

Application No: 15/2010M

Location: Land Southwest Of, MOSS LANE, MACCLESFIELD

Proposal: Full planning application for the demolition of existing buildings and the erection of 150 no. dwellings with associated car parking, access, internal roads and landscaped open space.

Applicant: BDW Trading Ltd (Barratt Homes M'cr)

Expiry Date: 04-Aug-2015

SUMMARY

The site is located within a Proposed Employment Area where under policy E1 of the local plan, only uses within classes B1, B2 and B8 will be allowed. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted. The proposal would however accord with the principles of the emerging policy and site allocation CS8.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision (10%) and would help in the Councils delivery of 5 year housing land supply.
- Whilst comments are awaited from ANSA regarding the specific open space requirements for this site, the development would provide a public open space facility for proposed and existing residents.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.
- The existing waste processing use would be removed from the site, which is a significant benefit to this predominantly residential area.
- The development would provide a small contribution towards a new school on the wider strategic site

The development would have a neutral impact upon protected species/ecology, drainage, trees, residential amenity, noise, air quality, highways, landscape and contaminated land.

The adverse impacts of the development would be:

- The loss of proposed employment land.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Whilst several of the planning obligations fall short of the policy required standards for viability reasons, the proposal still brings identifiable benefits when considered against the harm of the scheme. Applying the tests within paragraph 14 it is therefore considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly the application is recommended for approval.

SUMMARY RECOMMENDATION

Approve subject to conditions and a s106 agreement.

PROPOSAL

The application seeks full planning permission for the demolition of existing buildings and the erection of 150 no. dwellings with associated car parking, access, internal roads and landscaped open space.

SITE DESCRIPTION

The application site comprises approximately 4.39 hectares of land and is located on the edge of a predominantly residential area. There are a range of commercial uses currently taking place on the site. The majority of the site is in use as a waste transfer station. Other existing operators on the site include Moss Lane Commercials (vehicle servicing), Silk FM (radio station) and Moss Lane Garage; all of which are located in the south eastern part of the site.

The majority of the site is currently laid out as hard-standing, which is used for vehicle parking and open storage. The site also contains a number of existing warehouses and buildings, which are generally located within the central part of the site. The northern and southern boundaries of the site are partially delineated by mature trees; with high hedges providing screening from the residential properties to the north. The site is identified as a proposed employment area in the Macclesfield Borough Local Plan, and a blanket TPO covers the site.

RELEVANT HISTORY

There is a range of planning history related to the current commercial uses, but none specifically relevant to the current proposal.

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

69-78. Promoting healthy communities

Development Plan

Macclesfield Borough Local Plan Policy

The Macclesfield Borough Local Plan allocates the land to the south of Moss Lane between Congleton Road and Lyme Green Business Park, for a mix of employment, retail/leisure, housing and open space uses and a new distributor road. The principle of development is fixed in the Borough Local Plan. Issues dealing with the release of the land were debated at the Local Plan Public Inquiry held in 1995. What remains to be fixed are the details of the development.

The relevant Saved Policies are: -

Built Environment

BE1– Design Guidance

Development Control

DC1 – New Build

DC3 – Amenity

DC5 – Natural Surveillance

DC6 – Circulation and Access

DC8 – Landscaping

DC9 – Tree Protection

DC15 – Provision of Facilities

DC17 – Water Resources

DC18 – Sustainable Urban Drainage to Reduce Flood Risk

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

E1 – Retention of existing and proposed employment areas

E4 – General Industrial Development

E6 – New Employment Land Allocations - Macclesfield

Transport

T2 – Integrated Transport Policy

T10 – Distributor Road

Environment

NE2 – Protection of Local Landscapes

NE3 – Protection of Local Landscapes

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

RT6 – Allocated for additional Informal Recreational Facilities

RT7 – Recreation / Open Spaces Provision

RT15 – Visitor Accommodation

Shopping

S1 – Shopping Developments

S2 – New Shopping, Leisure and Entertainment Development

S3 – Congleton Road Development Site

Implementation

IMP1 – Development Sites

IMP2 – Transport Measures

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

In addition, the Development Brief titled, South Macclesfield Development Area: A Brief to Guide the Development of Land between Congleton Road and Lyme Green Business Park, was adopted as Supplementary Planning Guidance in November 1998.

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

SE 1 Design

SE 2 Efficient Use of Land

SE 3 Biodiversity and Geodiversity

SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland

SE 9 Energy Efficient Development

SE 12 Pollution, Land Contamination and Land Instability

CO 4 Travel Plans and Transport Assessments

CS 8 South Macclesfield Development Area

SC 1 Leisure and Recreation

SC 2 Outdoor Sports Facilities

SC 5 Affordable Homes

IN 1 Infrastructure

IN 2 Developer Contributions

PG 1 Overall Development Strategy

PG2 Settlement Hierarchy

PG5 Open Countryside

EG1 Economic Prosperity

EG5 Town Centres First

Other Material Considerations:

National Planning Practice Guidance (NPPG)

Interim Planning Statement: Affordable Housing

Strategic Housing Market Assessment (SHMA)

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

South Macclesfield Development Area – Economic Masterplan and Delivery Plan – November 2011

CONSULTATIONS (External to Planning)

Environment Agency – No objections subject to conditions relating to discharge of surface water and contaminated land.

United Utilities - No objection subject to condition requiring the site being drained on a separate system.

Natural England – No objections

Sport England – No comments

Flood Risk Manager – No objections subject to drainage conditions

Environmental Health – No objections subject to conditions relating to noise mitigation, dust control, submission of an environmental management plan, hours of construction, travel planning, electric vehicle infrastructure and contaminated land.

Public Rights of Way – No objection

Head of Strategic Infrastructure – No objections subject to junction improvement at Moss Lane/Congleton Road

Housing Strategy & Needs Manager – Comments awaited

ANSA (open space) – Comments awaited

Archaeology – No objections

Education – No objection subject to financial contributions

VIEWS OF THE PARISH / TOWN COUNCIL

Macclesfield Town Council – No comments received

OTHER REPRESENTATIONS

3 letters of representation have been received raising concern about the proposal on the following grounds:

- Already significant issues due to the traffic passing through Star Lane to access Moss Lane, an increase in that traffic would make it extremely difficult and dangerous.
- An additional 150-300 cars through this road each day is simply unacceptable.
- Further loss of green space in this semi rural area is unnecessary given the other brownfield land available for development around Macclesfield. Loss of mature trees also compounds this issue.
- Impact on amenity of neighbouring property.

6 letters of representation have been received supporting the proposal and making the following comments:

- Existing development disrupts living conditions by not being able to enjoy garden. Unable to open windows. Unable to invite guests on the days and hours of operation.
- Macclesfield is short of newer homes, the housing stock of the town is very old. Opportunities for downsizing will increase.
- Ideal site for new housing development
- Proposal will greatly improve the immediate environment and remove the heavy goods vehicles off Moss Lane, which is primarily a residential area.
- Improvements to the Moss Lane / Congleton Road junction should be made.

2 letters make the following general observations:

- Missed opportunity for the applicant and Cheshire East Council to work together to create a "joined up" approach to the development to the South of Macclesfield that can create jobs and much needed housing whilst improving the environment for existing households on Moss Lane and providing a much needed link Road between Congleton Road and London Road at Lyme Green.
- This development should only be served from a new road linking to Congleton Road.
- The application fails to recognise the needs of local cyclists.
- The impact of the additional traffic on the residents of Moss Lane is not particularly appealing.
- The plans submitted do not show all the registered land owners affected by the proposals. There is one parcel of land fronting Moss Lane that is not owned by either the applicant or Henshaws and yet this is still shown for development. This needs correcting on the submitted plans.
- Two traditional T-junctions are wholly inappropriate for the volumes of traffic predicted. Roundabouts are needed.
- The volume of traffic generated will cause major problems at the Moss Lane/Congleton Road junction.
- The application does not appear to address the issues of the many historic drains and ditches that cross the site and contribute to the flora and fauna that is abundant in the area.
- The design does nothing to enhance the current streetscape on Moss Lane.

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted an ecology assessment, a contaminated land report, a transport assessment, a planning statement, a design and access statement, an arboricultural implications report, a statement of community involvement, a landscape strategy and a flood risk assessment.

The planning statement outlines the following benefits of the proposal:

- Creation of a high quality residential environment which respects the character of the area
- The development will mitigate and can adapt to future climate change through sustainable design and a commitment to deliver high quality, energy efficient and low carbon homes.

- The proposed development will provide a balanced mix of dwellings, providing a choice of type and size.
- Provision of new public open space
- The retention of existing trees and hedgerows
- landscaping strategy for the site will allow for ecological enhancement and will result in a net benefit to biodiversity.
- The development is within easy reach of a range of local shops and services which will reduce reliance on the private car.
- The development will support the creation of employment opportunities during the construction period and the occupation of the proposed development will generate local expenditure
- Increased Council Tax revenue and receipt of New Homes Bonus payments
- Removal of an existing use which detracts from the quality of the residential environment.

APPRAISAL

The main issues in the consideration of this application are the suitability of the site for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, design / character and sustainability.

Principle of Development

The application site forms part of a wider area of land to the west of Lyme Green Business Park which is identified as a 'Proposed Employment Area' in the Macclesfield Borough Local Plan. Saved Policy E1 confirms that sites within such areas will normally be retained for employment purposes (uses within Class B1, B2 and B8).

The proposed development is not an employment use and would therefore be contrary to policy E1 of the Local Plan. Therefore, the key issue is whether there are other material considerations associated with this proposal, which are sufficient to outweigh the local plan policy objection.

Emerging Policy

In terms of the emerging local plan the application site forms part of strategic site CS8 (South Macclesfield Development Area) located adjacent to the southern urban edge of Macclesfield and extends across from railway line in the east, to Congleton Road in the west. The emerging policy notes that this site has been allocated for a mix of uses including employment and shopping purposes since 1997, but has not come forward for development due to a combination of site conditions, market demand and competition pressures from other employment locations within the Borough.

The policy considers that a mixed use allocation including a number of higher-value land uses including residential and Class A1 convenience retail is crucial to enabling this site to come forward for development within the plan period.

Specifically the emerging Local Plan identifies the following development over the Local Plan Strategy period:

1. The delivery of around 1,050 dwellings;
2. Provision of:
 - i. Replacement playing fields, Green Infrastructure and open space to offer multi sports and recreational opportunities including a new pavilion / changing rooms;
 - ii. Class A3 / A4 Public house and restaurant;
 - iii. Class A3 / A5 drive-through restaurant or hot food takeaway
 - iv. Class D2 Health club / gym facility;
3. Provision of a new Class A1 superstore with a net sales area of up to 5,000 square metres. The majority of the net sales floorspace should be dedicated for convenience goods;
4. Provision of up to 5 hectares employment land and employment related uses;
5. Provision of a new primary school;
6. Potential relocation of Macclesfield Town Football Club;
7. Incorporation of Green Infrastructure;
8. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities; and
9. On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space, community and sports facilities.

The delivery of Link Road between Congleton Road and London Road is one of the specific principles of development in the emerging policy for this strategic site. And the north / north-east portion of the site is identified as most suitable for residential development.

220 dwellings received a resolution to approve by the SPB in October 2015 (application 14/0282M), which would account for a small percentage of the proposed housing allocation for this site. The proposed 150 dwellings located to the north of the wider strategic site would be in accordance with the emerging policy, which weighs in favour of the proposal.

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework (the Framework) requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements.

This calculation of five year housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance (NPPG) indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

The definitive methodology for buffers and backlog will be resolved via the Development Plan process. However the indications from the work to date suggests that this would amount to an identified deliverable supply target of around 11,300 dwellings.

This total would exceed the total deliverable supply that the Council is currently able to identify. As matters stand therefore, the Council remains unable to demonstrate a 5 year supply of housing land. On the basis of the above, the provision of housing land is considered to be a substantial benefit of the proposal.

SOCIAL SUSTAINABILITY

Viability

The brownfield nature of the site and its existing uses creates a significant additional cost for the development of the site. Site clearance, buildings to be removed from the site and appropriate mitigation of the existing ground conditions to enable development will cost close to £2m. This clearly has an impact on the overall viability of the site to deliver housing and contribute to the normal infrastructure requirements. The initial submissions indicated that it would not be viable to deliver any such contributions, however Officers have sought uplift in appropriate contributions where possible as detailed below.

Affordable Housing

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure.

The Interim Planning Statement: Affordable Housing also requires that affordable housing is pepper-potted and provided no later than occupation of 50% of the open market dwellings (or 80% if the development is phased and has high levels of pepper-potting).

There is an identified need for affordable housing in Macclesfield. As originally submitted the proposal did not propose providing any affordable housing for viability reasons. However, this has now been increased to 10% (15 two and three bedroom houses) to be provided by way of discounted open market sale at a 20% discount to market value.

Comments from Housing are awaited and will be provided in an update.

Open Space

Policy DC40 of the Local Plan and the SPG on Planning Obligations requires informal play provision to be provided as follows:

- (i) at the rate of 12.5 sq metres per family dwelling (i.e. two bedrooms or more)
- (ii) either separately located or by combining the informal play provision with other local open space
- (iii) either separately located or by combining with some formal play provision
- (iv) in a location which avoids hazard for children.

Formal play provision (equipment provided) should be provided at the rate of 7.5 sq metres per family dwelling subject to the following:

- (i) 25% of the provision should be for younger children (up to the age of 6 years) and 75% of the provision should be for older children (7 years upwards)
- (ii) a minimum provision of 100 sq metres for younger children and 400 sq metres for older children
- (iii) the play area should be within easy and safe reach for the intended users and should be at intervals of not more than half a mile
- (iv) the site should be safe, comfortable and intrinsically interesting for the user and be subject to informal surveillance
- (v) formal play provision for older children shall not be located in close proximity to dwellings where this would create a nuisance for the occupiers

Amenity open space should be provided at the rate of about 20 sq metres per dwelling and should incorporate natural features of interest where possible.

These requirements are to ensure the provision of adequate open space for formal and informal children's play activity, that is safe, conveniently located and safeguards existing residential amenities and to ensure provision of amenity open space.

Therefore using the above formulae, the following should be provided:

Informal play – $150 \times 12.5 = 1,875$ sqm

Formal play – $150 \times 7.5 = 1,125$ sqm

Amenity open space – $150 \times 20 = 3,000$ sqm

In lieu of on site provision the SPG on Planning Obligations allows for financial contributions to be made towards off-site provision at a rate of £3,000 per family dwelling.

In addition to this, the SPG requires a financial contribution towards recreation and outdoor sports provision at a rate of £1,000 per family dwelling or £500 per two bed space apartment. This would equate to a contribution of £149,500.

The open space proposed includes an area of approximately 1,000 sqm in the centre of the site, and no financial contributions towards off site provision. This is a significant shortfall from the policy requirement. Comments from ANSA are awaited.

Education

The Council's pupil yield which is used to estimate the number of pupils which a development can be expected to generate is under constant review and in February 2015 it was updated to reflect information made available through the 2011 national census. This work resulted in a pupil yield of 19 primary and 15 secondary aged pupils per 100 dwellings.

Based on these yields, SMDA is a proposed strategic site for up to 1,050 dwellings where the Council is anticipating demand for school places from 200 primary aged children and 158 secondary aged children. Due to the number of pupils which the site is expected to generate the Council identified the need for a new school at an early stage and Education Officers maintain that the cost of this school is shared between the landowners / developers promoting land which forms the overall site. This methodology of proportionately sharing the cost of building a new school is applied by many Local Authorities and if a piecemeal approach was taken then the Council may not have the funds to deliver a new school which a development of this scale would support.

Whilst it is acknowledged that there is an element of cumulative surplus capacity in schools across Macclesfield at the present time, this surplus is forecast to decrease year on year. It has always been considered that an overall development of this scale warrants the need for a new primary school and that each site pays its proportionate share of the land and build costs.

A new 1FE primary school will cost £3,200,000 therefore the proportionate share of a new primary school required is £448,000 plus an equalisation agreement with other landowners forming the SMDA site. This contribution is calculated as:

$$150 / 1050 \times 100 = 14\%$$

$$14\% \times £3,200,000 = £448,000$$

There is no contribution required towards secondary provision.

As noted above, the applicants have submitted a viability report, which they maintain demonstrates that the development cannot support all policy compliant s106 obligations.

The applicants have sought to provide evidence to demonstrate that there is a surplus of school places within the local area which is sufficient to address the educational needs generated by development on the application site. As such, the applicant maintains that there is no justification for the payment of a contribution towards education provision. Furthermore the applicants note that the policy for the SMDA in the emerging local plan does not require that each site contributes to a new school, simply that the scale of development will necessitate the provision of one.

The applicants are however eager to take matters forward promptly in order to deliver much needed new housing as soon as possible on an otherwise contaminated brownfield site which is allocated for housing development. To this end, they have proposed a compromise offer which could form the basis of a S106 agreement.

This offer is a contribution of £200,000 towards the development of a primary school within the South Macclesfield Development Area payable as 25% upon occupation of each of the 30th, 60th, 90th and 120th dwelling.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

Policy DC38 of the Local Plan includes guidelines for separation distances between dwellings. New residential developments should generally achieve a distance of between

21m and 25m between principal windows and 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties.

The relationships of the proposed dwellings with existing properties all meet the distances above. Within the site, there are some separation distances that fall marginally below the identified standards. However, any shortfall is minimal and is not considered to have such a significantly adverse impact upon the living conditions of future occupiers to justify a refusal of planning permission.

Air Quality

Following concerns raised by Environmental Health, the applicant has submitted additional air quality information. The proposal is considered to be significant in that it is highly likely to change traffic patterns and congestion in the area. In particular, the development has the potential to impact upon the A523 London Road Air Quality Management Area (AQMA), declared as a result of breaches of the European Standard for nitrogen dioxide.

The submitted report considers the change in road traffic emissions brought about by the change in use. The report concludes that there will be a reduction in emissions associated with HGV movements as a result of the changes to traffic composition on the local network surrounding the site. It is acknowledged that removing HGV's off the network will reduce emissions associated with the application site. However, increasing car based journeys associated with the proposal will lead to a deterioration of local air quality.

Due to the location of the site, Environmental Health considers that there will be a negative impact on local air quality within the AQMA. Any increase in concentrations within an AQMA is significant as it is directly contrary to local air quality objectives and the Air Quality Action Plan. The NPPF requires that development be in accordance with the Council's Air Quality Action Plan.

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. It is therefore recommended that mitigation is provided in the form of direct measures to reduce the traffic associated with the development and safeguard future air quality.

It is acknowledged that a Travel Plan has been prepared for the proposed development. The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions, however it is felt appropriate to ensure uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern Ultra Low Emission Vehicle technology (such as electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such, it is considered appropriate to create infrastructure to allow charging of electric vehicles in new, modern properties.

Conditions relating to electric vehicle charging, travel planning and dust control are therefore recommended.

Noise

The applicant submitted further information in response to concerns raised by Environmental Health relating to the noise issues associated with the development. The site lies close to Moss Lane, Macclesfield and as such future occupants could be adversely affected by road traffic noise. In addition, some commercial uses will remain at the perimeter of the site.

Paragraph 123 of the Framework states that *“Planning policies and decisions should aim to:*

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.”*

In relation to the identified noise sources an acoustic report has assessed the impact of both road traffic and commercial noise on the future occupants. The report concludes that mitigation is required in the form of acoustic glazing / ventilation systems on some properties, and acoustic boundary treatments to protect external amenity areas.

As such conditions are recommended requiring full details of the noise mitigation scheme to be submitted.

Highways

The Head of Strategic Infrastructure (HSI) has provided the following comments on the proposal:

Given that the site has a number of existing commercial uses, the site has an existing level of traffic movements going to and from the site; therefore only the net traffic impact of the proposal needs to be considered.

Traffic Impact

The applicant has undertaken a traffic survey of the current trips of the waste processing operation to calculate the peak hour traffic generation. As the site is currently operating under its full capacity the potential generation of the site has been calculated using the Trics database. The traffic generation of the other commercial uses has also been estimated using Trics and added to the waste traffic generation, and the resultant total peak hours existing trips are approximately 105 in the AM and PM peak.

The proposed traffic generation has also been predicted using Trics. The information presented is that the 150 units would have 81 AM trips and 83 PM trips. The HSI considers that the submitted trip generation rates to be on the low side. CEC trip rates would bring the traffic generation up to 100 peak hour trips.

At the time of submission of the planning application the SMDA development (14/0282M) had not been approved although the applicant has included this development in their capacity junction assessments. The SMDA application does now have a resolution to approve.

In order to assess the traffic impact of the development, a number of local junctions have been tested for capacity; these are ones that will be directly impacted by the development. The junctions assessed are:

- Site Access
- London Road/ Moss Lane
- London Road/Star Lane
- Congleton Road/Moss Lane
- Moss Lane/Star Lane

The results of the junction capacity tests show that most junctions operate within capacity but the junction at Moss Lane/Congleton Road is shown to have long queues in the assessment year of 2020. The capacity of this junction is affected by general traffic growth as well as the SMDA traffic. However, the SMDA is now committed and any subsequent developments have to take this development in account. The proposed development will have an impact on the Moss Lane/Congleton Road junction as the majority of the traffic from the site is distributed north passing through the junction.

Accessibility

Moss Lane has existing footways on both sides of the road that connect to the site, and there are also a number of pedestrian refuges along Moss Lane that act as crossing points. There are existing bus services that run on the A534 Congleton Road and Parkgate Road that can be accessed by pedestrians but are approximately 800m from the site.

The site is within walking distance of shops on Moss Lane, Thornton Square and all services and facilities within Macclesfield Town Centre.

Access and Layout

The main access to site conforms with highway standards and provides sufficient visibility in both directions, the width of the principal access road is 5.5m and has a footways on both sides. One access point is sufficient to serve the 150 units proposed. The internal layout has a long tree lined main access through the site; this is a requirement of the development as a future link to the west of site is planned.

The road layout is acceptable in highways terms and is suitable for adoption by the Highway Authority. The parking provision for each of the units accords with the Council parking standards.

Highways Conclusions

The current site usage has a level of traffic generation, although there is potential for the site to be more intensively used it's current operation produces less traffic generation than is proposed in the residential scheme. Therefore, there is a net increase in traffic as a result of this application and this will need to be dealt with in terms of mitigation. A number of junctions were assessed in regards to capacity with this development in place including committed schemes, the main concern in regard to queues and congestion is the Moss lane/Congleton Road junction which will also be mostly used by traffic from this development proposal. A mitigation scheme is therefore required and the introduction of ghost island right

turn lane at this junction would provide mitigation for the traffic generated by the residential scheme.

It is intended that a new strategic road link is provided between London Road and Congleton Road as part of the SMDA, and there is an opportunity to provide a link from this site to the SMDA site and thereby provide a reduction in traffic flows using Moss Lane in the future. To enable a future link to the site to be provided the spine road should be extended to the western boundary of the site and this provision needs to be secured in the S106 agreement for the development.

There are no highway concerns regarding the use of the existing access point on Moss Lane and the internal layout of the site is acceptable.

In summary, subject to a Grampian condition to secure the right turn lane at Moss Lane/ Congleton Road and also the extension of the spine road to the western boundary of the site no highways objections are raised. Conditions requiring a construction management plan and wheel wash facilities are recommended.

Trees / landscape

Trees

The application is supported by a Tree Quality Survey and Arboricultural Method Statement. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The submitted plans and particulars illustrate which trees are suggested for retention and are cross referenced with their Root Protection Areas and respective Tree protection details onto the proposed Site Layout Plan. As a consequence it is possible to determine the direct or indirect impact of the proposed layout on retained trees. The submitted arboricultural detail does provide the level of detail required to adequately assess the impact of development on existing trees.

The whole of the site is covered by the Macclesfield Borough Council (Macclesfield – Western Park Nursing Home / Moss Lane Farm, Moss Lane) Tree Preservation Order 1998. The Order was served under an Area designation, which has resulted in a significant numbers of trees which were present when the Order was made benefiting from formal protection but which are clearly not worthy of such a designation.

The site has experienced historic heavy commercial usage, which has affected some trees in terms of their vigour and vitality, with ground associated with individual and collective Root Protection Areas (RPA) compromised by compaction.

The majority of the proposed development site including the internal core is devoid of any tree cover as a result of past and existing activities. The trees that are the subject of the supporting arboricultural report are categorised as groups located around the periphery of the site.

Subject to a practical involvement in the thinning of G6, the Arboricultural Officer is satisfied with the arboricultural implications of the proposed development. The retained trees can be protected in accordance with current best practice taking into account existing ground conditions and suitable method statements

In landscape terms, the site is a previously developed site with existing commercial uses in operation. The site sits immediately adjacent to existing residential areas, and through the retention of some boundary planting together with additional planting, the proposal is considered to sit comfortably in the landscape.

Within the site, further details will be required regarding the swale depths/profiles, driveway and footpath construction (with culverts), inlet/ outfall pipes and any headwall structures etc. to ensure these structures are as attractive as possible given the proximity to dwellings. This can be dealt with by condition.

In terms of boundary treatments, the existing unsightly wall along the Moss Lane frontage will be demolished and replaced with 1000mm native species hedge, which is a positive aspect of the proposal. The 2 metre high concrete retaining wall to the rear of plots 58 - 75 will be faced with brick and lowered where possible. The applicant has confirmed that the strip of trees above the wall and the sloping land to the rear of plots 46 – 49 which appear rather inaccessible will be managed by a management company, along with all areas of Public Open Space.

A revised boundary treatment plan has been submitted, which removes the low brick wall around the southern verge, between the site entrance and plot 115. This area would be better left open and the proposed wall foundations may be located within the RPA of the mature boundary trees. In addition the low walls on plots 50, 139 and 120 which were considered to be too close to the high garden boundary walls have also been removed.

Clarification is still required on what boundary treatments are proposed for all perimeter boundaries, which can be dealt with by condition. Additional conditions relating to a landscaping scheme and implementation and a landscape management plan are recommended.

Ecology

The nature conservation officer has provided the following comments on the application:

Danes Moss SSSI

The proposed development is located 750m from Danes Moss SSSI. Whilst the submitted ecological assessment states that the application site is unlikely to have a hydrological links with the SSSI, the site does fall within Natural England's SSSI Impact Risk Zone for developments of this scale. As such there is a requirement to consult Natural England on the proposed development.

Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for

which Danes Moss SSSI has been notified. They advise that this SSSI does not represent a constraint in determining this application.

Bats

The two existing dwellings on site have been identified as having the potential to support roosting bats. In order to establish the presence/absence of roosting bats at these buildings the submitted report recommends that these buildings be subject to further more detailed bat activity surveys.

Additional surveys have been carried out, which indicate that no evidence of roosting bats was identified in either building during the dusk emergence surveys. The nature conservation officer notes that the bat surveys were constrained by only continuing for one hour after dusk, but on balance he is satisfied that roosting bats are unlikely to be present or affected by the proposed development.

Habitats

The broader South Macclesfield Development Area located adjacent to the application site supports habitats which are of regional and local value. In terms of the application site, most of the habitats present are of negligible nature conservation value.

A narrow slither of priority Lowland Raised Bog habitat however appears on the national inventory located on the sites north western boundary. Based upon the submitted ecological appraisal this part of the site appears to be currently consist of scattered and dense scrub. The nature conservation officer advises that this small area of habitat is not considered to be priority habitat.

There is a second area of the site located around the existing mast which is also on the Lowland Raised Bog habitat national inventory. On checking through his records the nature conservation officer confirms that this land was cleared in about 2011. So whilst this area of habitat must still be regarded as former raised bog, the bog habitats are now very degraded and the grassland habitats present are those that have recolonised the site since it was cleared.

Finally, the south western and south eastern boundaries of the application site, which are former ditches, are identified on the national priority habitat inventory as being Coastal and Flood plain grazing marsh. These habitats exhibit few of the characteristics which define this priority habitat. The loss of these former ditches is therefore unlikely to have a significant impact upon nature conservation interests.

Existing Tree Screening Belt

The nature conservation officer advised that the existing trees which form part of a screening belt along the boundary of Moss lane should be retained as part of the proposed development. However, no reason has been provided for this. The trees are relatively low value in arboricultural and visual terms and are highlighted for removal. New native tree planting and hedgerows will replace the existing trees to this north eastern site boundary. However, the existing stand of densely naturalised screening vegetation to the south will be thinned but retained as a green frontage, which is considered to be acceptable.

Layout & Design

The area around Moss Lane is characterised by a variety of house types. The proposed dwellings are all either 2, 2.5 or 3 storeys high, and there are existing examples of each of these in the local area. Similarly, whilst the specific design and detailing of the individual housing is relatively generic, it has to be noted that the surrounding area does not provide strong design lead, and as such the design of the properties cannot be considered to be unduly out of keeping or harmful to the character of the area.

The main tree-lined avenue / primary route through the development runs east-west across the central part of the site. It extends to the western boundary, creating the opportunity for providing a link to possible future development on adjoining land. The avenue curves through the site, providing a series of unfolding views with buildings positioned at different orientations. This will also help to limit vehicle speeds. Streets extend off the main avenue serving development parcels to the north and south. A series of shared-surface type lanes are proposed along the southern boundary, connecting the principal streets and creating permeability through the site. An urban square is proposed at the intersection the avenue and the main north-south street extending northwards towards the site boundary. The square takes the form of a shared surface street with on-street parking and is flanked with townhouses on either side. Pedestrian movement through the site is provided for along the streets and lanes, either on pavements or along a shared surface. Informal pedestrian routes are provided through the main open space and a dedicated footpath in the north-east corner connects the site with Moss Lane.

The main area of greenspace takes the form of an open area close to the site entrance and with frontage onto the central avenue. Being immediately visible on entry into the site, the open space forms a gateway feature and is surrounded on all three sides by housing, promoting safety and security.

It is proposed that 150 homes can be accommodated on this site at a net average density of around 41 homes per hectare. Density is spread relatively evenly across the development the site. Most of the properties will be Mews style homes or townhouses although the mix also includes a small number of detached and semi-detached dwellings, which is in keeping with the local area.

The layout also provides for four different character areas throughout the site: the Moss Lane streetscene; the tree lined avenue (the main route through the site); the urban square, and: the Lanes / Mews, all of will add variety to the proposal but with a coherent blend of materials.

Policy SC4 of the emerging local plan states that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. In this case, the proposal provides a variety of house types ranging from 2 to 4 bed properties.

Subject to appropriate landscaping and materials, the proposal is considered to comply with the objectives of policies BE1 and DC1 of the Macclesfield Borough Local Plan.

Flooding

The site is located in flood zone 1 and the Environment Agency has not raised any flood risk concerns. However, the Council's Flood Risk Management team noted that at the time of their site visit a number of ditches/watercourses within and surrounding the site were

identified. These watercourses were, in places, heavily overgrown and partially blocked which creates the potential to exacerbate flood risk at the site. The submitted Flood Risk Assessment states that it is proposed to discharge surface water into this ditch system following development; therefore it will be essential that riparian responsibilities are adhered to and appropriate maintenance is undertaken to clear these watercourses. In addition, they are designated as 'ordinary watercourses' therefore any works that are likely to affect the flow would be subject to formal Land Drainage Consent under Section 23 of the Land Drainage Act 1991. The Flood Risk Management team would support a 30% reduction in surface water flows following development along with the use of SuDS within the site. A detailed maintenance plan for any SuDS must be provided by the applicant at the detailed design stage for the lifetime of development.

Areas of the existing site are at risk of flooding from surface water according to the EA surface water flood map; therefore appropriate measures must be implemented to mitigate this risk. Appropriate conditions are therefore recommended.

Archaeology

The Council's archaeologist has noted that an examination of the 19th-century mapping shows that at this time the land was divided up into long, thin, ditched fields which extended south into the moss and originated as individual 'moss rooms' where people enjoyed the right to cut peat for fuel. The early maps also show a building on the site of the present farm and this is likely to have been established as part of the process of unofficial settlement on the fringes of the moss.

This pattern survived into the 20th-century and is clear on aerial photographs of the 1940s but, within the application area, was destroyed by the establishment of the depot in the 1970s. This has removed the earlier field pattern and, although a building still occupies the site of the original welling, it appears to be entirely modern in origin.

In these circumstances it is advised that further archaeological work would be difficult to justify and no further mitigation is recommended.

Contaminated Land

The Council's Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

Further site investigation works have been undertaken and a Preliminary Findings Report has been submitted. Although monitoring is still ongoing, the further works have better characterised the site and give a fuller understanding of the gas risk present. Whilst concentrations in one location are still presenting a NHBC red classification, information from the surrounding boreholes and a cross section indicate that this may be localised. Upon completion of the monitoring a remedial strategy is to be produced to identify the most appropriate remedial action(s) to address the identified gas risk and enable the site to be safely developed. It is expected that this may include boundary treatment works as the source appears to be cross boundary.

Further site investigation works are recommended during the enabling phase to investigate areas of the site not previously accessible and to assess the potential thorium risk. A proposal for this should be submitted, and appropriate conditions are recommended.

In addition to this, the Environment Agency (EA) have reviewed the submitted Phase 1 and 2 Ground Investigation report to understand and assess possible risks to controlled waters from the current and future condition of the site. The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

The EA considers the site to be in an environmentally sensitive location being immediately above a Secondary A Aquifer and Principal Aquifer and has a number of surface watercourses around the site. They consider these to be controlled waters.

Their assessment of the site is that the historical land uses and method employed to raise the land levels to create a platform for industrial uses has led to the introduction of elevated concentrations of contamination in the made ground on site which, in turn, has led to elevated concentrations of contamination in the groundwaters.

Based on the information presented in the submitted reports, the EA is unsure of which groundwater body has been sampled but have taken the view that the groundwater that was sampled is more likely to be the shallow Secondary Aquifer rather than the potentially deeper Principal Aquifer. They also do not consider one round of groundwater sampling to be sufficient to characterise the groundwaters beneath the site.

The EA have therefore adopted the position that the shallow groundwaters are highly likely to be in hydraulic connectivity with the surrounding surface watercourses. Therefore the risk of significant pollutant linkages is present and will require at least additional investigation and assessment but may well extend to the requirement for remediation in order to address adverse pollutant linkages. The EA recommend a series of conditions to address this matter and raise no objections to planning permission being granted on this basis.

The future submissions should include the following information:

- Clarification of the groundwaters which are sampled
- A plan showing the location of all monitoring locations including boreholes, trial pits and surface water sampling points
- Additional ground and surface water sampling to confirm the hydrological environment on site
- All boreholes levelled in to a common datum as per the relevant British Standards for site investigation

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

HEADS OF TERMS

If the application is approved a Section 106 Agreement will be required, and should include:

- Education contributions of £200,000 (primary)
- Open space provision and management arrangements.
- Provision, tenure and phasing of 10% affordable housing
- Vehicular Access permissions to be provided through to land to the west

Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now 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, access provision to wider site and public open space provision is necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The development forms part of a wider allocation in the emerging local plan, which would see the creation of 1050 new dwellings. Such an allocation would result in a requirement for a new primary school. It is considered to be fair and reasonable that the cost of this school is shared between the landowners / developers promoting land which forms the overall site.

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

PLANNING BALANCE

The site is located within a Proposed Employment Area where under policy E1, only uses within classes B1, B2 and B8 will be allowed. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted. The proposal would however accord with the principles of the emerging policy and site allocation CS8.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision (10%) and would help in the Councils delivery of 5 year housing land supply.
- Whilst comments are awaited from ANSA regarding the specific open space requirements for this site, the development would provide a public open space facility for proposed and existing residents.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.

- The existing waste processing use would be removed from the site, which is a significant benefit to this predominantly residential area.
- The development would provide a small contribution towards a new school on the wider strategic site

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions.
- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees is considered to be neutral.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development and the proposed mitigation.

The adverse impacts of the development would be:

- The loss of proposed employment land.

The comments received in representation relating to material planning considerations have been considered in the preceding text. However, on the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Whilst several of the planning obligations fall short of the policy required standards for viability reasons, the proposal still brings identifiable benefits when considered against the harm of the scheme. Applying the tests within paragraph 14 it is therefore considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly the application is recommended for approval subject to conditions and the Heads of Terms listed.

RECOMMENDATION

The application is recommended for approval subject to the prior completion of a s106 agreement and conditions.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) 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.

Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. Development in accord with approved plans
2. Submission of samples of building materials
3. Commencement of development (3 years)
4. Landscaping - submission of details
5. Landscaping (implementation)
6. Landscaping to include details of boundary treatment
7. Tree retention
8. Tree protection Arboricultural method statement
9. Submission of construction method statement
10. Contamination enabling and remediation strategy to be submitted
11. Verification report for remediation strategy to be submitted
12. Piling or other foundation designs using penetrative methods shall not be permitted
13. Scheme to dispose of surface water drainage to be submitted
14. Noise mitigation scheme to be submitted
15. Scheme to minimise dust emissions to be submitted
16. Environmental Management Plan to be submitted
17. Electric Vehicle Infrastructure to be provided
18. Travel plan to be implemented
19. Assessment of the potential for disposing of surface water by means of a sustainable drainage scheme to be carried out
20. Detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods to be submitted
21. Site to be drained on a total separate system
22. Landscape management plan to be submitted
23. Right turn lane at Moss Lane / Congleton Road to be provided
24. Wheelwash facilities to be provided

