

Application No: 16/1374M

Location: R H Stevens Transport Ltd, Gunco Lane, Macclesfield, SK11 7JL

Proposal: Redevelopment of former haulage depot for 88 dwellings and associated works

Applicant: Mr George Stevenson, Bellway Homes Ltd (Manchester Division)

Expiry Date: 17-Jun-2016

SUMMARY

The site is previously developed and the principle of development is acceptable in this location. The site is sustainably located within the town and the proposals represent an efficient use of a disused brownfield site. The principle of residential development of previously developed land is supported at all levels of planning policy where the Government's aims are clear. PDL and brownfield sites should be used to boost housing supply where appropriate, the housing and planning bill consultation paper sets out the Government's intention 'Our ambition is for 90% of brownfield land suitable for housing to have planning permission by 2020.' Clearly these proposals align with the intention of the Government to encourage the use of brownfield land to boost housing supply.

Cheshire East cannot demonstrate a 5 year supply of housing, therefore 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, when assessed against the policies in the Framework when taken as a whole; or specific policies in the Framework indicate development should be restricted.

Following effective pre-application discussions, a suitable scheme was submitted which has required only alterations to the landscaping scheme, and the majority of information has been submitted reducing the need for numerous planning conditions. A robust viability exercise was carried out, which has demonstrated that the scheme cannot be fully policy compliant, however the scheme does make some provision for some affordable housing, a full education contribution and a partial contribution towards open space and outdoor sport. Unfortunately the proposals cannot bear the cost of a full contribution however, the viability outcome has been accepted by officers.

The proposal is considered to be sustainable in terms of social, environmental and economic sustainability.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Council's delivery of 5 year housing land supply.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes, and benefits for local businesses.

- The proposal will not have an adverse landscape impact.
- Full Education Contribution of £45,000 for 1 SEN place.

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

- Impact on the highway network is considered to be neutral following mitigation.
- There is not considered to be any significant drainage or flood risk implications raised by this development.
- The impact upon trees is considered to be neutral as this can be addressed through mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land can be mitigated through the imposition of planning conditions.
- No adverse impact on protected species/ecology subject to mitigation.
- A partial contribution towards open space, outdoor sport of £172,000 (57% of the full requirement)

The adverse impacts of the development would be:

- No full affordable housing contribution however 10 intermediate units at 80% discount will be provided.

On balance, it is considered that the proposal represents sustainable development and accords with the development plan and national planning policy and guidance. The benefits of the scheme outweigh the adverse impacts of granting approval. Therefore for the reasons mentioned above the application is recommended for approval.

SUMMARY RECOMMENDATION

Approve subject to Section 106 Agreement

PROPOSAL

The application is a full planning application for the redevelopment of the former RH Stevens Transport Ltd depot located off Gunco Lane in Macclesfield with 88 dwellings and associated works. The site has a previous planning permission for housing which is time expired. The application proposes the following mix of dwellings:

- 16 x Bolin 4 bed 2.5 storey semi detached units
- 10 x Oakwood 4 bed 2 storey detached
- 9 x Weston 3 bed 2 storey detached
- 10 x Bennett 3 bed 2 storey detached
- 5 x Lansdown 3 bed 2 storey detached
- 25 x Rufford 3 bed 2 storey semi-detached
- 3 x Pilkington 3 bed 2 storey semi-detached
- 2 x Chatsworth 3 bed 2 storey semi-detached
- 4 x Falkland 3 bed 2.5 storey semi-detached
- 4 x Fulwood 4 bed 3 storey semi-detached

The application proposes the provision of 10 discount for sale units which will be 80% of the market value together with a S106 contribution of £2,475 per dwelling giving a total of £217,800 towards education and open space and outdoor sport. The 10 discount for sale plots will be 2 x Chatsworth, 7 x Rufford and 1 x Pilkington. The application proposes a new

single access point off Gunco Lane along with junction improvements, as previously approved as part of the most recent application for the site.

The boundary of the site with Gunco Lane will be opened up to allow an active street frontage and an additional pedestrian/cycle only access point to the site.

SITE DESCRIPTION

The application site extends to approximately 2.5 hectares and is split level. The site is rectangular in shape with Gunco Lane along the western boundary and the Macclesfield Canal which is set at a much higher level along the eastern boundary. There is residential development to the south of the site with industrial units to the north. The site has a building located to the east the other buildings which were present on the site have been demolished. The site has some hedgerows along its boundaries and a leylandii screen along the southern boundary with the existing residential development.

RELEVANT HISTORY

10/0832M, Demolition of Existing Buildings on Site and Erection of Residential Development Comprising 124 Dwellings, Levels Changes, New Access, Off Site Footpath and Highway Improvement, Circulation and Parking Areas, Approved, 19-07-2012

NATIONAL & LOCAL POLICY

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

Macclesfield Borough Local Plan Policy:

The site is located within the settlement boundary of Macclesfield, on an employment site.

Therefore the relevant Local Plan policies are considered to be: -

Built Environment Policies:

Policy BE1: Design Guidance

Development Control Policies:

Policy DC1: New Build

Policy DC3: Amenity

Policy DC5: Natural Surveillance

Policy DC6: Circulation and Access

Policy DC8: Landscaping

Policy DC9: Tree Protection

Policy DC36: Road Layouts and Circulation

Policy DC37: Landscaping

Policy DC38: Space Light and Privacy

Policy DC40: Children's Play Provision and Amenity Space

Policy DC41: Infill Housing Development
Policy DC63: Contaminated Land
Policy E1: Employment Land Policies
Policy T1: Integrated transport policy
Policy T2: Provision of public transport
Policy T3: Improving conditions for pedestrians
Policy T4: Provision for people with restricted mobility
Policy T5: Development proposals making provision for cyclists
Policy T6: Highway improvements and traffic management
Policy NE2: Landscape character areas
Policy NE14: Natural habitats
Policy NE11: Protection and enhancement of nature conservation interests
Policy NE17: Nature Conservation in Major Developments
Policy NE18: Accessible areas of nature conservation from residential properties
Policy H2: Environmental Quality in Housing Developments
Policy H8: Provision of Affordable Housing
Policy H9: Occupation of Affordable Housing
Policy H13: Protecting Residential Areas
Policy RT1: Recreational land and open space
Policy RT2: Open spaces/amenity areas in residential areas
Policy RT5: Standards for open space provision
Policy IMP1: Development Sites
Policy IMP2: Transport Measures

Cheshire East Local Plan Strategy – Proposed changes version public consultation ended 19th April 2016.

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

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
PG6 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer contributions
SC4 Residential Mix
SC5 Affordable Homes
SE1 Design
SE2 Efficient use of land
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
SE9 Energy Efficient Development
SE12 Pollution, Land contamination and land instability
SE13 Flood risk and water management

CO1 Sustainable Travel and Transport
CO4 Travel plans and transport assessments

The National Planning Policy Framework

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

Of particular relevance are paragraphs:

- 14. Presumption in favour of sustainable development.
- 49. Housing supply policies
- 50 and 54. Wide choice of quality homes
- 56-68. Requiring good design
- 72-74 Promoting healthy communities
- 109. Conserving and enhancing the natural environment
- 186-187. Decision taking
- 196-197 Determining applications
- 203-206 Planning conditions and obligations

Supplementary Planning Documents:

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- SPG on Section 106 Agreements (Macclesfield Borough Council)

Other Material Considerations

- Cheshire East Strategic Market Housing Assessment (SHMA)
- Cheshire East Strategic Housing Land Availability Assessment (SHLAA)
- Conservation of Habitats & Species Regulations 2010
- Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
- North West Sustainability Checklist
- Ministerial Statement – Planning for Growth (March 2011)
- Macclesfield Town Report (Part of Local Plan evidence base) March 2016

CONSULTATIONS (External to planning)

Housing (received 29-Mar-2016)

The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate

element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 88 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 26 dwellings to be provided as affordable dwellings. 17 units should be provided as Affordable rent and 9 units as Intermediate tenure. This application includes only 10 affordable units, which are wholly for intermediate tenure and for this reason I object.

The planning statement also states that these intermediate properties are to be sold at 80% of market value, however in order for them to be compliant with the IPS, intermediate units should be sold at a maximum of 70% market value.

The submitted planning statement states that the scheme cannot provide a policy compliant amount of affordable units on viability grounds and makes reference to a viability assessment which is to be independently assessed. Should this assessment be verified then I will withdraw my objection should a suitable overage clause be included in the s106 agreement.

The SHMA 2013 shows the demand in Macclesfield per annum is for 103 x 2 bed, 116 x 3 bed and 80 x 1 bed older person dwellings. Waiting list information taken from Cheshire Homechoice shows that there are 1227 applicants who have selected Macclesfield as their first choice. These applicants require 518 x 1 bed, 479 x 2 bed, 199 x 3 bed and 31 x 4 bed dwellings. This application includes only 3 bedroom dwellings and I do not feel as though this reflects the need as some smaller units should be included.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings

The affordable housing should meet the HCA's housing quality indicator (HQI) standards.

Our preference is that the affordable housing is secured by way of a S106 agreement, which:

- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes an overage clause which requires the amount of affordable housing to be redressed should the sales values of the properties increase and therefore improve overall viability of the development
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.

- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

Details of Registered Providers of social housing can be obtained from the Development Officers in Strategic Housing

Education (no comments received consultation expired 28/04/2016)

ANSA (no comments received consultation expired 28/04/2016)

Leisure Services (no comments received consultation expired 28/04/2016)

Highways (received 28/04/2016)

The proposal is for a full application for 88 dwellings with 2 car parking spaces each. The proposed access and footways are of acceptable widths and the visibility on exiting onto Gunco Lane will adhere to standards.

Footway access from the site to the wider Macclesfield area is available and it has been proposed for improvement works as shown on plans '1270-F01 rev A' and '1270-04'. Public transport is available and within walking distance and footways from the site to the bus stops are acceptable.

There have been no road traffic accidents in the vicinity of the site within the last 5 years indicating no existing road safety concerns.

The number of trips that would be generated from the site will be less than 1 per minute during each of the peak hours and capacity assessments of the site access and of the Gunco Lane/Byrons Lane junctions have demonstrated that the impact will be minimal.

For these reasons Highways has no objection to the application subject to conditions.

Environmental Protection – (comments received 23/06/2016) No objections subject to conditions.

Ecology – (received 27/06/2016)

Bats

A single building remains on site. No evidence of roosting bats was recorded during either the initial survey or the follow up activity surveys. I therefore advise that roosting bats are not likely to be present or affected by the proposed development.

Badgers

A badger sett has been identified on site. Whilst the sett would be retained as part of the proposed development works would be undertaken within close proximity to it. The applicant intends to apply for a Natural England licence to allow any potentially disturbing works to proceed lawfully. The Natural England licence is likely to restrict the works in the vicinity of the sett to the period outside the badger breeding season and also require the supervision of works by a suitably experienced ecologist.

If planning consent is granted a condition is recommended.

Hedgerows

Native species hedgerows are a priority habitat and hence a material consideration. There is short length of native species hedgerow on the sites northern boundary. It is unclear whether this would be retained as part of the proposed development. There is a substantial length of new hedgerow proposed as part of the proposed development, but it is not clear if this is intended to be an ornamental or native species hedgerow.

I advise that the existing hedgerow should be retained and protected as part of the proposed development and the submitted layout plans should be annotated to include the provision of new native species hedgerows.

Nesting birds

If planning consent is granted I recommend that conditions should be attached to safeguard nesting birds and ensure some additional provision is made for nesting birds as part of the proposed development.

Woodland

There is a narrow band of plantation woodland located along the sites southern boundary. I recommend that this feature is retained and incorporated into the proposed layout.

Arboricultural Officer (comments received 05/04/2016) - The application is supported by an Arboricultural Impact Assessment (AIA) by Ascerta dated February 2016

The site has been inspected as part of previous applications (09/2568m & 10/0832m) with comments noted on the respective application files. It was concluded that none of the trees identified for removal to facilitate development were worthy of consideration of formal protection under a Tree Preservation Order.

Canal and River Trust (comments received 15 April 2016) – No objections subject to conditions, comments on the structural integrity of the canal.

Flood Risk Management Team (comments received 22/04/2016) - The site is located in flood zone 1 but there is also an indication there is an amount of surface water flooding (1 in 100 year) at the northern end of the site. The area is at risk from surface water flooding (topographic low spots) and is indicated on the Environmental Agency's mapping system. The risk of flooding from this source will need to be appropriately mitigated before development can commence on site.

The applicant wishes to use four drainage connections that currently serve the site. The capacity of these pipes has been calculated by referring to hydraulic tables. This will have been based on a theoretical condition and gradient of the pipes. Although United Utilities has agreed to the maximum flow capacity of these pipes their condition should be checked on site with a CCTV survey. If the pipe is in such a condition that its capacity is reduced from the theoretical amount then there is an increased flood risk on site.

Environment Agency (comments received 24/05/2016) – No objections subject to conditions

United Utilities (comments received 19/04/2016) – No objections subject to conditions.

at the applicant's expense. The level of cover to the water mains and sewers must not be compromised either during or after construction.

The applicant must undertake a complete soil survey, as and when land proposals have progressed to a scheme design i.e. development, and results submitted along with an application for water. This will aid in our design of future pipework and materials to eliminate the risk of contamination to the local water supply.

The level of cover to the water mains and sewers must not be compromised either during or after construction.

Macclesfield Civic Society – (comments received 03/05/2016)

At least 20 units should be affordable rather than the number proposed. The applicants claim that the previous scheme for 100+ units would be unviable yet provide no evidence to justify this assertion. At least the previous high density scheme would reflect the character of the locality whereas the new scheme has less dwellings and a higher proportion of open market dwellings.

Accordingly there is inadequate justification for the proposed mix of dwelling types, contrary to adopted policies.

Siting, design and external appearance

These elements appear acceptable should it be decided to depart from the requisite affordable housing contribution. Conditions will be necessary to secure appropriate materials and surfaces together with landscaping. The tree planting proposed appears very regimented and should be re-examined.

Access, servicing, parking

Access position acceptable and note the footpath improvements which are essential. There will be a mix of residential and commercial traffic including large HGV movements (albeit less than formerly). Waiting restrictions are proposed for the entire length of Gunco Lane and these should be implemented concurrently with the development. Previous proposals have included a small parking area on the site for the occupiers of the terraced cottages on Gunco Lane/Byrons Lane – further consideration should be given to this as it would ensure the end of on-street parking close to the junction with Byrons Lane.

VIEWS OF THE TOWN COUNCIL

Macclesfield Town Council – (comments 29/04/2016) - This committee has no objection in principle, but seeks that appropriate measures are taken to ensure the highways infrastructure meets the capacity requirements of the additional development.

REPRESENTATIONS

6 neighbour letters received between (04/04/2016-28/04/2016)

- concern over the loss of trees, concern over construction activities causing noise and pollution, parking issues along Gunco Lane, additional traffic, and congestion. No objection to the proposed land use.
- Welcomes the proposed development as the existing site serves no purpose, however traffic issues currently experienced will be exacerbated, parking issues.
- Traffic and highways issues
- Supportive of the proposed plans, excellent use of a brownfield site, adequate parking needs to be provided for the residents of Gunco Lane to alleviate problems.

APPLICANT'S SUPPORTING INFORMATION

- Planning Statement
- Arboricultural Assessment
- Acoustic Report
- Air Quality Appraisal
- Phase 1 and 2 geo-environmental site assessment
- Noise Assessment
- Landscape Specification
- Flood Risk Assessment
- Heritage Statement
- Remediation Strategy
- Statement of Community Involvement
- Transport Assessment
- Construction Management Plan
- Planting Plan
- Viability Appraisal (confidential)
- Ecological Assessment
- Highway Improvement Plan
- Waste Management Plan
- Landscape Scheme
- Planting Plan

Planning statement conclusions

The proposal involves the redevelopment of derelict employment land for housing, within the built up area of Macclesfield.

There is no reasonable prospect of the site being used for employment and the application for an alternative use of the land should be treated on its own merits in line with paragraph 22 of the Framework.

As a previously developed site in a sustainable location, use of the land for housing would be in line with the requirements of Local Plan Policy H5 and would support the Government's objectives of boosting the supply of housing and reusing previously developed land.

In summary there would be a number of significant benefits arising from the proposed development, namely:

- New housing to meet a local need, and address the shortfall in housing land supply.
- Redevelopment of previously developed land.
- Significant improvements to the setting of the Conservation Area in this location, which currently overlooks a derelict site.
- Removing a conflicting use (employment use & highways issues) adjacent to residential properties.

There would be no significant impacts on the amenity of neighbouring residents or businesses and a transport assessment has demonstrated that safe access can be achieved, with no adverse impacts on the highways network resulting from the proposed development. There are therefore no adverse impacts capable of significantly and demonstrably outweighing the substantial benefits. The proposed development therefore complies with paragraph 14 of the Framework.

A specialist assessment has been undertaken to determine the viability of the proposals and the resulting level of affordable housing that should be provided on site. The assessment has been conducted in line with local and national guidance and the resulting proposals therefore comply with relevant policy on affordable housing. This acknowledges the need for a flexible approach based on the individual circumstances of the site and the development.

In conclusion, the proposed development accords with relevant local and national planning policy and should therefore be approved in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004).

APPRAISAL

Key Issues

- Principle of development
- Employment Land
- Housing Land Supply
- Sustainability
- Affordable Housing and Viability
- Landscape Impact and impact on the canal
- Trees
- Access
- Ecology
- Amenity
- Flood Risk
- Employment
- Economy of wider area
- Design
- Highways
- Section 106 agreement
- CIL
- Representations
- Conclusions
- Planning Balance
- Recommendation

Principle of development

The site is located within Macclesfield town within an area of a mixture of land uses, the site is a disused employment site and is a brownfield site. Within the settlement boundary there is a presumption in favour of sustainable development providing no material considerations exist to outweigh the benefits of approving the proposals. Proposals for sustainable development should be approved without delay. The application proposes the redevelopment of the Gunco Lane former RH Stevens depot for residential development. The site is currently an employment site, the loss of employment land is contrary to policy E1 of the Macclesfield Borough Local Plan, which states that existing employment land will normally be retained for employment purposes. In this case however, the site has a previous planning consent for the development of 124 dwellings, therefore the principle of redeveloping this site has been established previously. The site is not currently used for employment purposes as the use has ceased at the site, the residential development of the site has been previously accepted by the Council. Due to the sustainable location of the site it is considered that it is acceptable for residential development.

The site is previously developed land, it contains one main building with the remainder of the site being hardstanding, mainly concrete. The redevelopment of previously developed land for residential development is an acceptable form of development, and is encouraged through local and national planning policy. The most recent planning reform consultation from DCLG sets out at paragraph 21.

'We have already made clear our priority for ensuring as much as possible of brownfield land in driving up housing supply. The National Planning Policy Framework states that planning should encourage the effective use of land by reusing brownfield sites provided they are not of high environmental value, and that local councils can set locally appropriate targets for using brownfield land. In the Housing and Planning Bill, we have set out our intention to require local planning authorities to publish and maintain up-to-date registers of brownfield sites suitable for housing. It is our intention that brownfield registers will be a vehicle for granting permission in principle for new homes on suitable brownfield sites. Our ambition is for 90% of brownfield land suitable for housing to have planning permission by 2020.'

It is clear therefore that the thrust of the national planning agenda is supportive of the use of brownfield sites, or previously developed land to be redeveloped to contribute to housing supply. The scheme accords with the aims of the development plan and national planning policy paragraph 17 to 'proactively drive and support sustainable economic development to deliver the homes *inter alia* that the country needs'.

The proposals are therefore acceptable in principle.

Housing Land Supply

The Council's current position with regard to 5 year housing supply is shown below:

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy, alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6

weeks public consultation which commenced on Friday 4 March 2016. The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

The PPG indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years). Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing. Therefore it is important that new housing is delivered to reduce this shortfall.

This application proposes 88 dwellings in a sustainable location including 10 intermediate affordable units. Therefore the site will make a valuable contribution to the Council's housing land supply.

Sustainability

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

SOCIAL SUSTAINABILITY

Affordable Housing, Housing Mix and Viability

The viability of the proposals has been assessed by the applicants and independently assessed. The assessment was based on the precise mix of housetypes as proposed against the contributions which would be required for this development. The contributions included an education contribution, open space and recreation contribution and an affordable housing contribution. The results of the viability assessment originally showed that the development

could not bear the cost of the contributions required in order to make the development fully policy compliant. An ideal policy compliant scheme in terms of affordable housing would be 30% on site with a 65/35 split of social rented and intermediate dwellings. However, when reassessing the viability independently the outcome showed that the development could only bear the cost of 10 discount for sale units at 80% of market value as an intermediate affordable housing product. The proposed dwellings are pepperpotted around the site in line with national and local planning guidance which is favourable.

Due to the complex nature of the site and the remediation required, it is considered that following close independent scrutiny the viability argument put forward is a genuine one, and in order for this site to be deliverable, a fully policy compliant scheme cannot be achieved.

The proposed housing mix is a mixture of 3 and 4 bed units, this mix has been viability assessed. The Council's SHMA demonstrates that the yearly demand for dwellings in Macclesfield is 116 x 3 bedroom dwellings. This application proposes 58 x 3 bedroom dwellings with 30 x 4 bedroom dwellings. The SHMA does not show a market demand for 4 bedroom dwellings in Macclesfield, however the proposals do contribute significantly to the demand for 3 bedroom market dwellings.

Whilst the housing mix does not meet 1 or 2 bedroom demand, it does provide a mix of small 3 bedroom units. There will be a mix of 10 housetypes of varying sizes of 3 and 4 bedroom properties with the majority being 3 bedroom properties. It is considered that the mix of dwellings is acceptable in this location.

The proposal is not fully policy compliant with regard to affordable housing, however the maximum possible will be provided which allows the proposals to remain viable.

Education

A proposal of a total of 88 dwellings will put pressure on education services locally. At the pre-application stage it was calculated that £45,000 towards education provision would be required in order to fund 1 SEN place. This cost is to be met and will be secured through the Section 106 agreement. Therefore the proposals provide community benefit as they will not place increased pressure on education facilities locally. Therefore the proposals are policy compliant in terms of education.

Public Open Space and Recreation

The application proposals are within very close proximity to Windmill Park to the north. ANSA were invited to comment on the pre-application, they commented that on site open space provision would not be required due to the proximity to Windmill Park, however off site financial contribution towards improvements to open space and amenity land and recreation and outdoor sports would be required, which would amount to £207,000 towards open space and amenity land and £93,000 towards recreation and outdoor sports.

This contribution has been assessed in the viability appraisal, it was concluded that the proposal could not bear the full cost of the above contributions.

However, the NPPG states that 'to incentivise the bringing back into use of brownfield sites, local planning authorities should:

- Take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.'

It is therefore considered that in order for this proposal to be viable the Council must be flexible in order for the proposal to be delivered, so a contribution of £172,000 which is 57% of the required amount will make a worthwhile contribution to the open space and outdoor sport requirements in the area, and will provide community benefit.

Social Sustainability Conclusion

The proposals for the residential development will make a limited affordable housing contribution with the provision of 10 discount for sale units which is an intermediate product. Strategic Housing have objected as the proposals are not fully policy compliant, however the scheme does make a contribution towards affordable housing which will be secured through a Section 106 agreement.

The proposed development will make a full education contribution and a partial contribution towards open space and outdoor sport, as is considered to be viable, and in order to deliver housing development on a sustainably located brownfield site, the viability argument is given substantial weight in the overall planning balance.

Overall the provision of a reasonable mix of much needed housing for the community along with the affordable housing contributions and other contributions which can be provided by the development are considered on balance to be socially sustainable.

ENVIRONMENTAL SUSTAINABILITY

Landscape Impact

The site is a brownfield site within the urban area of Macclesfield, the proposal is not considered to have a sensitive landscape character. However it does run alongside the canal. Due to the changes in levels the canal is situated at a much higher level than the site and accordingly the dwellings located along the boundary with the canal are split level, with the gardens facing the canal, however are at a much lower level, therefore there will not be garden fences along the canal. The views from the canal towpath will be across the site and the town and will not be hindered by the development.

A landscaping scheme was submitted with the application which has since been amended following comments from the principal landscape architect, the amendments to the proposed planting and landscaping scheme are considered to be acceptable.

It is considered that due to the current condition of the site which is a derelict brownfield site, the proposals will improve and manage the landscape of the area by bringing the area back in to use, with an effective suitable landscaping scheme.

Trees

There are some conifer trees along the southern boundary of the site which are proposed to be removed, the site has been assessed by the arboricultural officer and it is concluded that none of the trees identified for removal to facilitate development were worthy of consideration of formal protection under a Tree Preservation Order, therefore this proposal is acceptable. The proposals include a landscaping scheme which will introduce trees onto the site. The proposals include tree planting along the frontage with Gunco Lane to introduce an avenue of trees there will be some additional tree planting along the main estate road, and to the rear of the site between the housing and the canal embankment. The proposed tree planting is to be

to the front of the properties to avoid the pressure to remove trees in the future, and in key focal points on the site.

Access

The proposed development does not appear to affect a public right of way. However, it does run parallel with the tow path for the canal. The tow path will not be affected by the proposals.

The application proposes one access point off Gunco Lane, with an additional pedestrian access point. The pedestrian access point leads to S4 on the main layout plan. One access road will serve the site which snakes around the site maintaining active frontages and the majority of car parking is to the front of the properties.

The site is very sustainable in terms of its location, the site is within walking distance to shops, services and public transport links and within close proximity to the park to the north.

Ecology

As part of any development proposals it is important that proposals do not endanger European protected species or species of conservation importance. The Council's ecologist has commented on the proposals with regard to bats, badgers, breeding birds the retention of woodland and hedgerows. The site does include a substantial badger sett, the scheme has been designed to avoid this area of the site, in line with advice from the Council's ecologist. The ecologist has commented that the proposals are acceptable subject to conditions requiring adequate mitigation. Therefore the proposals accord with policy NE11 of the MBLP.

Amenity

In order for the proposals to be acceptable, it is important that they do not have a detrimental impact on the amenities of existing residents and that the development is not located within an area which would harm the amenities of future residents, or the proposals would not cause harm by overlooking, loss of light or loss of privacy to future or existing residents.

An air quality appraisal, noise assessment, phase I and II geo-environmental assessments, remediation strategy, construction management plan and waste management plan have been submitted with the application.

Environmental Health has commented on the application and has raised no objections with regard to contaminated land, air quality or noise subject to conditions. The Environment Agency has raised no objections subject to conditions.

The proposed layout of the site has few directly facing back to back dwellings due to the shape of the site, however all back to back dwellings have a separation distance of 21m along with suitable boundary treatments which together are considered to be acceptable to reduce overlooking or a loss of privacy between dwellings. The garden areas are considered to be sufficient, therefore it is considered that the proposals accord with policy DC38 which allows for flexibility with regard to separation distances and policy DC3 which aims to protect the amenity of existing and prospective residents of dwellings.

Flood Risk

It is important that new developments are not at risk from flooding, or that the development itself would not exacerbate flooding in an area. The application is accompanied by a Flood Risk Assessment which concludes that the site is in flood zone 1 and is at a low risk of flooding from fluvial, tidal, sewer related and artificial sources, and finished floor levels will be 150mm above external levels to ensure that external levels fall away from the dwellings in line with building regulations. United Utilities, The Environment Agency and the Council's Flood Risk Team have commented on the proposals, no objections have been raised subject to suitably worded conditions.

It is concluded therefore that the proposals accord with policy DC17 of the MBLP and the NPPF.

Design

The proposed development has been subject to negotiation on design with the conservation and design officer and planning officers at pre-application stage, the final design adopts urban design principles, and ensures that a high quality layout, landscaping and housetypes will enhance the area. The design will allow the site to be incorporated into the street scene by adopting an active street frontage, the surfacing materials of the highway have a hierarchy of materials on the bends on the road through the site. The proposed landscaping will create avenues of trees along the main route across the site along with the frontage along Gunco Lane. Chimneys have been introduced to a number of the dwellings to add interest to views across the site from the higher viewpoint of the canal.

The proposed boundary treatments are considered to be acceptable. There are 10 housetypes in detached and semi-detached forms to create variety across the site and a pallet of materials will be agreed to ensure that the materials are of a high quality and are suitable for the character of the area. The dwellings have adequate front and rear amenity space, some car parking is located at the front of the dwellings and other car parking is to the site of the dwellings.

It is considered that the design and layout will make a positive contribution to the character of the area, and will create a sense of place from a brownfield site. The proposals accord with policy DC1 of the MBLP.

Highways

A small number of objections have been received in relation to the proposals, mainly relating to increased traffic the development will cause on an already busy road, along with highways issues such as on-street parking. The application proposes to create a new access off Gunco Lane to serve the development along with a pedestrian access. It is considered that the proposed development provides adequate car parking for the proposed dwellings. The application includes an offsite highway improvement which has been agreed with the highway authority and will be agreed as part of a Section 278 agreement, this will improve the Heapy Lane junction on to Gunco Lane.

The proposals will improve the footpath along the frontage of the site with Gunco Lane, CEC highways have raised no objections to the proposals subject to the offsite works to the Heapy Lane junction. The information submitted with the application has demonstrated that the

number of trips that would be generated from the site will be less than 1 per minute during each of the peak hours and capacity assessments of the site access and of the Gunco Lane/Byrons Lane junctions have demonstrated that the impact will be minimal. The level of car parking on site is considered to be acceptable with 2 car parking spaces per dwelling plus garages for some of the larger dwellings. Highways have raised no objections to the proposed development and consider the proposed access arrangements and car parking provision to be sufficient.

Environmental Impact Assessment

An EIA Screening Opinion was submitted with the application for completeness. Generally a residential development of this size of up to 88 dwellings within a sustainable town location would not be an EIA development as it would not have a greater than local impact on the environment, in this case there are no particular ecological or environmental impacts of the development which cannot be mitigated. Therefore in this case the Council does not consider this to be an EIA development when assessed against the 2011 EIA regulations.

Environmental sustainability conclusions

It is considered that the proposed development is environmentally sustainable. The proposed design of the site is acceptable, the site does require remediation, which is subject to the submitted remediation plan and suitable conditions. The proposed access and parking arrangements are acceptable, and there are no outstanding ecological or arboricultural issues. The application will see an improvement to the local landscape.

ECONOMIC SUSTAINABILITY

Employment

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

Economy of the wider area

The addition of 88 units within the town will undoubtedly boost the economy in the local area through the increased use of shops and services making them more sustainable, which is especially important in Macclesfield Town Centre to be sustainable into the future. Additional population can create more demand for local services, increasing the likelihood that they will be retained into the future and improvements and investment made.

Economic sustainability conclusions

The proposals will result in additional employment in the short term through the construction of the site along with an economic boost locally through the increase in population to this area of the town. It is considered that the proposals will make efficient use of a brownfield site by providing market and affordable housing in a town centre location.

Section 106 agreement

The terms of the Section 106 agreement are not formally agreed however the applicant proposes the following:

- Provision of 10 intermediate tenure homes at 80% market value.
- Educational contribution of £45,000 for 1x SEN place.
- Contribution towards open space and outdoor sport total £172,000.

CIL Regulations

Community Infrastructure Levy (CIL) Regulations 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; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified and only go part of the way to meeting the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

Representations

A small number of representations have been received in relation to the application, the majority of which supportive of the principle of the development with reservations and objections relating to traffic and parking. However, it is considered that the proposals are acceptable in highways terms subject to the proposed junction improvements and conditions and will not have a detrimental impact on the local highway network. Due to the sustainable location of the development, walking and the use of public transport is a realistic option which could reduce the demand of the private car on the site. Those comments relating to this scheme and its merits have been addressed in the main body of the report. Having taken into account all of the representations received including internal and external consultation responses, the material considerations raised have been addressed within the main body of the report.

Paragraph 14 of the NPPF states that should be approved without delay 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.

PLANNING BALANCE

The site is previously developed and the principle of development is acceptable in this location. The site is sustainably located within the town and the proposals represent an efficient use of a disused brownfield site. The principle of residential development of previously developed land is supported at all levels of planning policy where the Government's aims are clear. PDL and brownfield sites should be used to boost housing supply where appropriate, the housing and planning bill consultation paper sets out the Government's intention 'Our ambition is for 90% of brownfield land suitable for housing to have planning permission by 2020.' Clearly these proposals align with the intention of the Government to encourage the use of brownfield land to boost housing supply.

Cheshire East cannot demonstrate a 5 year supply of housing, therefore 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, when assessed against the policies in the Framework when taken as a whole; or specific policies in the Framework indicate development should be restricted.

Following effective pre-application discussions, a suitable scheme was submitted which has required only alterations to the landscaping scheme, and the majority of information has been submitted reducing the need for numerous planning conditions. A robust viability exercise was carried out, which has demonstrated that the scheme cannot be fully policy compliant, however the scheme does make some provision for some affordable housing, a full education contribution and a partial contribution towards open space and outdoor sport. Unfortunately the proposals cannot bear the cost of a full contribution however, the viability outcome has been accepted by officers.

The proposal is considered to be sustainable in terms of social, environmental and economic sustainability.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Council's delivery of 5 year housing land supply.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes, and benefits for local businesses.
- The proposal will not have an adverse landscape impact.
- Full Education Contribution of £45,000 for 1 SEN place.

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

- Impact on the highway network is considered to be neutral following mitigation.
- There is not considered to be any significant drainage or flood risk implications raised by this development.
- The impact upon trees is considered to be neutral as this can be addressed through mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land can be mitigated through the imposition of planning conditions.
- No adverse impact on protected species/ecology subject to mitigation.
- A partial contribution towards open space, outdoor sport of £172,000 (57% of the full requirement)

The adverse impacts of the development would be:

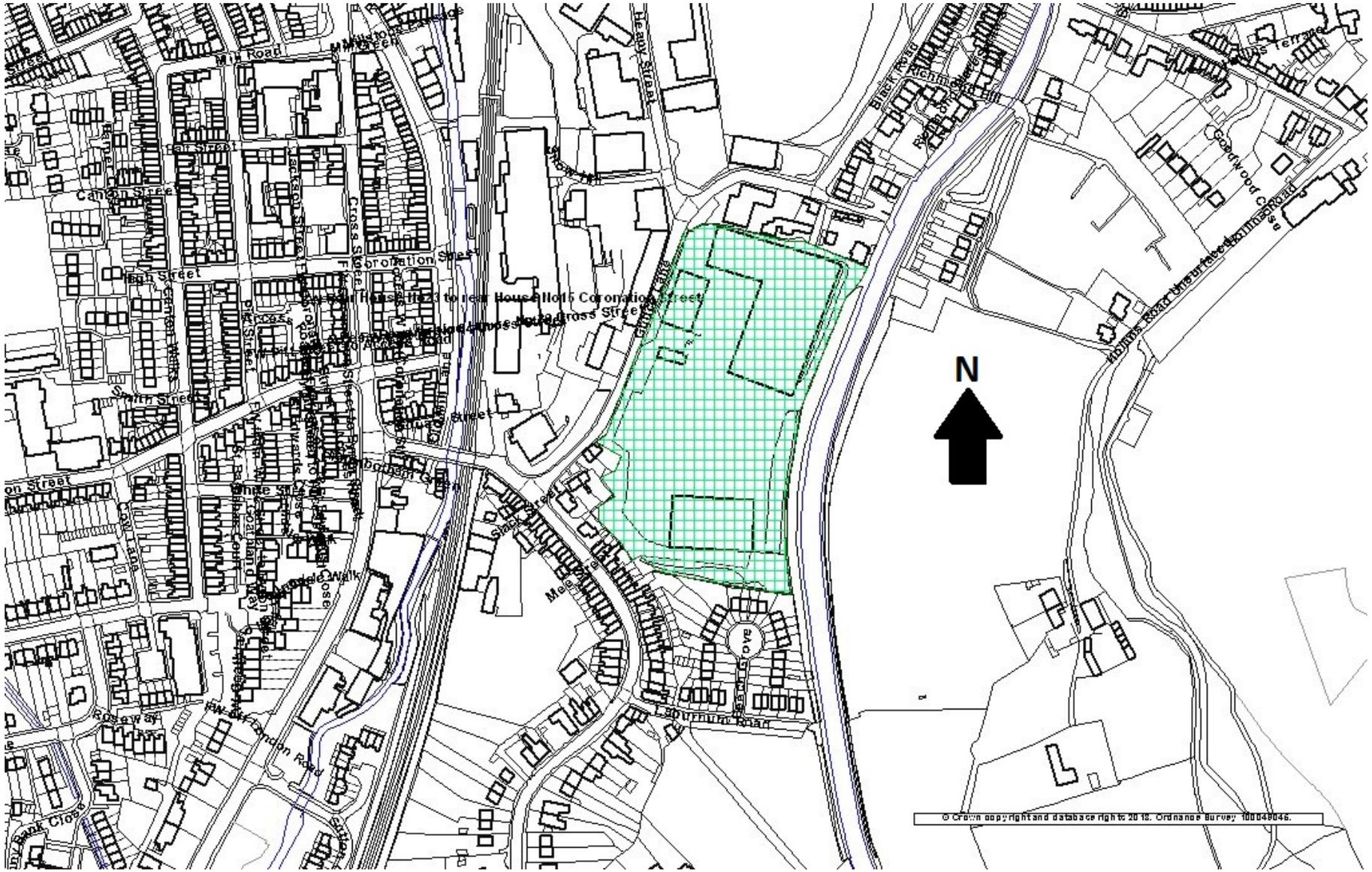
-No full affordable housing contribution however 10 intermediate units at 80% discount will be provided.

On balance, it is considered that the proposal represents sustainable development and accords with the development plan and national planning policy and guidance. The benefits of the scheme outweigh the disbenefits of granting approval. Therefore for the reasons mentioned above the application is recommended for approval.

RECOMMENDATION

Approve

1. Time Limit 3 Years
 2. Approved Plan and document condition
 3. Facing Materials to be agreed
 4. Boundary treatment details
 5. The development shall only be carried out in accordance with the approved Flood Risk Assessment and mitigation measures herein.
 6. Sustainable drainage management and maintenance plan to be submitted.
 7. Details of the foundations of the development to be submitted C&RT
 8. Proposed Cross Sections a minimum of 10m beyond the boundary fence.
 9. Canal embankment method statement to be submitted
 10. Arboricultural works to be carried out in accordance with Arboricultural Impact Assessment received.
 11. Remediation Strategy to be submitted.
 12. No occupation to take place until a verification report demonstrating completion of remediation strategy approved.
 13. Unsuspected contamination
 14. No piling without prior consent of LPA to demonstrate no risk to groundwater
 15. Prior to first occupation of the development, the footway improvements as shown on indicative plans '1270-F01 rev A' and '1270-04', should be complete.
 16. Construction Management Plan
 17. Finished Floor Levels to be submitted
 18. Nesting Birds
 19. Facilities for breeding birds
 20. Badger survey
1. UU informative
 2. EA informative
 3. NPPF



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