is considered that the principle of residential use on the site is acceptable.

Although the proposal does not comply strictly with policy, it is considered that there is still an adequate supply of employment land available across the

Borough that the loss of this site will not lead to an inadequate supply in this area.

Consequently, a recommendation of approval is made, subject to conditions and a S106 Agreement.

1. A06OP - Commencement of development
2. A03OP - Time limit for submission of reserved matters (within 3 years)
3. A01OP - Submission of reserved matters
4. A02OP_1 - Implementation of reserved matters
5. A09OP - Compliance with parameter plans
6. A08OP - Ground levels to be submitted
7. A01LS - Landscape - submission of details
8. A04LS - Landscaping (implementation)
9. A01GR - Removal of permitted development rights
10. A02HA - Construction of access
11. A04HA - Vehicular visibility at access to be approved
12. A32HA - Submission of construction method statement
13. A19MC - Refuse storage facilities to be approved
14. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources
15. Protection of breeding birds
16. Provision of bird boxes
17. Submission of further badger survey in support of any reserved matters application.
18. Submission of method statement for the eradication of non-native invasive species.
19. Details of lighting to be approved
20. Piling - contractor to be members of the Considerate Construction Scheme
21. Times of Piling
22. Hours of construction/noise generative works
23. Noise mitigation
24. Dust mitigation
25. Contaminated land
26. Mitigation to follow submitted air quality assessment
27. Submission of a drainage scheme including details in respect of surface water run-off

28. Development to accord with Flood Risk Assessment
29. Number / type of dwellings
30. Method statement for the removal of the weir should be submitted for approval
31. Method statement for any bank works, including reprofiling, should be submitted for approval
32. Management plan for the buffer riparian/linear park area adjacent to the River Dean should be submitted for approval
33. Management plan for the eradication or management of the invasive plant species on site should be submitted for approval
34. Scheme to dispose of foul and surface water
35. a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved
36. A verification report demonstrating completion of the works set out in the approved remediation strategy
37. Piling and foundation design to be submitted
38. Minimum width of linear park to be 12m in accordance with the indicative layout
39. Implementation of public open space areas.
40. Arboricultural Implication Study required

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