

Application No: 20/0246M

Location: THE KINGS SCHOOL, FENCE AVENUE, MACCLESFIELD, CHESHIRE, SK10 1LT

Proposal: Approval of reserved matters, Appearance, Landscaping, Layout & Scale on outline planning app 15/4287M, for partial change of use and partial demolition of existing buildings and structures, including the change of use of Fence House into 27 apartments, and erection of 273 dwellings, landscaping, supporting infrastructure and means of access.

Applicant: Mr Andrew Taylor, Barratt & David Wilson Homes North West and Homes England

Expiry Date: 27-May-2020

## **SUMMARY**

The site forms the strategic allocation LPS 14 contained within the Cheshire East Local Plan. The application proposes to provide 300 residential units, comprising the re-use of Fence House the main former school building, the development of 273 dwellings which includes the erection of 4 apartment blocks.

Outline planning consent was granted in 2017 for the erection of up to 300 units. The proposal includes a total of 300 units. The design is considered to be of a very high quality, providing a good mix of dwelling types, tenures and sizes. The development provides 30% affordable housing provision which goes over and above the 10% secured as part of the outline application and the Section 106 agreement. The application will provide much needed housing in a sustainable location on the edge of Macclesfield town, with good connectivity to the town of Macclesfield by a variety of modes.

The access is located opposite Victoria Park, a large area of public open space.

The proposal itself provides for SUDs provision, play areas, footway and cycleway connections both to and within the site and provides dwellings in line with the allocation, demonstrating an efficient use of land.

The re-use of the historic Fence House school building providing accommodation will retain the façade of the site along Fence Avenue. The design and landscaping of the site are considered to be acceptable.

The requirements of the strategic allocation are considered to be met.

The proposed development is required to ensure a sustainable residential development locally and within Cheshire East.

The proposal does include tree losses; however it is considered that on balance the amount of mitigation proposed through additional significant tree planting compensates for the losses.

Further ecological surveys are required with regard to bats, to ascertain whether protected species will be negatively affected by the development and in particular the loss of existing buildings and a tree with bat roost potential. An update on this matter will be provided to members.

It is considered that the proposed development accords with the policies in the development plan and the National Planning Policy Framework.

For the reasons mentioned the application is recommended for approval subject to conditions.

### **SUMMARY RECOMMENDATION**

**Approve subject to conditions**

### **PROPOSAL**

The application is for the approval of reserved matters, Appearance, Landscaping, Layout and Scale on outline planning application 15/4287M, for partial change of use and partial demolition of existing buildings and structures, including the change of use of Fence House into 27 apartments, and erection of 273 dwellings providing a total of 300 units, landscaping, supporting infrastructure and means of access.

The site is accessed from Fence Avenue to the west of the site in line with the current school entrance, with two points of vehicular access. The site is broken up into zones with the apartments to the south, and higher density development to the centre of the site, where the density disperses to the peripheries of the site. A large amount of landscaping currently on the site is to be retained which is incorporated into the design with significant belts of woodland. Part of the development knits into Lyme Grove to the south of the site by continuing the residential development along the residential street to the east, which terminates at the recently completed apartments, known as The Bridges.

Large areas of the site remain free of development particularly the area to the east of the site which was required by the outline planning permission to remain as such, along with areas to the north and west.

The design of the proposed development focuses around a main loop with areas of development projecting from it. A focal point of the proposed development is the main street which runs from east to west. The street is proposed to be a mixed use area, with growing areas for residents and a shared surface. Vehicles are not able to travel the full length of the street therefore it cannot be used as thoroughfare for vehicles. However pedestrians and cyclists can pass the full length of the street. Access to dwellings for vehicles is from access points to the north and south of the street.

The application proposes 20 house types:

- Formby – located on the main core/loop of the site, 3 storey, 4 bedroom semi-detached dwelling with integral garage.
- Bayswater – located on the main core/loop of the site and different elevation treatment version located on green lanes and central street, 2.5 storey dwelling, 4 bedrooms.
- Drummond – located on the main core/loop and different elevational treatment version located on green lanes and central street, and for woodland edge, detached, 2 storey dwelling, 4 bedrooms.
- Exeter – located on woodland edge, 2 storey dwelling, 4 bedrooms.
- Winstone – located on woodland edge, detached 2 storey dwelling, 4 bedrooms.
- Meriden – located on woodland edge, detached 2 storey dwelling, 4 bedrooms with integral garage.
- Shenton – located on woodland edge, detached 2 storey dwelling, 4 bedrooms.
- Avondale – located on main core/loop and woodland edge, detached 2 storey dwelling, 4 bedrooms.
- Hertford – located on main core/loop and different elevational treatment on green lanes/central street, 2.5 storey dwelling, 4 bedrooms.
- Henley – located on woodland edge, 2 storey dwelling, 5 bedrooms.
- Manning – located on woodland edge, 2 storey dwellings, 5 bedrooms.
- Wincham – apartment with 3 garage spaces at ground floor, 2 storey living accommodation at first floor, located on green lanes and central street, two bedrooms.
- Chichester Chirwell – 3 storey apartment block, located on main core/loop, each building contains 6 x 2 bedroom apartments, 2 per floor.
- Fairway – two storey dwelling, dual aspect house type, located on the main core/loop 3 bedrooms.
- Greenwood – three storey town house, located on green lanes/central street and alternative elevational treatment on main core/loop, semi-detached 3 bedroom.
- Kennett – 2.5 storey terrace, located on Green Lanes/Central Street, alternative elevational treatment on main core/loop, 3 bedrooms.
- Hadley – 2 storey detached, located on woodland edge, 3 bedrooms.
- SH50 – 2 storey terrace, located on main core/loop and alternative elevational treatment on green lanes and central street, 2 bedroom.
- SH52 – 2 storey terrace, located on green lanes and central street and alternative elevational treatment on main core/loop, 3 bedroom.
- SH55 – 2 storey semi-detached, located on main core/loop, 3 bedroom.
- Girls' School Building– Lower ground floor, 4 apartments, 1x1bed, 2x2bed, 1x3bed.
- Girls' School Building – Upper ground floor, 3 apartments, 1xbed, 1x2bed, 1x3bed.
- Girls' School Building – First floor, 3 apartments, 1x1bed, 1x2bed, 1x3bed.

The breakdown of mix across all tenures is:

8 x 1 bed  
 76 x 2 bed  
 108 x 3 bed  
 101 x 4 bed  
 7 x 5 bed

The house types are dispersed across the site in terms of size and tenure, with four affordable tenures aside from market units. The scheme proposes 90 affordable units comprising 2 and 3 bedroom units.

The scheme proposes four character areas, with a higher density central loop area, the green lanes branching off the loop and woodland edges beyond, particularly to the northeast of the site.

The character areas are; the Core/Loop which goes around the main loop road around the site; the Lanes which is in a number of areas across the site and are linear in character; the Green Spine, which is the central street running east to west through the development and; the Woodland Edge which comprises mainly detached properties around the periphery of the site.

The site includes the retention of large areas of woodland, there will be a LEAP located to the south east corner of the loop road, which has a footpath connection to the south and to the canal bridge. The path then continues to the east and around the perimeter of the site which will be suitable for bicycles. A balancing pond will be located to the west of the site which is an existing wooded steep valley. A small formal park will be located in the east/central area of the site, with paths and planting, in addition to a small formal park opposite the LEAP on the loop road.

There is no formal cycleway provision proposed along pavements around the site. However access for bicycles is allowed for throughout the site.

## **SITE DESCRIPTION**

The application site is the King's School girls' school located off Fence Avenue in Macclesfield. The site has two main access points which are located either side of the main school building (annotated on the plans accompanying the application as 'Fence House' - a commercial building along Fence Avenue also shares the same name) located to the front of the site on Fence Avenue. There are currently two car parking areas serving the site either side of 'Fence House'.

The site covers an area of 21.3ha and includes school buildings and playing fields to the west and centre of the site. Agricultural land surrounds the site to the north and east. The Macclesfield Canal - which for the majority is shielded by woodland from the site - curtails part of the site along the southern edge. Along the southern edge a block of apartments has been recently completed this building sits at a higher level than the site and overlooks it.

There are dwellings along Fence Avenue to the west separated by a belt of land. Fence Avenue Industrial Estate is to the northwest. The northernmost point of the site is a rectangular shaped piece of land which is not proposed for development, this bounds further residential development to the north.

To the north and northeast of the site a large area of land around 100m in depth separates the site from residential development to the north. The eastern boundary of the site partially runs alongside the canal.

The site has varied topography and certain areas are proposed to be free from development as a result of this. There are heavily wooded areas of the site in particular along the southern boundary, a belt running north/south to the east of the site and to the north.

The site also has plateaus in the centre which are currently used as playing pitches, which provides reasonable conditions for development without having to manipulate the topography extensively.

## **RELEVANT HISTORY**

The King's School Fence Avenue Girls School site has outline planning permission for up to 300 units.

15/4287M, Outline application for partial change of use and partial demolition of existing buildings and structures, residential development for up to 300 units, landscaping, supporting infrastructure and means of access, Approved subject to S106 agreement 23.01.2017

There is an extensive history of extensions and alterations in association with the school.

## **RELEVANT PLANNING POLICY**

### **Cheshire East Local Plan Strategy 2010-2030 July 2017**

Site LPS 14 – Land East of Fence Avenue, Macclesfield  
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  
SC3 Health and Well-Being  
SC4 Residential Mix  
SC5 Affordable Homes  
SE1 Design  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE7 The Historic Environment  
SE8 Renewable and Low Carbon Energy  
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

### **Requirements for LPS 14**

The development of Land East of Fence Avenue over the Local Plan Strategy period will be achieved through:

1. The delivery of around 250 new homes, including the sensitive conversion of the main school building to apartments; development will focus on the school curtilage (which includes the sports fields);
2. Incorporation of green infrastructure throughout the site, to include an appropriate level of open space provision; an area adjacent to the canal shall be retained as open space encompassing land either side of the Smyth's Bridge; this will retain some of the naturalised setting, including the belt of tree planting to the west of the bridge (in order to minimise impact on the conservation area and landscape designation area);
3. Improvement of existing and provision of new pedestrian and cycle links to existing residential areas, shops, schools and health facilities; in particular, improvements to the canal towpath; Local Plan Strategy Sites and Strategic Locations
4. On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space and community facilities; and
5. Attention to the quality of landscaping and the design of the new built development, including a sensitive approach to density, massing and height.

### **Site Specific Principles of Development**

- a. Public realm provision must play a critical part of any proposals, reflecting the green credentials of the site. These spaces will need to be safe and secure and appropriately managed.
- b. Proposals should retain the main school building which faces onto Fence Avenue.
- c. Green infrastructure provision should be prioritised throughout the site. It must connect with the town centre by providing links to the bottom of Hurdsfield Road and Fence Avenue to link to Victoria Park and also to the eastern edge of the site which provides connectivity with the wider Green Belt and open countryside. Existing trees and hedgerows should be retained where possible as these make a valuable contribution to the character of the area, and its relationship with surrounding land uses. The scale and design of new development therefore needs to reflect the urban fringe character at the edges of the site and green infrastructure also needs to permeate from the edges into the main body of the site.
- d. The Macclesfield Canal, which frames the southern portion of the site, provides an excellent opportunity for improved permeability and connectivity with any proposed development and also for enhancement of the public right of way. The development provides the opportunity to enhance the usability of the canal and connectivity of the site to it through connection to the towpath via Smyth's Bridge, bringing it back into positive use.
- e. The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC 5 'Affordable Homes';
- f. Transport improvements as determined through any future transport study.
- g. Retention (or replacement) and enhancement of playing fields and sporting facilities are required as part of the development. The retention and/or replacement of the indoor and outdoor sports facilities should be in accordance with the findings of an adopted, up to date and robust needs assessment.
- h. The setting of the Church of the Holy Trinity should be protected by excluding the elevated land directly opposite the church from development (i.e. retaining it as open green space/pasture) and maintaining the quality and density of landscaping on the eastern edge of

the site, including retention of existing tree belts and hedges. The identifiable tree line along the eastern edge of the site should be strengthened by additional planting to form a strong Green Belt boundary.

i. Any application would need to be supported by a full ecological appraisal, including a detailed botanical survey of the grassland habitats on site. Mitigation would be required to address any impacts on protected species. Any woodland, priority habitats or habitats of local wildlife

site quality on the site should be retained.

j. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the site.

**The Macclesfield Borough Local Plan (2004) is the relevant plan in relation to this site with the following saved policies considered relevant:**

Policy RT5: Open Space Standards

Policy RT6: Recreation/Open Space Provision

Policy RT7: Cycleways, Bridleways and Footpaths

Policy DC3: Amenity

Policy DC6: Circulation and Access

Policy DC7: Car Parking

Policy DC8: Landscaping

Policy DC9: Tree Protection

Policy DC13: Noise

Policy DC14: Noise

Policy DC15: Provision of Facilities

Policy DC17: Water Resources

Policy DC38: Residential – Space, Light and Privacy

Policy DC40: Residential – Children’s Play/ Amenity Space

Policy DC63: Contaminated Land

Policy DC64: Floodlighting

Policy NE14: Natural habitats

Policy NE11: Protection and enhancement of nature conservation interests

Policy NE17: Nature Conservation in Major Developments

**Neighbourhood Plan – There is no neighbourhood plan in place for Macclesfield**

**Other policy documents:**

Cheshire East Design Guide

**National Policy:**

The National Planning Policy Framework

National Planning Practice Guidance

**CONSULTATIONS** (External to planning)

**Natural England** – No objections to amended plans. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

**Housing** – No objection. This application is meeting that required by the S106 for the outline permission and is also meeting the rental need for 1 and 2 bedroom dwellings.

The locations of the affordable units are located adequately on the site as the rented units are in one block. The other affordable units are intermediate dwellings and will be sold to those who cannot buy on the open market. This pepper potting is acceptable to Housing.

**Sport England** - The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case. No further comments on amended plans.

**United Utilities** – Objections to drainage strategy submitted, as the drawings did not show out fall of surface water. Detailed amended drainage plans submitted. Awaiting UU comments on drainage plans.

**Cheshire Archaeology** - Fence House or The Fence, the former residence of Thomas Brocklehurst (which probably dates from the mid-late 18th century) would appear from the 1870s Ordnance Survey mapping to have lain just within the limits of the site, between the southern end of the School building and no. 24 Fence Avenue, in an area that has not been built on but landscaped and used for car parking. Such land-use does not necessarily require significant excavation and there is therefore a potential that structural remains associated with the House might survive, particularly if the house was cellared, although this has not been discussed in the report.

Aerial Photographs from the 1940s also clearly show a structure, thought to be that also depicted on the 1849 Tithe map & 1870s Ordnance Survey, to the rear of 14-26 Lansdowne Street, within the limits of the current application. Although not in an area currently identified for development, if groundworks are needed for landscaping or other land improvement for this area, they might have the potential to encounter surviving below-ground remains.

No objections subject to condition.

**Public Rights of Way Team** - The property is adjacent to public footpath Macclesfield no. 34 as recorded on the Definitive Map held at this office (working copy extract enclosed). It appears unlikely, however, that the proposal would affect the public right of way, as the path is on the south side of the adjacent canal. No objection subject to advice note relating to developer's obligations.

**Highways** – No objection. The comments are considered in detail in the main body of the report.

**Environmental Protection** – No objections subject to conditions.



**Environment Agency** – No comments received to initial or amended plan consultation.

**Canal and River Trust** - Note, the Trust did not provide comments at the outline stage on this application.

The offside (non-towpath) of the Macclesfield Canal forms the southern boundary of the application site and the canal is carried on an embankment. The canal corridor is also within a conservation area and there is a listed bridge no.36 adjacent to the site. There is a culvert (no.34) under the canal approximately 50m to the east of the listed bridge. The proposed perimeter path and landscaping may encroach onto Trust land around culvert 34. Therefore an informative relating to works to protect the canal is required.

## **VIEWS OF THE TOWN COUNCIL**

**Macclesfield Town Council** - The committee commented that they are pleased to note the following inclusions in the application:

- i. The proportion and distribution of affordable housing in the development;
- ii. The sympathetic design and use of materials;
- iii. Environmental improvements;
- iv. The installation of EV charging points.

The committee sought clarification of the installation of a sprinkler system in the apartment block.

## **REPRESENTATIONS**

**Macclesfield Civic Society** – comments on original scheme

1. From the amended layout plan it does look possible to provide for public transport access to the site. If the Hurdsfield Circular service was re-routed along Fence Avenue it could enter and leave the site by the loop road arrangement. Clearly this would necessitate the provision of one or two bus stops within the site and the layout would require some adjustment to facilitate this.

2. We note and welcome the distribution of the affordable housing and tenure types through the site.

3. The materials distribution plan allows for a variety of finishes. We would however query the use of white render on dwellings at the rural edge of the site as the visual impact could be softened by the use of a recessive materials palette. Dark grey roof cladding throughout the development is welcomed.

4. The landscape strategy appears appropriate in principle but we reiterate our earlier comments regarding implementation within the scheme.

## **Neighbour Comments**

30 letters have been received with regard to the application, a second consultation exercise took place on 2<sup>nd</sup> July with regard to the amended plans received on that date.

Comments relating to the following matters have been received:

- Increase in traffic
- Destruction of habitat
- Pollution
- Noise pollution from the development
- Pollution from water run-off
- Increase in people walking around the area
- The buildings will affect the views across the site
- Impact on The Bridges through proximity of the apartments
- Trees will not screen the Bridges from the apartment blocks
- Discrepancies in AIA and arboricultural report
- Building will overshadow The Bridges
- Loss of privacy for residents of The Bridges
- The affordable housing is not dispersed throughout the development
- Proposal will affect the canal conservation area
- The need for new houses is not as pressing as when outline was approved.
- The proposal lacks imagination and uses existing design catalogue and adherence to lowest permissible standards.
- 8 year build plan, requirement for the Council to restrict development in line with the phasing plan to protect farmland in earlier phases.
- If part of the site is not developed it should be returned to Green Belt
- No renewable energy
- The length of build will mean properties are out of date before they are built.
- Concerns regarding flooding and SUDS features.
- High levels of tree removal proposed
- Concerns over cycle path safety
- Concerns over properties along Lime Grove not having enough space between them.
- Parking issues along Fence Avenue will be exacerbated.
- Poor connectivity
- Poor layout
- Security issues due to footpath connection to Fence Avenue Industrial Estate
- No noise impact assessment (comments received prior to submission on NIA)
- Insular development with poor connectivity
- No provision for extra school places
- Unreasonably low amount of affordable housing
- Pleased that Lime Grove will be a no-through road
- Pleased that there appears to be access to the canal from the site
- Pleased that there will be a toddler play park and a larger play space
- Welcome the fact that the valley behind Fence Avenue is not suitable for housing. Further detail required on how this will be treated (these comments were in relation to initial plans)
- Concerns over levels
- Concerns over separation distances in Lime Grove
- Variance in layout compared to outline scheme
- Solar power should be considered
- Designs will not match surrounding properties

## **APPLICANT'S SUPPORTING INFORMATION**

- Canalside Study Area
- Statement of Community Involvement
- Ground Investigation Report
- Flood Risk Assessment Sept 2015
- Design and Access Statement
- Travel Plan
- Arboricultural Impact Assessment
- Landscape Strategy Document
- Noise Assessment
- Affordable Housing Statement
- Sustainability Statement

## **APPRAISAL**

### **Key Issues**

- Principle of development
- Highways/Accessibility
- Design
- Housing
- Heritage Assets
- Landscape Impact
- Trees
- Ecology
- Amenity
- Air Quality
- Contaminated Land
- Flood Risk
- Representations
- Conclusions
- Recommendation

### **Principle of development**

The site is located within Macclesfield to the east of the town centre, with Higher Fence Road to the east of the site. The site forms the entirety of LPS 14 which is a strategic housing site allocated in the Cheshire East Local Plan Strategy, formally adopted in July 2017. The site was removed from the Green Belt as part of this allocation process.

The site received outline planning permission in 2017 through application 15/4287M for partial change of use and partial demolition of existing buildings and structures, residential development for up to 300 units, landscaping, supporting infrastructure and means of access.

This application is for the reserved matters of Appearance, Landscaping Layout and Scale and proposes 300 units including the conversion of the existing Fence House building. Access was agreed at the outline stage and the access points remain as originally proposed.

The principle of development has therefore been accepted and the purpose of this application is to agree the detail of the scheme, which will provide the site with a full detailed planning consent.

LPS 14 states sets out the site specific requirements for the development which are summarised out below:

- Public realm provision
- Retention of the main school building
- Green Infrastructure throughout the site and connectivity. Retention of existing trees and hedgerows where possible
- Connectivity to the canal via Smyth's bridge
- To provide affordable housing in accordance with policy SC5
- Transport improvements
- Retention or replacement of indoor and outdoor sports facilities
- Protection of the setting of Church of the Holy Trinity.
- Full ecological appraisal, priority habitats to be retained.
- Contaminated land risk assessment.

The matters above were considered at outline stage and planning consent granted on the basis that the proposal was not contrary to policy.

The details of all relevant technical matters are discussed within the report.

It is considered that the proposals put forward meet the requirements of policy LPS 14.

The development is bound by the terms of the Section 106 agreement which secured the following:

- Affordable housing provision
- Local Equipped Area of play (LEAP)
- Education contribution
- Open Space contribution and management

### **Highways/Accessibility**

This is a reserved matters application for 273 dwelling and 27 apartments, the access details having been approved on the outline application.

There is one main vehicular point of access to the site from Fence Avenue and an emergency only access to Lime Grove on the southern boundary of the site. A secondary access is provided to serve Fence House and a limited number of residential units, this is also from Fence Avenue.

The main access is a 5.5m loop road with 2m footways on each side this is sufficient width to serve the development. There is no segregated footway/cycleway provided around the loop road, this is acceptable as traffic speeds will be low due to the traffic calming measures that are provided and cyclists can use the main carriageway.

Following the submission of amended plans, the mass of car parking spaces for the apartments have been broken up to some extent and is now a better design that can be accepted in regard to highways. The dwellings and apartments have sufficient car parking provision of a minimum of two spaces per dwelling. The apartments have one space per unit and there is one visitor bay. There is sufficient on street parking along with proposed visitor bays.

Overall, the highway design submitted is acceptable with sufficient road widths and turning facilities provided in the cul-de-sacs. The proposed widths of the private drives have been clarified and are of an acceptable standard to serve as access to the individual dwellings.

Through the submission of amended plans details have been provided on the pedestrian/cycle footways within the site and also the external linkages to the site and it is now clear which routes are intended for pedestrians and cyclists within the site.

The PROW team has commented on the application and has raised no objections. The site is adjacent to public footpath Macclesfield no. 34 as recorded on the Definitive Map, however the proposal is not considered to have an impact on this right of way.

A connection is provided up to Smyth's Bridge, the bridge itself and the towpath connection are not located within the site boundary, however the opportunity has been provided for a future link to be made as required through the outline consent.

Through amended plans, the footpath connection through to the industrial estate to the northeast has been omitted, which addresses concerns regarding safety of pedestrians being encouraged to walk through this area.

The layout is acceptable and no objections are raised on highways grounds.

## **Housing**

The Cheshire East Local Plan (CELP) and the Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more 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 larger than 0.4 hectares in size.

The CELP states in Policy SC5 justification paragraph 12.44, 'The Housing Development Study shows that there is the objectively-assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year as a minimum.' This is for the whole borough of Cheshire East.

The current number of those on the Cheshire Homechoice waiting list with Macclesfield as their first choice is 1425. This can be broken down to 799x 1 bedroom, 388x 2 bedroom, 166x 3 bedroom, 44x 4 bedroom and 28x 5 bedroom dwellings.

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 300 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 90 dwellings to be provided as affordable dwellings.

Due to the circumstances regarding the outline application and a viability case put forward the Section 106 for the outline permission 15/4287M dated 23rd January 2017 required 10% as set out below:

*No less than:*

*5.1 ten percent (10%) of the first two hundred and eighty (280) Dwellings shall be provided as Discounted Sale Dwellings; and*

*5.2 if the Development includes more than two hundred and eighty (280) Dwellings, thirty percent (30%) of the number of Dwellings provided in excess of two hundred and eighty (280) shall be provided as Social Rented Housing.*

As per the S106, a minimum of 28 units should therefore be provided as Intermediate tenure and 6 units as Affordable/Social rent. A total of 34 units.

This application is meeting that requirement of the S106 for the outline permission and is also meeting the rental need for 1 and 2 bedroom dwellings.

Notwithstanding the requirements of the Section 106 agreement, as part of the submission an Affordable Housing Statement has been submitted which sets out the proposed provision of affordable housing, and the detail of the affordable housing offer for the development.

The site is owned by Homes England and they have agreed to increase the affordable provision to 30% for the site which provides an additional 56 affordable units in total; 30 units of affordable rent and 24 shared ownership with an additional 2 units for discount open market value.

Providing a total of 90 units, which is 56 units above the requirement of the Section 106 agreement. This is strongly supported, as the provision of 30% affordable housing on the site is fully in line with policy and goes above and beyond the requirements of the Section 106 agreement.

All Affordable Housing will need to be provided in line with policies SC 5 and if required SC 6 of the Cheshire East Local (CELP).

The delivery of the affordable housing will be carried out in accordance with the existing Section 106 agreement for the site and the Affordable Housing Statement.

The locations of the affordable units are located adequately on the site as the rented units are in one block. The other affordable units are intermediate dwellings and will be sold to those who cannot buy on the open market. This pepper potting is acceptable to the Housing Officer. Therefore no objections are raised with regard to affordable housing.

Policy SC4 of the Cheshire East Local Plan requires developments to provide a reasonable mix of housing types, tenures and sizes.

The full housing mix for the site is:

8 x 1 bed  
76 x 2 bed  
108 x 3 bed  
101 x 4 bed  
7 x 5 bed

The affordable mix for the site is:

	Dwelling Type	Size (sqft)	Size (sqm)	Social rent	Affordable Rent	Shared Ownership*	Discount to Open Market	Total
S106	2-Bed Apartment (Chichester GF)	681	63	1				1
	2-Bed Apartment (Cherwell (GF))	729	68	1				1
	2-Bed Apartment (Chichester FF/SF)	675	63	2				2
	2-Bed Apartment (Cherwell FF/SF)	723	67	2				2
	2- Bed House (SH50)	750	70				11	11
	3- Bed House (SH52)	926	86				11	11
	3- Bed House (SH55)	958	89				1	1
	3- Bed House (P382) Archford	830	77				3	3
	2- Bed Flat (P232) Belstead GF	635	59				1	1
	2- Bed Flat (P233) Easthorpe FF	792	74				1	1
	<b>Sub Total</b>				<b>6</b>	<b>0</b>	<b>0</b>	<b>28</b>
Additional affordable units	2-Bed Apartment (Chichester GF)	681	63		5			5
	2-Bed Apartment (Cherwell GF)	729	68		5			5
	2-Bed Apartment (Chichester(FF/SF))	675	63		10			10
	2-Bed Apartment (Cherwell FF/SF)	723	67		10			10
	2-Bed House (SH50)	750	70			4		4
	3-Bed House (SH52)	926	86			20		20
	2- Bed House (SH50)	750	70				2	2
<b>Sub Total</b>				<b>0</b>	<b>30</b>	<b>24</b>	<b>2</b>	<b>56</b>
<b>Total</b>				<b>6</b>	<b>30</b>	<b>24</b>	<b>30</b>	<b>90</b>

Five housing tenures will be provided across the site:

Open Market dwellings, discounted Open Market properties, Shared Ownership, Affordable Rent and Social Rent.

This includes single storey and ground floor only accommodation within the apartment blocks.

It is considered that the proposed mix is acceptable by size, tenure and type. Therefore the proposal accords with policy SC4 of the CELPS.

### Heritage Assets

The traditional Fence House building to the front of the site and the access points sit within the Buxton Road (Macclesfield) Conservation Area which was designated in 1990 and stretches along Fence Avenue along the eastern side to Buxton Road. The conversion of the historic school building is considered to be acceptable in principle and has been agreed at

outline stage. The proposed conversion of the building will not have an impact on the Conservation Area. Through the amendments to the scheme, a number of alterations have been made to the frontage of the building which was initially designated as car parking and is now proposed to be retained as a grassed area with a footpath going through it. The car parking arrangements have been improved along the access roads to the site and the landscaping has been enhanced.

It is required that the entrance pillars to the front of the site be retained and if required relocated to maintain the significance of the historic setting along Fence Avenue.

The site is also adjacent to the Macclesfield Canal Conservation Area in that the development site adjoins this along the south eastern edge.

It is considered that there is a sufficient buffer between the development and the canal, therefore the proposal will not negatively affect the heritage asset.

There is a requirement for the proposed development to not affect the setting of the Church of the Holy Trinity. The proposed development works within the parameters of the outline application and therefore does not affect the setting of the church.

The Council's Conservation Officer and Cheshire Archaeology have raised no objections to the proposals.

The proposed development is therefore in accordance with policy SE7 of the Cheshire East Local Plan strategy.

### **Landscaping**

As part of this reserved matters application Landscaping detail is to be agreed. The landscape scheme has been developed through lengthy discussions with the applicant's design team. The proposals comply with the design principles outlined in policy LPS14 and will provide an attractive setting for the development.

The landscape design approach is described in detail in the Landscape Strategy Document. This document also includes a visual appraisal of the development in which three agreed key viewpoints are considered. Viewpoint 1 from the Church of the Holy Trinity to the north demonstrates that the development should not be visible in the summer due to intervening vegetation whilst in the winter there will be glimpsed views that would change the semi-rural outlook to a minor adverse extent. Viewpoint 2 from the Canal Conservation Area to the east shows that new housing will be visible in the low part of the site that is currently playing fields. There will not be housing close to the Canal and the impact on the Conservation area will be minor adverse. Viewpoint 3 from the canal bridge on Higher Fence Road shows that the development will be largely screened with some rooftops glimpsed above the intervening woodland and the overall effect would be negligible. The visual appraisal is considered acceptable.

Large areas of natural, informal amenity space and mature woodland belts are retained and enhanced around the periphery of the site.

A wetland area with two SUDs features will be created in the north western area and a country park will be formed on the Green Belt land on the eastern side of the site next to the



canal. The tree belt to the west of Smyth's Bridge will also be retained to screen the development and protect the conservation area setting.

There is a footpath link from the main avenue and LEAP to Smyth's bridge which should eventually provide access to the towpath. The footpath path then passes through the country park and around the northern site boundary to the Wetland SUDs area providing a circular route around the site

Within the housing layout there are more formal amenity spaces including an attractive communal 'Green Street' with raised planters for edible plant growing, pergolas and decorative screens, seating areas and a toddler play space. A large LEAP is located to the south of the loop road and an ornamental pocket park forms a focal point near to the site entrance

The surfacing materials are generally of good quality and largely comply with the Design Guide.

The proposed boundary treatments are generally appropriate and comply with the Design Guide but further design and materials details are required.

The soft landscape proposals provide native planting in the informal peripheral areas and more ornamental species within the housing area. The detailed planting plans submitted to date are for the structural planting only and full details for all other planting and softworks will be required by condition.

## **Design**

Policies SD2 and SE1 of the CELPS focus on design and require developments to contribute positively to an area's character and identity and are required to create or reinforce local distinctiveness.

A Building for Life 12 Assessment has been carried out by the Council's Urban Design Officer which has taken place following extensive discussions with the applicant's design team. A series of amendments have been submitted which have addressed the design concerns.

The BFL assessment looks at 12 criteria and given a score based on a traffic light system.

The assessment is set out below:

### Integrating into the neighbourhood

#### 1. Connections

The proposal is well connected within the existing infrastructure with pedestrian, cycle and vehicular routes. Links to the closest PROWs include FP34 which runs alongside the Macclesfield Canal, connecting to wider routes to the North and East.

There are clear and easy routes to adjacent existing development on Fence Avenue and footpath links to Lime Grove. Links over the canal have been included within the design to enable further connectivity in the future, pending external collaboration with adjacent owners.

The proposal is well designed with many routes through the site to enable maximum permeability through the proposal and to connect to the existing developments surrounding the site.

A green therefore is easily awarded.

## 2. Facilities and services

These matters were considered at outline stage and it can be seen that this site that lies close to the centre of Macclesfield where a full range of facilities and services can be accessed. There are shops, pubs, schools and local/national transport hubs, within easy walking distance of the site. In addition to Victoria Park, located adjacent to the site, there is also a LEAP provided on site and a wide range of usable areas of public open space. As a result of all of this a green light is readily awarded.

## 3. Public Transport

These matters were considered at outline stage and it was identified that the closest bus stops to the scheme are located on Buxton Road (A537), a short distance from the proposed site access. From services found there, access can be gained into Macclesfield town centre and to the National Rail station with its excellent services to Manchester and London. As a result a green light is awarded.

## 4. Meeting Local Housing Requirements

The proportion and range of affordable housing has been agreed by the Local Planning Authority as meeting the needs of the local housing requirements.

However, whilst these affordable units are pepper-potted across the development to a degree, there are in places clusters of up to 12 discounted and shared ownership homes and this is contrary to policy SC5 of CELPS (CEC, 2017i). Pepper potting shared ownership homes, where the type matches the open market types in styling and size contributes to the diverse mix and organic nature of a development. Further pepper potting throughout the site could be achieved here. Smaller clusters of 6-8 homes are more commonly acceptable amongst RPs.

As a result of this an amber light is awarded.

With regard to the pepper potting of the affordable units across the site, the arrangement has been accepted by housing officers as being suitable. Therefore it is not considered that refusal of the scheme could be justified on this basis. Further, the reasoning for the placement of some of the affordable units towards the front of the site based on timing of delivery and the order of proposed build, has been set out in the affordable housing statement which is accepted.

### *Creating a place*

## 5. Character

It is acknowledged in Volume 2 of the Cheshire East Borough Design Guide (CEC, 2017ii, pp27-28) that standard house types can 'offer a positive alternative to bespoke units if re-elevated, detailed and where necessary amended to suit the location' as indeed they can.

Although it is encouraged in the design guide (house types, making them unique) to take elements of the local vernacular and contextual characteristics and detailing, it is also expected that these elements will be used in such a way as to provide a distinct and unique character to the new development.

A thorough local character study has been undertaken and the approach adopted has been successful in representing local character details and styling throughout the development.

The local architectural detailing and styling references have informed the character areas with a mix of traditional and more modern designs in different areas appropriate for the location. For example, a more traditional approach has been taken adjacent to the school to reference the historic asset.

A green is awarded here.

#### 6. Working with the site and its context

The development and its concept use the topography to form the layout of the streets to great effect.

Areas of existing natural woodland and assets are retained and incorporated within the layout design with additional pockets of green infrastructure interspersed throughout the development.

The constraint of a culverted watercourse has been transformed into an asset and a unique feature of the site in the form of a semi pedestrianised garden street.

The site is bounded by the Macclesfield canal, and whilst not fully achieving the connection over this feature, the design has laid down provision to enable future connectivity to the adjacent existing developments, linking with leisure routes that will serve both communities.

This is awarded a green.

#### 7. Creating well defined streets and spaces

There is a clear hierarchy leading from the main entrance into the site, through and to the woodland edges. This is illustrated by the street, boundary and architectural details to reinforce the hierarchy.

There are perimeter blocks with corner turning types that are enhanced by the layering of high quality boundary treatments and soft landscaping throughout the development.

The surface materials show compliance with the design guide's requirements in the majority of areas with the exception of locations where technical difficulties (gradients) have dictated that an alternative be utilised. Where this is the case, the material specified has reflected the spirit of the original material whilst providing a more compatible solution.

A green has been awarded here.

#### 8. Easy to find your way around

With the hierarchy, looped main street, unique central street and features stationed at nodal points along the main circulation routes make the site highly legible.

Corner turning types have provided strong architectural features and designs to enable an increase in legibility across the site. This, in combination with feature buildings at nodal points throughout the layout, help to create easily recognisable unique spaces with which to navigate and orientate.

A green is awarded here.

### *Streets and homes*

#### 9. Streets for all

The loop road incorporates pinch points to calm traffic speeds and aid the pedestrian/cycle routes through the development. The material changes along routes also serve as a cue that the spaces belong as much to the pedestrian/cyclist as to the car.

At nodal points there are a number of pocket parks/green spaces which, combined with a change in surface material, denotes a public space that could be used for informal community social events.

The hierarchy is clearly identifiable with surface material changes denoting different character areas such as the central street, home zone type areas and edge of development bounding the countryside with a more organic feel.

The development is easily walkable with a number of recreational routes serving the residents with connections to adjacent assets such as the Macclesfield Canal and wider countryside walks.

A green is awarded here.

#### 10. Car parking

A mix of parking solutions is encouraged by the Design Guide so that the street scene isn't dominated by vehicles.

The development has achieved a varied mix of parking solutions across the site. Additional visitor parking spaces have been provided within the street layout to accommodate expansion.

Parking courtyards have been well landscaped and are overlooked, providing adequate surveillance for security.

The parking court to the north side of the school provides a unique multifunctional community space under a canopy of trees that can be utilised by the residents for events throughout the year.

Typical parking details show that there is adequate room for circulation to rear of properties for practical purposes i.e. Bin storage.

There inevitably is some front of plot parking spaces dotted throughout the development but these are broken up into short runs with soft landscaping to soften the visual effect on the street scene and traffic calm. On balance this is considered acceptable and a green is awarded.

## 11. Public and private spaces

Houses have reasonably-sized rear gardens and some space to the front too which is well defined. Boundary treatments are considered and generally appropriate to the character areas.

There are useable pockets of accessible open space across the development and a well-appointed LEAP located adjacent to the central pedestrian street and main route.

However, the rear elevations of a number of the corner plots are open to view from the public spaces on street. An upgrade of these elevations to match the quality of the primary elevations would improve this aspect greatly.

On balance an amber light is awarded.

## 12. External storage and amenity space

As mentioned before, houses have reasonably-sized rear gardens, large enough to house the bin/recycling stores that are indicated in the application. These rear gardens have a clear external route to the front of the property for bin collection without the need to go through homes. There is also space for other storage including that of bicycles, especially useful for the houses without garages. There are details for the communal stores for the apartments, however, as there is no allocated space for any of these indicated within the design layout, only an amber light is awarded here.

Overall, the scheme is supportable and receives 9 green lights and 3 ambers.

The urban design officer has commented that there has been huge amount of work undertaken by the design team and CEC officers that has resulted in an outstanding proposed development. There are suggested actions from the BFL12 assessment which include the rear elevations of corner plots to reflect primary elevation quality, a layout to be provided for bin and cycle storage, and further pepper potting of shared ownership homes.

For the reasons mentioned at point 4 it is not considered that refusal could be justified in relation to pepper potting of the shared ownership properties.

Due to the level of support for the scheme it is considered that the scheme complies with the requirements of the Cheshire East design guide and policies SD2 and SE1 of the Cheshire East Local Plan.

## **Trees**

The majority of the tree cover within the site are not currently protected by a Tree Preservation Order, however selected groups are protected by the Macclesfield Borough Council (Macclesfield- Lime Grove) TPO 2006 which provides protection for a group of Lombardy Poplar adjacent to Lime Grove and a mixed group of trees to the south of the site adjacent to the Macclesfield Canal.

The Buxton Road Conservation Area to the west and the Macclesfield Canal Conservation Area to the east of the site afford pre-emptive protection to trees over 75 mm diameter.

Condition 11 of the Outline approval requires the submission of an Arboricultural Impact Assessment (AIA) which has been provided in support of this application. The AIA has identified 60 individual trees, 49 groups of trees and 4 hedgerows. These have been assessed in terms of their quality and suitability for retention and categorised in accordance with BS5837:2012. A revised AIA (Revision C) was submitted to the Council on 10th March 2020.

The assessment identifies 60 individual trees and 49 groups of trees within and immediately adjacent to the site. The Tree Survey has assessed 7 individual trees and 5 groups as (A) high category trees; 21 individual trees and 14 groups as (B) moderate category and 27 individual trees and 27 groups as low (C) category. A further 5 individual trees and 3 groups have been identified as unsuitable for retention.

The proposed development will require the removal of 28 individual trees and 13 groups of trees and part removal of two further groups. The proposed losses comprise of 1 High (A) category tree, 8 moderate (B) category trees and 2 moderate (B) category groups, 17 low (C) category trees and 10 low (C) category groups, 2 individual trees and 1 group of trees have been identified as (U) category which are deemed unsuitable for retention irrespective of the development proposal.

Two High (A) category groups and 1 low (C) category group are also to be partially removed for the development.

The arboricultural officer had requested further information with regard to tree loss, incursion into root protection areas, levels and infrastructure (such as services) and has been in discussions with the applicant's arboricultural consultants prior to the amendments to the scheme being made.

The proposal includes the loss of two Lombardy Poplar trees located off Lime Grove due to the proposed layout. In practice the planting of small trees in front gardens will unlikely provide any significant continuity of tree cover and this will be determined by the contrasting needs of future residents. The Landscape Master Plan and Soft Landscape Proposals provide detail of proposed planting throughout the site, however there are no larger high canopy trees to be planted within the immediate vicinity of Lime Grove.

Revision D of the landscape plan shows the loss of tree T29 a Corsican pine which is a category A tree for a garage. Trees of high quality should be considered a priority for retention in development and there is little evidence of any overriding reason for its removal. There should therefore be sufficient scope to amend the layout design to incorporate this tree.

Part of two A category groups G18 and G49 are also proposed to be removed. These were also shown for removal in Revision C (but not recorded in my previous comments). The partial loss of G49 and an adjacent B category group G46) has been the subject of local resident concern and is identified as a group of significant landscape value in the AIA. The loss of these groups of trees is regrettable, however the landscape proposals do provide scope for partial mitigation for the loss of these trees across the site.

Revision D shows no major design changes and the majority of the group is to be removed.

It is considered therefore that notwithstanding the losses proposed on site which are regrettable, the amount of planting proposed does provide mitigation for the loss through the planting of 763 trees across the site with 65 extra heavy standards and 40 heavy standards.

A large amount of existing tree cover is to be retained therefore on balance the proposal is considered to be acceptable subject to conditions and the mitigation for losses proposed.

## **Ecology**

A number of requirements from the outline application were set out by way of condition, for detail to be submitted as part of the reserved matters application.

*Condition 19: Any reserved matters application for the site must include an updated badger survey and mitigation strategy.*

An updated badger survey has been submitted. Badgers continue to be active on site. The proposed development will result in the loss of one minor sett and the potential disturbance of a second minor sett.

To avoid the risk of badgers being injured or disturbed during the works the applicant's consultant has proposed the closure the sett lost to the development under the terms of a Natural England license. A 20m buffer is proposed around the second sett to avoid any disturbance during the construction phase.

The January 2020 Phase One Habitat Survey has however identified a Badger 'Nest' in a hollow tree. This feature would appear likely to be lost as a result of the proposed development. It is advised that this feature receives legal protection in the same manner as a conventional sett. The badger mitigation strategy must therefore be amended to include proposals to address the loss of this feature.

*Condition 20: Trees identified as having the potential to support roosting bats are to be retained.*

A single tree with bat roost potential was identified on site during the ecological surveys undertaken to inform the outline application at this site (RSK September 2015). The tree, described as being a mature Oak, is shown at Target Note 7 on the Habitat Plan submitted with the outline. At the time the outline application was determined it was anticipated that this tree would be retained.

An arboricultural impact assessment has been submitted with this application. Based on the arboricultural officer's discussions with the applicant's consultant this appears to be Tree T42 as shown on the arb impact assessment. This tree is currently proposed for removal.

In accordance with the requirements of this condition it is advised that the proposals must be revised to allow the retention of this tree. If the Council considers conceding the loss of this tree then a detailed bat survey should be undertaken to establish the presence/absence of roosting bats and a report submitted prior to the determination of this application.

Condition 21: Any future reserved matters application to be supported by proposals for the incorporation of gaps for hedgehogs

Proposals as required under this condition have been included on the submitted Closed Boarding Fence detail (drawing reference EXT WKS 07).

Condition 22: Proposals for the erection of protective fencing around the retained woodland habitats to be supported must be submitted with any future reserved matters application.

Acceptable proposals for the fencing off of the two areas of priority woodland on site have been included with the submitted arboricultural impact assessment.

Hedgerows

Under the proposed layout a length of overgrown hedgerow would be lost. The vegetation is identified as Group 48 on the submitted arboricultural report.

This vegetation was shown as being retained under the illustrative masterplan submitted with the reserved matters application.

To avoid a loss of biodiversity associated with the removal of these habitats it is recommended that the layout plan be amended to include the retention of this feature. In addition there is also the loss of a second section of hedgerow that was anticipated at the time outline consent was granted.

If this loss of hedgerow is considered to be unavoidable then it is advised that sufficient replacement hedgerow planting must be provided to compensate for its loss. A total approximately 200m of hedgerow would be lost as a result of the proposed development.

Whilst it is difficult to measure exactly the extent of hedgerow lost or the length of new hedgerow planting as part of the proposed landscaping scheme. It however appears that broadly speaking longer length of new hedgerow is proposed in comparison with that lost. In order to ensure that the loss of biodiversity from the existing hedgerows is adequately compensated for a greater length of new hedgerow planting is required in respect to that lost. It suggested that the applicant be requested to provide accurate figures for the extent of hedgerow lost and new hedgerow provided to enable a more accurate assessment to be made of the acceptability of the proposed replacement hedgerow planting.

Country Park and biodiversity enhancements

Two areas are shown on the submitted landscape master plan as being retained with minimal intervention as a country park. The area adjacent to the canal provides an opportunity to deliver benefits for biodiversity if it was utilised for the purposes of species rich grassland creation. This would contribute to the objectives of local Plan Core Strategy Policy SE 3 (5) for all developments to aim to positively contribute to the conservation of biodiversity.

A method statement for the creation of the species rich grassland and associated management proposals is required by condition.



### Provision of features for roosting bats and nesting birds

A strategy for the provision of features for nesting birds and roosting bats has been submitted in support of this application. The Cheshire East Design Guide requires features for nesting birds and bats to be provided on 30% of proposed dwellings. The Council's ecologist advises that the number must be increased to meet the requirements of the Cheshire East Design Guide, therefore the provision of features and their siting shall be secured by condition including their positioning on elevational drawings.

### Roosting Bats

Bat surveys were undertaken to inform the outline application at this site. The main school building was found to have potential to support roosting bats, but no detailed bat surveys of this buildings were undertaken as the building was thought likely to be retained.

Based on the submitted layout plans it appears that the main historic school building would be retained, but the adjoining buildings would be removed.

The January 2020 Phase one survey refers to bat surveys being undertaken of the buildings however a report of these surveys has not been submitted in support of this application. The specification for further ecological works submitted by the applicant, which includes further bat activity surveys of the buildings, does however refer to bat roosts being present in the buildings on site. It is not clear at present which buildings support roosts and whether the roosts would be affected by the development proposals. It is therefore recommended that an updated bat survey/assessment be undertaken of the buildings to be removed as part of the proposed development to clarify their potential to support roosting bats.

Condition 25 attached to the outline permission at this site requires the submission of detailed lighting proposals. Lighting proposals have been submitted but these do not show the anticipated extent of light spill resulting from the scheme. It is therefore difficult to assess the ecological impacts of the proposed lighting. Therefore a condition requiring full lighting details is required as part of this permission.

### Brown Hare

Records of this Priority species, which is a material consideration for planning, have been recorded within 2km of the application site. Whilst a specific survey for this species has not been undertaken no evidence of its presence has been observed during the surveys undertaken to date. The application site is isolated from the wider countryside by built development and the Macclesfield Canal which reduces the chances of this species occurring on site. The submitted phase One survey report includes precautionary measures to reduce the risk of Brown Hare being affected by the proposed development, if present. A condition is required with regard to Brown Hare.

### Butterflies and Moths

The submitted Phase One Habitat Survey refers to records of a number of priority Moth and Butterfly species recorded within 2km of the application site. The proposed development may result in the loss of habitat for these species if they were present on site. The provision of species rich grassland would provide compensatory habitat for these species.

### Nesting Birds

The January 2020 Phase One Habitat survey identifies potential habitat for breeding birds on site including those species considered to be priority species. No particularly important habitat for nesting birds was however identified during the determination of the outline application at this site.

Further information regarding outstanding survey information will be provided by way of an update to members.

### **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 undue harm by overlooking, loss of light or loss of privacy to neighbouring residents. The proposals generally have adequate separation distances across the site, in accordance with the Council's Design Guide.

The development of The Bridges a large apartment block to the south of the site is within close proximity to the site and is at a higher level. The westernmost apartment block has a separation distance of just 16m at the closest point. It is clear that there is not adequate screening at this point through tree cover and there will be direct overlooking. As a result of this, the scheme has been amended to omit all bedroom windows on the rear elevation. This removes the overlooking between facing habitable rooms. Concerns have been raised regarding the small kitchen windows on the rear of the westernmost apartment block. However there is an adequate separation distance of 22m at this point therefore it is not considered to be necessary to remove or require the windows to be obscure glazed.

With the above measure in place, it is considered that the proposals will not have a detrimental impact on the amenity of existing neighbours or future occupiers of the proposed development.

### **Air Quality**

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

When assessing the impact of a development on Local Air Quality, the Council has regard to (amongst other things) the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality January 2017)

As part of this reserved matters application the developer has submitted information relating to a travel plan and electric vehicle charging points. This information is deemed sufficient to satisfy the relevant conditions from the outline application (15/4287M).

## **Contaminated Land**

Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site.

Conditions 16-18 on outline approval 15/4287M relate to contaminated land.

The following reports have been submitted in support of this application:

- o Ground Investigation Report, Betts Geo Consulting Engineers , reference: 17DWH011/GI, dated August 2017
- o Remediation Strategy, Smith Grant LLP, reference: R2859-R01-v2, dated March 2020.

The reports detail ground/site investigation works to date and provide an enabling phase remedial strategy with recommendations for further investigations post this. Therefore the wording of condition 16 will be amended to reflect details submitted.

The proposals accord with policies in the development plan and the NPPF.

## **Flood Risk**

With regard to flood risk, the submission of a drainage scheme is required prior to commencement and this is secured via a condition on the outline planning consent at condition 6 which states the following:

*6. No development should commence on site until such time as detailed proposals for disposal of surface water (including a scheme for the onsite storage and regulated discharge) have been submitted to and agreed in writing by Cheshire East Council both as Planning Authority and Lead Local Flood Authority (LLFA). The development shall be carried out in strict accordance with the approved scheme.*

Drainage details have been submitted with this application, however at the time of writing this report additional information is required. In addition to this, during the course of the application the discharge of condition application for the drainage has been submitted to the Council and Lead Local Flood Authority for approval. Therefore it is considered that the issue of drainage has been adequately addressed through the condition on the outline consent and details are in the process of being agreed through that mechanism.

Further with regard to drainage, United Utilities requested a condition on the outline planning consent, which is to be incorporated into any drainage scheme which required the following:

*5. This site must be drained on a total separate system with only foul drainage communicating with the public foul sewerage system. Surface water should discharge directly to soakaway/watercourse in accordance with the FRA submitted and agreed in writing by the Local Planning Authority.*

The Canal and River trust has commented on the surface water drainage for the site. There should be some means of vehicle access to the culvert that runs through the site, e.g.

roadway, wide pedestrian path with moveable bollards etc. Landscaping should also not prevent access, i.e. planting of trees, and vegetation needs to be managed to maintain clear access. As the site is on the downstream side of the canal, culvert 34 would not carry drainage from the site. The downstream culvert would need to be of adequate capacity to take any additional site drainage and not cause the watercourse to back up towards the canal culvert in adverse conditions. The downstream culvert would also need to be cleaned and maintained to prevent blockages. The Canal and River Trust request that such maintenance is secured through the surface water drainage arrangements for the site.

Maintenance of culverts is matter that the Lead Local Flood Authority (CEC) consider when assessing drainage schemes, therefore this matter will be addressed through the aforementioned process.

Due to the drainage and surface water conditions in place it is concluded therefore that the proposals accord with policy SE13 of the CELPS and the NPPF.

### **Energy Efficiency**

Policy SE9 of the CELPS states that the council will look favourably upon development seeks to achieve a high rating along schemes such as Building for Life for residential developments. This application has been assessed against the BfL standards and scores 9 greens and 3 ambers, therefore overall has a high rating.

Within large scale developments, new development should contribute to the development of a strategic district heating network. This outline application was approved prior to the adoption of the Cheshire East Local Plan Strategy, therefore the policy also in development was not formally adopted and had not been through the examination process. Therefore to request this at outline stage would not have been CIL compliant as it would have required conditions or a legal agreement to secure a district heating network. This type of requirement relates to the principle of development, therefore cannot be required at the reserved matters detail stage.

Policy SD2 of the CELPS sets out sustainable development principles and states that all development will be expected to at point viii. e. *Integrate or allow future integration of renewable energy technologies.*

No renewable energy technologies are proposed as part of the submission. The developer has provided a statement with regard to environmental sustainability. The scheme will apply the Energy Hierarchy which promotes a fabric first approach to reducing CO2 emissions as the first step. This reduces energy demand through passive and active design measures, the delivery of energy efficiency, then by generating on site low carbon renewable energy.

The developer in this case is adopting a fabric first approach, which means that CO2 savings are delivered for the lifetime of the building, through air tightness design to prevent heat losses in winter and heat gains in summer.

The layout has been designed to take advantage of solar gains through the positioning of the dwellings with the majority of dwellings orientated between southeast and southwest. The design of homes is to optimise natural daylight, and the construction using sustainable

materials. New homes will incorporate high performance glazing with appropriate U values to reduce heat loss.

The scheme will meet part L 2013 of building regulations. Therefore the applicant has stated that renewable or decentralised energy will not be required or provided due to other energy efficiency measures being made through the buildings themselves.

Through the outline planning application electric vehicle charging points were secured for all dwellings with dedicated off street parking along with a low emission travel plan which are positive environmental measures that will be incorporated into the scheme.

Renewable energy is however a policy requirement and does relate to design, which is being considered as part of this application. The policy does not set out a mandatory minimum requirement for renewable energy. The development whilst not delivering renewable energy on site, does employ energy efficiency measures through the construction of the development. Further environmental enhancements are proposed as part of the development which are as follows:

- The central street provides an opportunity for the provision of a central public open space. This includes community growing spaces, private and public gardens, seating and art. Ornamental lawns will include fruit trees, vegetables and productive shrub planting, along with nectar yielding plants and foraging opportunities for bats and small mammals.
- The Local Equipped Area of Play (LEAP) and Pocket park.
- Balancing features and swales provide blue and green infrastructure, with the opportunity for additional habitat creation and increased amenity. Planted swales are included within the site and add to surface water retention and slowing of run-off, incorporating diverse planting to increase net-biodiversity.
- Country park, the development is providing a country park area which will have public access to the east of the site. This is to be planted with species rich grassland to enhance the biodiversity of the site.
- Extensive tree planting will take place as part of the development.

It is considered that the environmental measures put in place along with the energy efficiency of the proposed dwellings, travel plan and electric vehicle charging points, make the scheme environmentally sustainable.

Whilst there will be no renewable energy provided, it is considered that the overall benefits of the scheme such as the environmental measures put in place and the provision of an additional 20% affordable housing on top of that already secured means that on balance the scheme is acceptable.

### **Representations**

A number of representations have been received in relation to the application. Many of the objections have raised issues with highways matters, such as congestion, air quality as a result of vehicle pollution and the cycle way. These matters have been considered by the highways officer, environmental health officers, and urban design officer, and based on the information provided with the application they have no objections to the proposals.

Further objections have been raised in relation to matters which were considered at detail at the outline stage which relate to the principle of development which has been agreed.

The Canal and River Trust has commented on the application, which includes comments relating to Smyth's Bridge over the canal. This was identified as a potential connection from the site. The bridge is currently fenced off in the middle of the structure and is not suitable for use. The bridge is owned by the Canal and River Trust. The comments suggest that a survey of the bridge is required which would require a financial contribution in order to facilitate a link across to the tow path. The bridge does not fall within the applicant's ownership and as this was not requested at outline stage by the Trust was not secured via a section 106 agreement. The applicant has provided a link up to the bridge which does not preclude future connections, however at the present time a connection cannot be made without the bridge being brought back into use which would be the responsibility of the owners – the Canal and River Trust.

Objections relate to the design and layout of the site, the loss of trees and habitat. The outline planning consent and the submission here have dealt with matters of ecology and trees and the losses proposed are considered to be acceptable subject to mitigation. A number of significant amendments to the scheme have taken place and the design and layout of the site is considered to be of a very high quality as a result and is fully supported by the urban design officer.

Concerns have been raised over the placement of the affordable housing stock of varying tenures, this has been assessed by the Housing Officer and is deemed to be acceptable. There are clusters of Shared Ownership properties which are in groups that are larger than would usually be acceptable, however this on balance, when taking into account the whole scheme is acceptable.

There has been an objection from the adjacent industrial estate which relates to accessibility from the residential site and noise implications. Following the comments made, a noise impact assessment was submitted and the Environmental Protection Team has no objections to the development subject to conditions. In addition the footpath connection proposed through the industrial estate has been omitted thus alleviating concerns regarding safety and from the point of view of the objectors – security.

Concerns have been raised from a number of residents residing in The Bridges apartments. Throughout the application process, further information was sought to show the exact location of the existing building on plans, further amenity issues have been resolved through the loss of principal bedroom windows on the rear elevation of the apartments. It is not considered that the apartments will cause a loss of privacy or light to existing occupiers.

Comments relating to this scheme and its merits have been addressed in the main body of the report. Having considered 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 11 of the NPPF states that development that accords with an up-to-date development plan should be approved without delay.

## **CONCLUSIONS**

The site forms allocation LPS 14 contained within the Cheshire East Local Plan. The application proposes the provision of 300 residential units and meets the requirements of the allocation. The application has gone through a lengthy design process, from pre-application and through the evolution of this application. The design result is considered to be of a very high quality, providing a good mix of dwelling types, tenures and sizes. The development provides 30% affordable housing provision which goes over and above the 10% secured as part of the outline application and the Section 106 agreement. The application will provide much needed housing in a very sustainable location, with good connectivity to the town of Macclesfield by a variety of modes.

The proposed development utilises the existing topography and flora resulting in a development which will sit comfortably within the landscape.

The re-use of the historic Fence House school building providing accommodation will retain the façade of the site along Fence Avenue.

The proposal does include tree losses; however it is considered that on balance the amount of mitigation proposed through additional significant tree planting compensates for the losses.

Further ecological surveys are required with regard to bats, to ascertain whether protected species will be negatively affected by the development and in particular the loss of existing buildings and a tree with bat roost potential. An update on this matter will be provided to members.

It is considered that the proposed development accords with the policies in the development plan and the National Planning Policy Framework. Therefore the application is recommended for approval subject to conditions.

## **RECOMMENDATION**

**The application is recommended for approval subject to the following conditions:**

1. Time Limit
2. Development in accord with approved plans
3. Remediation Strategy Approval
4. The development hereby approved shall be carried out in accordance with the Affordable housing statement received 04.03.2020
5. Archaeological written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
6. Details of the reservation, storage and re-use of site soils
7. Details of levels along gravel perimeter path, details of vehicular maintenance access to SUDs area, details of regrading and contouring of the area between main Avenue, the LEAP and the canal.

8. Details of Hard Landscaping for the Green Street including street furniture, planters, sculptural screens, benches and bins.
9. Details of all Boundary Treatments including Fence Avenue Frontage
10. Details of Soft Landscaping (softworks ornamental planting, swales, gravel footpath, Green Street and swales).
11. Site soils management plan
12. Updated final Landscape Masterplan to be submitted to include all amendments
13. Landscape Phasing Plan to be submitted.
14. Landscape and Habitat Management Plan to include 25 year management plan for species rich grassland area
15. Landscaping details of earthworks
16. Surface materials (including social spaces) Samples to be approved prior to commencement of construction.
17. Materials (Roof and Elevational) Samples to be approved prior to commencement of construction.
18. Details of cycle storage for apartments
19. Details of bin storage (required at outline stage however full details not submitted)
20. Provision of features for bats and nesting birds
21. Updated badger mitigation strategy to be submitted to include proposals to mitigate the loss of the Badger Nest identified in the January 2020 Phase One Habitat Survey.
22. Nesting bird survey
23. Details of lighting to be submitted prior to installation
24. The proposed development to proceed in accordance with the recommendations to safeguard Brown Hare detailed in paragraph 5.26 of the submitted Phase One Habitat Survey prepared by CES dated January 2020.
25. Submission of a method statement for the creation of species rich grassland informed by the results of soil testing.
26. Safeguarding of nesting birds.
27. Implementation of protective fencing measures proposed by arb impact assessment.
28. Tree protection
29. Construction Specification/Method Statement 1 – Trees
30. Construction Specification/Method Statement 2 – Trees
31. Site supervision - Trees
32. Access available for use before occupation



In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or add Conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.

