

Application No: 19/3097M

Location: Land Between Chelford Road And Whirley Road, Henbury

Proposal: Reserved Matters application for the erection of 134no. dwellings, vehicular access, roads and footways, hard and soft landscaping, drainage and other associated works following outline approval 17/4277M

Applicant: Mr Matthew Shipman, Bellway Homes Limited (Manchester Divisi

Expiry Date: 27-Mar-2020

## **SUMMARY**

Macclesfield is one of the principal towns and growth areas of the Borough where national and local plan policies support sustainable development. The principle of residential development on the site has been established through the grant of outline planning permission and allocation in the Cheshire East Local Plan Strategy (CELPS) under Policy LPS 18. The proposed development seeks to provide a residential development of 134 dwellings. The submission relates to the detail of the proposal in terms of its scale, layout, appearance and landscaping. Details of access were determined at outline stage and secured vehicular access from Chelford Road and pedestrian access from Whirley Road.

The proposal provides the required amount of affordable housing with an appropriate mix and density of housing. The proposal achieves an appropriately designed residential development and would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants. Appropriate public open space including a Locally Equipped Area for Play (LEAP) would be provided on site. The layout would provide an appropriate buffer with the Green Belt to the west and landscape transition as required by the site allocation. Tree losses have already been accepted and would be partly mitigated in the proposed landscaping of the site.

Mitigation for the impact of the proposal on local infrastructure including education, healthcare provision and outdoor and indoor sports and recreation was secured at outline stage as part of the s106 legal agreement. With respect to highways, consideration of the outline consent determined that the development will not have a detrimental impact on the local highway network. Similarly, the impact on local air quality (including cumulative impacts) will be acceptable also.

It is acknowledged that the site is currently susceptible to surface water flooding. However, a comprehensive scheme of surface water attenuation is proposed ensuring there will be no increase in surface water runoff. This has been agreed with the Council's Flood Risk Manager and as such, will adequately mitigate the residual risk of flooding from surface water and not increase the risk of flooding to neighbouring properties.

The site contains peat deposits. Pile foundation techniques will be utilised to minimise peat removal and under hard infrastructure (like the internal roads), where the peat will need to be removed. In the interests of environmental sustainability, the excavated material would be placed elsewhere within the site where level changes are proposed. Peat would not therefore be removed from the site and accordingly is acceptable in this regard.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF

### **SUMMARY RECOMMENDATION:**

APPROVE subject to conditions

## **DESCRIPTION OF SITE AND CONTEXT**

This application relates to a greenfield site lying to the west of Macclesfield to the north of Chelford Road and to the South-West of Whirley Road and stretches between Macclesfield and Henbury. Surrounding uses include mainly residential and agricultural land. Whirley Primary School lies to the north-west. The site measures approximately 5.37 hectares in size and is positioned directly to the rear of properties fronting Chelford Road and Whirley Road. The site forms part of an allocated site for housing development under Policy LPS 18 of the Cheshire East Local Plan Strategy (CELPS).

## **DETAILS OF PROPOSAL**

This application seeks approval of the reserved matters following the outline approval of planning ref; 17/4277M, which granted consent for the erection of up to 135 dwellings with access from Chelford Road and Whirley Road and associated open space. Access was approved at the outline stage, but was subject to a condition precluding vehicular access from Whirley Road (condition no. 5 refers). The current proposal seeks approval of the remaining outstanding reserved matters which are appearance, landscaping, layout and scale for 134 dwellings. The application site has been reduced in size to exclude the parcel of land to the north positioned in-between no.s 42 and 50 Whirley Road. The said parcel of land is now subject of a separate application seeking full planning permission for a further 23 no. dwellings (planning ref; 19/3098M refers) and appears elsewhere on the agenda.

## **RELEVANT HISTORY**

17/4277M - Outline application for the erection of up to 135 dwellings with access from Chelford Road and Whirley Road and associated open space – Approved 22-Jan-2019

19/3098M - Erection of 23no. dwellings, vehicular access, roads and footways, hard and soft landscaping, drainage and other associated works – Currently under consideration

20/5442M - Removal of condition 6 on approved application 17/4277M - Outline application for the erection of up to 135 dwellings with access from Chelford Road and Whirley Road and associated open space – Currently under consideration

## **POLICIES**

### **Development Plan**

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

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer Contributions

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and wellbeing

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE7 The Historic Environment

SE9 Energy Efficient development

SE10 Sustainable Provision of Minerals

SE12 Pollution, land contamination and land stability

SE13 Flood risk and water management

CO1 Sustainable travel and transport

CO3 Digital connections

CO4 Travel plans and transport assessments

LPS 18 Land between Chelford Road and Whirley Road, Macclesfield

#### Macclesfield Borough Local Plan saved policies (MBLP)

NE3 Protection of Local Landscapes

NE11 Nature conservation

NE17 Nature conservation in major developments

NE18 Accessibility to nature conservation

RT5 Open space standards

H9 Occupation of affordable housing

DC3 Residential Amenity

DC6 Circulation and Access

DC8 Landscaping

DC9 Tree Protection

DC14 Noise

DC15 Provision of Facilities  
DC17 Water resources  
DC35 Materials and finishes  
DC36 Road layouts and circulation  
DC37 Landscaping  
DC38 Space, light and privacy  
DC40 Children's Play Provision and Amenity Space  
DC41 Infill Housing Development  
DC63 Contaminated land

### **Other Material Considerations**

National Planning Policy Framework (The Framework) 2019  
National Planning Practice Guidance  
Cheshire East Design Guide

### **CONSULTATIONS (External to Planning)**

**Cheshire Wildlife Trust** – Object on the basis that the site does not present enough scope to deliver Biodiversity Net Gain within the site.

**Environmental Protection** – No objection. The outline application was subject to a number of conditions which this reserved matters scheme complies with. This includes conditions relating to electric vehicle charging infrastructure, Framework Travel Plan, noise impact and contaminated land.

**Flood Risk Manager** – No objection subject to accordance with submitted information and the submission of further details under the conditions attached to the outline consent.

**Head of Strategic Infrastructure** – No objection

**Housing Strategy & Needs Manager** – No objection

**Manchester Airport** – No objection

**Natural England** – No comments

**Public Rights of Way** – No objection

**United Utilities (UU)** – No objection subject to compliance with the submitted drainage design and subject to a condition requiring submission of a drainage management and maintenance plan.

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

**Macclesfield Town Council (MTC)** – Object on the following grounds:

1. Lack of pedestrian paths and cycleways in the development,
2. Increased congestion on already congested roads,
3. The removal of mature woodland and hedgerows,

4. Risk to flooding in the area following the development,
5. The removal of peat from the site contrary to the National Planning Policy Framework and Cheshire East's Local Plan Strategy.

MTC seeks that items i. – v. listed above are addressed in planning conditions.

MTC also re-iterate their earlier concerns:

1. The site is within close proximity of the Broken Cross Air Quality Management Area (AQMA) and the development will lead to increased traffic volumes and therefore further exacerbate the poor air quality of that AQMA, contrary to the Cheshire East Air Quality Management Strategy;
2. Lack of cycle and pedestrian routes within the development and between the development and town centre, contrary to the LPS Policy SC3;
3. Increase of traffic on already congested highways with particular pressure on the development's access and egress junction;
4. Increased pressure on public services, e.g. buses, that have already been subject to cuts;
5. High density of housing in the development reducing the availability of open spaces to support health and wellbeing contrary to the LPS Policy SC3;
6. The density of the development is in excess of the site allocation within the Cheshire East Local Plan (LPS18), which indicates around 150 houses for the entire site, whilst this partial development of the site indicates around 250 residences will be delivered at this development density
7. Increased pressure on primary care facilities;
8. Increased pressure on availability of primary school places;
9. Lack of evidence that there is capacity in local secondary schools;
10. Removal of trees and hedges that will result in the loss of wildlife habitat;
11. Concerns on the risk of flooding in the development area once the hard standing has been completed;
12. The application does not clearly meet the Local Plan policy requirements of LPS18 1., 2., 3. & 5.

**Henbury Parish Council** – Object on the grounds summarised below:

- Total number of dwellings taken with the sister applications exceeds the 150 houses proposed in the Local Plan
- It is not sustainable development
- The Council already has 7.5 year supply of deliverable housing
- The proposed green belt boundary represents a very weak boundary with the Green Belt making Henbury more vulnerable to merger with Macclesfield
- Density of housing is much higher and out of keeping with the surrounding area
- This proposal will adversely affect air quality around Broken Cross and the health of residents, pedestrians and cyclists
- The failure to address the air quality problem at 36-58 Broken Cross in pollution measurement and modelling has led to potentially misleading conclusions being drawn
- Pedestrian flow surveys were carried out when a number of year groups were on leave due to exams
- Will be very long waiting times for pedestrians which will be unsafe for school children

- Traffic flows are inaccurate (and therefore the Air Quality modelling also)
- The traffic assessment performed by CEC for Macclesfield in 2014 as part of the Local Plan production underestimated vehicle journey time during peak periods
- Development numbers are far higher than when the production of the Local Plan was prepared and will have a greater impact on the local highway network
- Proposals will result in congestion and rat-running
- No consideration given to the impact ingress/egress at Tesco Express store at Broken Cross
- Proposal will result in the loss of a tree planting scheme of 475 trees which will not be appropriately replaced
- Proposal not in accordance with emerging SAPDP which notes government advice that there should be three replacement trees for every tree removed
- Site is environmentally valuable - it hosts/supports waterfowl, migratory birds, wildflowers, birds of prey, bats, great crested newts, and rare species as noted in Ecological Assessment.
- Proposal would result in a biodiversity net loss
- Site lies in a critical drainage area, is susceptible to surface water flooding. FRA does not note presence of peat in area as noted in geo-environmental site assessment.
- There is an oversubscription at area schools with no spare places at – Whiley Road and Fallibroome Academy. Proposed development would have detrimental impact on education provision
- Local infrastructure (schools, healthcare, utility supply etc.) cannot cope

## **OTHER REPRESENTATIONS**

Representations have been received from over 86 properties (including Local Councillor J Barber) over the four periods of consultation objecting to this application on the following grounds:

- Site should be returned to Green Belt as will result in the merger of Henbury and Macclesfield
- Brownfield sites should be developed first
- The number of houses exceeds the number in the site allocation
- Major flooding occurs on the site so housing should not be built on it
- Increasing traffic and congestion would further worsen existing air pollution in the area, including at nearby schools and Broken cross
- Air Quality would not meet national or local standards and harm health of local residents
- Air Quality Assessment is based on flawed traffic statement. Air Quality report is misleading, based on outputs from a model using speculative input data.
- Impact of development on Broken Cross roundabout which is already busy will lead to more queueing on the highway and resultant negative impacts on nitrogen dioxide levels.
- Highway safety, especially where Whirley Road is narrow
- Increased congestion will make access by emergency services worse
- Loss of wildlife and lack of Great Crested Newt habitat enhancement / biodiversity enhancement
- Removal of peat deposits

- Pedestrian safety will be compromised
- Impact on local infrastructure which will not cope
- Local schools are full as are local GP surgeries
- All original reports are flawed and should be revisited
- Neglect of local communities Health and Wellbeing especially in light of Covid-19
- Better mix of housing required including more affordable
- Density of housing too high for edge of town
- Splitting the application site does not lessen the impact of the proposals especially taking into account cumulative impacts
- Should be considered alongside sites to the south of Chelford Road
- Loss of community woodland and hedgerows
- Lack of pedestrian paths and cycleways in the development as well as green space
- Revised plans do not address previous concerns
- Lack of drainage detail
- Proposed pond needs to be fenced off
- Lack of parking provision
- Frequency of bus service is incorrect
- Provision of three storey houses not in keeping with the area
- Occupants will likely commute out of Macclesfield
- Proposal is unsustainable development in the midst of a climate emergency
- Nearby recent new builds are already reporting issues with build quality

Macclesfield Civic Society has also commented objecting to this application on the following grounds:

- The layout of development is disappointing from a design aspect - long frontages to the estate roads with little variation in dwelling positions to add interest and this gives a suburban character to the scheme whereas the site is at the edge of urban development and in a crucial gap between Macclesfield and Henbury. Some green space is proposed and extensive landscaping of this is necessary to the north west given the reduced size of the gap between settlements and the impact on the Green Belt. The house types are generic with little variation in character, materials or design.
- The increased provision of affordable units is welcome but occupiers will be faced with long journeys to a full range of shops, schools and other facilities necessitating extensive use of private vehicles. The travel plan complacently assumes that alternatives to the private car will be available but on closer examination this contention appears wildly optimistic.
- Bus services are infrequent and pedestrian/cycle trips would take place in the context of increased traffic movements and absence of segregated facilities.
- Despite a condition (13) on outline permission 17/4277M the travel plan makes no mention of providing electric charging point for hybrid or fully electric vehicles.
- The internal landscaping details do not indicate the benefits of providing low shrubbery along the estate roads which can usefully intercept particulate emissions (PM2.5s) from vehicles - this should be rectified.
- Overall - a standard speculative estate is offered whereas something more distinctive is required. This

## **OFFICER APPRAISAL**

### **Principle of Development**

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

The application site is allocated as a Strategic Site for housing under Policy LPS 18 of the Cheshire East Local Plan Strategy (CELPS). When the Council adopted the Cheshire East Local Plan Strategy on 27th July 2017, the site was removed from the Green Belt.

The site received outline planning permission in early 2019 under planning ref; 17/4277M for the erection of up to 135 dwellings with details of access from Chelford Road and pedestrian access from Whirley Road and associated open space. The 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. It is not the purpose of this application to revisit the merits of developing this allocated site for residential purposes.

Site LPS 18 states that the development of Land between Chelford Road and Whirley Road will be achieved over the Local Plan Strategy period through:

1. The delivery of around 150 new dwellings;
2. Provision of public open space and green linkages to existing footpaths and rights of way;
3. The incorporation of natural features such as trees, the existing pond and landform features into any development proposal;
4. Creating a readily recognisable Green Belt boundary, that will endure in the long term, along the western edge by tree planting and landscaping along the existing hedge line extending north-eastwards to the existing pond;
5. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities; and
6. On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space and community facilities.

Additionally, the following site specific principles of development apply:

- a. The development would be expected to contribute towards off-site road infrastructure improvements in the central, western and southern/south western Macclesfield area.
- b. 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'.
- c. The line of the existing sewer should be protected.

d. The site should be developed so as to facilitate any junction improvements that may be necessary for a future road link between Chelford Road and Congleton Road.

This application is for approval of the details of Appearance, Landscaping Layout and Scale (the reserved matters) and proposes 134 units. The proposed layout covers a slightly smaller area than the indicative layout showed at outline stage. The area to the north of the site where it fronts Whirley Road is subject of a separate application for the erection of 23 no. units (planning ref; 19/3098M refers).

Objectors have levied concern that the two schemes combined would take the development numbers past the general number of 150 indicated in the site allocation and the limit of 135 prescribed by the outline consent. Each of the applications need to be considered on their merits but also within the context of each other. The total number of dwellings proposed by the two applications would amount to 157. This would be further increased to 187 when accounting for an additional proposal for 30 units by a separate housebuilder located to the south-east of the allocation which already has outline consent. The reserved matters are currently being considered under planning ref; 19/3816M.

The number of dwellings proposed as part of this reserved matters application would be 1 less than the outline scheme. As noted above, LPS 18 allows for around 150 new homes, but this is a broad figure and is not an upper limit for development as factors such as size and mix of housing have a bearing on numbers. The applicant states that the proposal would provide smaller units than envisaged at outline stage and can therefore accommodate an uplift in the number of units. Subject to the development complying with other relevant planning policies, it is considered that such a number could be considered to meet the requirement of “around 150 dwellings” in LPS 18. The delivery of the site for residential development will contribute towards the Council’s housing land supply and assist in meeting the development requirements of Macclesfield and the wider Borough. The further requirements of policy LPS 18, and other relevant policies, are considered below.

### **Affordable Housing**

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.

30% of the dwellings on site were secured as affordable housing as part of the s106 agreement attached to the outline permission, in accordance with policy SC5 of the CELPS. This includes 65% of the affordable housing to be Social Rented Housing and the balance to be Intermediate Housing. As a development of 134 dwellings, 40 dwellings are required to be provided as affordable dwellings with a 26 social rented and 14 as intermediate.

The SHMA 2013 shows the majority of the annual need in Macclesfield up to 2018 is for 103 x 2 bedroom and 116 x 3 bedroom General Needs dwellings and 80 x 1 bedroom dwellings for Older Persons accommodation which could comprise of Flats, Bungalows, Cottage Flats or Lifetime Homes.

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 799 x 1 bedroom, 388 x 2 bedroom, 166 x 3 bedroom, 44 x 4 bedroom and 28 x 5 bedroom dwellings.

The submitted details show that 40 dwellings will be provided as affordable units. These are to be provided as:

6 x 1 bed units (all socially rented);  
22 x 2 bed units (18 socially rented and 4 intermediate);  
10 x 3 bed units (2 socially rented and 8 intermediate); and  
2 x 4 bed units (both intermediate).

It is considered that the tenures are appropriately pepper potted through the site and the submitted Affordable Housing Scheme has been confirmed as being acceptable by the Council's Housing Strategy and Needs Manager. Accordingly, the proposal complies with policies SC 5 or LPS18 of the CELPS.

### **Residential Mix**

Policy SC4 of the CELPS states that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. Reference is made to the need for development proposals to accommodate units specifically designed for the elderly and people who require specialist accommodation.

The proposed development comprises of:

6 x 1 bed units  
24 x 2 bed units  
47 x 3 bed units  
57 x 4 bed units

A range of housing types are being proposed from small sized 1 bed apartments offering ground floor single storey entry to 2 bed, 3 bed and 4 bed dwellings. A number of family houses are proposed albeit smaller in terms of their size (i.e. not large executive family homes), which has enabled the proposed development to provide the consented number units within a slightly smaller site area. This general makeup of dwellings would provide a good mix of type, size and coupled with the affordable provision. The proposal would provide a diverse community and would fit in with the existing residential development which varies in terms of its size and type. As such, the scheme is found to comply with Local Plan Policy SC 4.

### **Design - Layout, Scale and Appearance**

Amongst other criteria, policy SD2 of the CELPS expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:

a. Height, scale, form and grouping;

- b. Choice of materials;
- c. External design features;
- d. Massing of development - the balance between built form and green/public spaces;
- e. Green infrastructure; and
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood

Policy SE1 of the CELPS expects housing developments to achieve Building for Life 12 (BfL12) standard, and that development proposals consider the wider character of a place in addition to that of the site and its immediate context, to ensure that it reinforces the area in which it is located. These principles are also reflected in the CEC Design Guide. The relevant BfL12 headings are considered below:

The proposal would be served by a new access point taken from Chelford Road situated in between no.s 103 and 105. This would feed a primary access road running north to south which would then meet with a number of tertiary roads throughout the development.

Gateways (Amber) - The Gateways into the site consist of, on the Chelford Road side, a car park (re-sited for the Cock public house) and a couple of dwellings with the corner plot being dual fronted to provide a focal point to welcome you into the site. On the Whirley Road side, this proposal would terminate short of the Whirley Road frontage but there would be a pedestrian link into the adjoining parcel of land which is currently being considered under planning ref; 19/3098M. Beyond this, there would be no vehicular access, as requested by the Strategic Planning Board when the outline application was considered. The gateway to Chelford Road would be acceptable in design terms.

Context, Scale and Density (Amber) – The open space along the western edge of the site serves purpose in easing the transition from a soft rural edge to built development that this site requires and serves to provide the buffer required by LPS 18. The design guide encourages a diverse roofscape which necessitates the variation of height. It is not uncommon to see taller feature buildings particularly at nodal points and adjacent to POS/squares in the existing fabric of Broken Cross. As amended, the scheme utilises two and half storey dwellings on some of the key nodal points to create a sense of arrival in some of the character areas, for example the squares. The scale and character in and around Broken Cross is mixed and the proposals would not appear incongruent in terms of appearance, height or scale.

Hierarchy of Streets (Green) – Following officer concerns, a more formal approach to the spine road and softer detailing to the rural/green edges of the site has been secured. The road layouts are linear in nature which results in a grid, but these as amended would be characterised by two square character areas and mews character area and formal street planting in the form of street trees.

Connectivity (Green) - The site is well connected to local bus services that run along Whirley and Chelford Road and connectivity to the PROW Macclesfield FP19 via a pedestrian link has been provided. With respect to the internal footways and cycle path connections, there are a number of internal footways and paths that run through the site and through the areas of open space that would facilitate both pedestrian and cycle movement. This would also increase permeability from Chelford Road to Whirley Road where there is currently no connection through the site. Coactivity would be increased for existing residents.

Corner Plots (Green) - As amended, the scheme positively addresses corners. Units to the corner are dual fronted to avoid blank gable ends and to promote surveillance on facing side boundary treatments.

Parking (Amber) - A mix of parking solutions is encouraged by the Design Guide so that the street scene isn't dominated by vehicles. The proposal positions a number of the parking spaces to the front of the units within the curtilage. However, these are softened by the use of soft landscaping and surfacing materials. There is also some courtyard parking which would remove car dominance from the street.

In terms of appearance, the proposed dwellings would be acceptable within the context of the site and would offer a degree of variation within the street. Main views would terminate on decent frontages and corner plots would be dual fronted to address key vantage points. It is considered that the overall design, scale, form and appearance of the proposals would be acceptable subject to the use of high quality materials. The proposal achieves a well designed residential development which would accord with LPS 18 and the Cheshire East Design Guide.

### **Open Space**

A minimum of 65 square metres per dwelling of public open space was secured as part of the outline consent, which based on a scheme of 134 units, amounts to 8,710 square metres. An adequate amount of formal and informal public open space is provided within the site amounting to around 8,838 square metres. This would include a Local Equipped Area of Play (LEAP) positioned centrally within the open space. The specification for this will be secured by further condition. Accordingly, the proposal complies with policy DC40 of the MBLP and policy SE 6 of the CELPS.

### **Residential Amenity**

Saved policy DC38 of the MBLP states that new residential developments should generally achieve a distance of between 21m and 25m between principal windows and 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties, unless the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings.

However the CE Design Guide states separation distances should be seen as guide rather than a hard and fast rule. The Design Guide does however acknowledge that the distance between rear facing habitable room windows should not drop below 21m. 18m front to front will also provide a good level of privacy, but if this applied too rigidly it will lead to uniformity and limit the potential to create strong streetscenes and variety, and so this distance could go down as low as 12m in some cases.

The nearest existing residential properties are located to the north, east and south of the site. The properties to the south are those fronting Chelford Road, namely 93-105 (inclusive) and already benefit from long gardens allowing decent separation with the site boundary (a minimum of c25 metres). This would allow separation in excess of 45 metres at the closest

point to these properties. On the other side of the access, Plot no. 1 would sit alongside the adjoining property referred to as 'Sunnyside' and would have a separation of 17 metres dwelling to dwelling with a double garage situated in between. Plots 3 and 4 situated behind plot 1 would run along the side boundary of the rear garden of Sunnyside but would enjoy a separation of more than 22 metres. The properties to the north and east are those fronting Whirley Road. The detailed layout shows that the nearest part of the proposed development to the properties fronting Whirley Road would be in excess of 35 metres.

The layout within the site ensures the relationships between the new dwellings result in acceptable standards of space, light and privacy for future occupants, having regard to the distance guidelines set out above. There will be sufficient private amenity space for each new dwelling. The proposal is therefore considered to accord with policy DC3 of the MBLP.

## **Noise**

The application is supported by an Environmental Noise Study. The impact of the noise from road traffic on Henbury Road and Whirley Road on the proposed development has been assessed in accordance with British Standard BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. The report recommends noise mitigation measures in the form of specific glazing and ventilation which are designed to achieve BS8233: 2014 and WHO guidelines; to ensure that future occupants of the properties are not adversely affected by environmental noise. Levels of noise in external garden areas are also acceptable with proposed boundary treatments. The proposal complies with policy SE 12 of the CELPS and DC14 of the MBLP relating to noise and soundproofing.

## **Air Quality**

Policy SE 12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

Air quality impacts were comprehensively assessed and addressed at the outline stage. This included queries regarding monitoring tubes used and the methodology for assessment. The outline consent secured a package of mitigation measures which are forecast to mitigate the impact of the development through a highway improvement scheme at Broken Cross, electric vehicle infrastructure, a Travel Plan, dust control. Subject to these, the proposal will not have a detrimental impact on the air quality and the proposal will comply with Policy SE 12 of the CELPS.

## **Public Rights of Way and Accessibility**

Policy LPS 18 of the CELPS requires the creation of pedestrian and cycle links within the site to connect with existing residential areas and facilities. The proposal would provide cycle and pedestrian access directly off Chelford Road and Whirley Road which would connect with the existing residential areas to the north, south and east. The site access will connect with the existing footway network on Chelford Road that connects with Henbury and Broken Cross. This has already been determined and accepted at the outline stage where details of access to the site were approved. With respect to the internal footways and cycle path connections,

there are a number of internal footways and paths that run through the site and through the areas of open space that would facilitate both pedestrian and cycle movement. This would also increase permeability from Chelford Road to Whirley Road where there is currently no connection through the site. As such, it would increase accessibility.

There are existing bus stops on Chelford Road and Whirley Road that provide bus services to the local area. In addition to the bus stops, a number of facilities including schools, open space and general amenities are all within relatively close proximity of the site. Macclesfield Town Centre is approximately 2.4km from the site where the majority of shops, services and facilities are located. The location of the site is sustainable and accessible.

This proposal is considered to accord with the justification to Policy LPS 18 of the CELPS.

## **Highways**

Whilst access was approved as part of the outline permission, this reserved matters submission seeks approval for the internal road layout of the site.

The CEC Design Guide promotes a Manual for Streets approach to all residential developments, and it is important that the design aims to reduce vehicle speeds. The main access to the site has a very straight alignment and although there is a bend in the spine road, it appears to continue on into a straight access road for private parking.

A revised road layout was submitted to address previous comments made by the Head of Strategic Infrastructure (HSI – Highways) relating to the likely high vehicular speeds resulting from the linear road layout. The revised road layout has incorporated a number of measures to reduce vehicle speeds on the straight sections of the internal roads. The minor roads within the site have been downgraded to shared surface lanes with low vehicle speeds. The internal road layout is much improved from the previous plan and complies with design standards. With regard to future adoption of the internal roads, there is no indication that verges have been provided for the lanes and these will be needed for adoption purposes at adoption stage.

The level of off-street car parking is in accordance with CEC parking standards across the development.

The submitted layout is now acceptable in highway terms and no objections are raised to the application.

It is also worth noting that the Council is in receipt of an application to remove condition no. 6 of the outline consent, which required the provision of the highway improvement works at Broken Cross (planning ref; 20/5442M). However, this will be assessed on its own merits in due course. This reserved matters application must be determined on its merits and is not to consider the highways impact which is the purpose of the outline scheme.

## **Trees**

LPS 18 states that the development of the site will be achieved through; 'The incorporation of natural features such as trees, the existing pond and landform features into any development,

and the creation of a readily recognisable green belt boundary, that will endure in the long term along the western edge by tree planting and landscaping along the existing hedge line’.

The application is supported by an Arboricultural Impact Assessment and Tree Protection Plan as required by condition no. 27 of the outline consent. The Assessment broadly complies with the requirements of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. Proposed tree removals are in accordance with the outline submission. The Tree Protection Plan shows some encroachment into the Root Protection Area (RPA) of an offsite Ash tree (T6) for the driveway to Plot 153 which has been addressed by the inclusion of an Engineering Specification for a reduced dig driveway. The details are considered to be in accordance with the design parameters outlined in section 7.4 of BS5837:2012.

Some pruning of offsite trees is proposed to allow for adequate clearances/working space from the development. The pruning is generally of a minor nature and has no significant implications for trees.

The proposal includes the removal of the Community Tree Plantation within the central northern section of the site (shown as G12). The outline application made provision for the mitigation for the loss of this plantation with a Community Woodland to the north west of the site. A community woodland is not included on the submitted landscape scheme. Details of proposed planting to compensate for the loss of the plantation are therefore required in accordance with the outline application. This will be secured through the provision of a further landscaping condition. Subject to this, the mitigation and sustainable tree cover as stipulated by criterion 3 and 4 of the site allocation will be achieved.

The Council’s Principal Arboricultural Officer has confirmed that the amended plans present no significant arboricultural implications. A Revised Arboricultural Impact Assessment and Tree Protection Plan will be required to reflect the changes but do not alter the conclusions of tree impacts. Accordingly, compliance with policy SE 5 of the CELPS and LPS 18 is confirmed.

## **Landscape**

The proposed layout follows the general principles of the indicative layout that was shown at outline stage. Whilst there has been an increase in density across the site, this has been through the delivery of smaller unit types and consequently there had been no tangible loss in landscaped areas. Following concerns expressed by the Council’s Landscape Officer, the amendments to the scheme have reintroduced the proposed character areas through the development, improved street hierarchy, tree planting and public realm and boundary features. The proposals show that a number of the boundary trees have been retained and that hedgerows will be planted along most of the western and northern boundary. As amended, the Council’s Urban Design advisor has confirmed that these are now an acceptable framework for the design and landscaping.

With respect to levels, there would be a re-profiling in parts of the site. However, the impact of these would be softened and the levels difference at the boundaries to the site would be modest. Subject to further detail secured by condition, this would be acceptable.

Accordingly, the scheme is considered to comply with Policies SE1, SE4, SD2 and LPS 18 of the CELPS.

## **Ecology**

A number of conditions relating to nature conservation matters were attached to the outline consent.

Condition 20 – required that the reserved matters application be supported by an updated bat survey. A further survey of Tree T2 has been submitted. No evidence of roosting bats was recorded. The Council's Nature Conservation Officer (NCO) has therefore advised that sufficient survey work has been submitted to fulfil the requirements of this condition.

Condition 21 – required that the reserved matters application be supported by a method statement for the eradication of non-native invasive plant species. The NCO has confirmed that an acceptable strategy has been submitted.

Condition 23 - required that the reserved matters application be supported by a Great Crested Newt Strategy. The proposed development was found to be likely to result in an adverse impact on great crested newts during the determination of the outline application. Impacts would occur as a result of the loss of terrestrial amphibian habitat and the risk of any newts present on site being harmed during the site clearance and construction phase.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

The principle of developing this site for residential purposes has been deemed to be acceptable through the adoption of the Local Plan Strategy and subsequent grant of the outline planning consent. The proposal will facilitate and assist the delivery of the Council's 5 year housing land supply and this was considered at outline stage as an overriding public interest.

There are no suitable alternatives to providing the development on the site and the Council's NCO has confirmed that if planning consent were to be granted, the favourable conservation status of the Great Crested Newt species would be maintained subject to the Great Crested Newt Mitigation Strategy. On this basis, it is considered that the proposal meets with the tests outlined in the Habitat Regulations.

The NCO has noted that the ecological area shown on the master plan submitted with the outline application and specified as part of the Great Crested Newt Mitigation Strategy submitted in accordance with Condition 23 is reduced in size. Whilst the GCN mitigation

strategy (subject to details of fencing and hedging to limit public access) is considered to be acceptable – the proposed measures must be deliverable under the site layout put forward.

As an alternative, the NCO has suggested that the applicant considers entering the proposed development into Natural England's District licencing scheme, which would remove the need for any on site terrestrial habitat provision for newts. If the applicant intends to enter the district licencing scheme then a copy of the countersigned agreement with Natural England must be submitted as evidence of acceptance onto the scheme.

If habitat creation measures are delivered on site then fencing and hedging must be included on the layout plans to limit public access to the enhanced pond and habitat area. An access point should however be provided for management purposes. The applicant is currently addressing this.

Condition 24 - required that the reserved matters application be supported by a detailed design for the new pond in the north western corner and a detailed specification for the deepening and enhancement of the retained pond. The NCO has confirmed that the submitted pond designs are acceptable.

Condition 26 – required proposals for the incorporation of features into the scheme suitable for use by breeding birds and Condition 30 – required proposals for the incorporation of features into the scheme suitable for roosting bats. Acceptable proposals for the provision of nesting birds and roosting bats have been submitted.

Condition 28 of the outline consent relates to external lighting. The previously submitted lighting strategy submitted was acceptable from a nature conservation perspective. The lighting scheme does not however reflect the current layout proposals. The lighting scheme needs to be updated and a revised plan submitted in accordance with this condition. This detail can be secured by further condition.

Hedgerows - Hedgerows are a priority habitat and hence a material consideration. As anticipated the proposed development will result in the loss of sections of hedgerow from the interior of the site. The proposed landscaping scheme includes proposals for the planting of a significant length of new hedgerow planting. The proposed hedgerow planting would be sufficient to compensate for that lost and deliver an overall gain in the extent of hedgerows on site.

The NCO has advised that conditions requiring the delivery of the proposed hedgerow planting and a Management Plan for the provision of access for hedgehogs. Subject to the proposed mitigation measures, the scheme is found to be acceptable in terms of its ecological impact and accords with MBLP Policies NE11, NE17 and CELPS Policy SE 3.

## **Flood Risk and Drainage**

A Flood Risk Assessment (FRA) has been submitted. The site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less. However, it is important to note that the site does suffer from critical drainage issues and this is identified within the FRA and has also been highlighted by the Parish Council and residents.

The Environment Agency Long Term Flood Risk Map shows that isolated parts of the site exhibit a High Risk of surface water flooding. This means that annually, parts of the site have a chance of flooding of greater than 3.3%. The maximum depth of flooding modelled on site during this return period from surface water is between 300-900mm. The flooding shown to the north of the site corresponds with a marshy area. This flooding has no discernible flow and is effectively shallow ponding at a low point of the site due to the impermeable nature of the superficial geology. Surface water flooding occurs to the southern part of the site which would appear to be an overland route for a culvert surcharging.

Further information has been submitted by the applicant in respect of flood risk and drainage. The Flood Risk Assessment acknowledges that “the site is currently susceptible to surface water flooding as there is no/limited surface water management on the site. A comprehensive scheme of surface water attenuation is proposed as part of the development, ensuring that there will be no increase in surface water runoff. In fact the proper management of surface water will eliminate the current issues reported by local residents”.

The Council’s Flood Risk Manager has confirmed that the surface water should be drained within site boundary and discharged at greenfield run-off rate without causing adverse flooding to existing or proposed properties. Following additional concerns raised, further details have been secured and the Council’s Flood risk manager is now satisfied that subject to the proposed mitigation, and conditions, the proposed development will adequately mitigate the residual risk of flooding of surface water and will not increase the risk of flooding to neighbouring properties and is therefore acceptable.

Also of note is the presence of a sewer within the site which runs close to the northern boundary of the site. Criterion ‘c’ of LPS 18 requires that the development respects the line of the existing sewer. It is confirmed that the proposed detailed layout respects the line of the existing sewer with no buildings situated over it. United Utilities have offered no objection.

The Council’s Flood Risk Manager and United Utilities have been consulted on this application and have no objection subject to conditions. Therefore the development is considered to be acceptable in terms of its flood risk and drainage impact and will comply with policy SE 12 of the CELPS.

### **Contaminated Land**

Contaminated land matters were considered and appropriately conditioned at the outline stage. Details with regard to the proposed ground gas mitigation measures should be submitted for approval, but this would be as part of a discharge of conditions application pursuant to the outline consent. No further contaminated land matters are raised by the proposed reserved matters.

### **Peat**

Policy SE 10 of the CELPS relates to proposals for minerals development. Its aims are to ensure there is a sustainable provision of minerals within the Borough. Whilst bullet 9 of Policy SE 10 states that the Council will “not support proposals for peat extraction from new or extended sites”, this is in reference to sites for the working and mining of minerals. This is a

scheme for residential development and therefore Policy SE 10 is not applicable to this application.

The Geo-Environmental Assessment which accompanied the outline application confirmed that peat is present on the site. The Remediation and Enabling Works and Piling reports submitted with this reserved matters application confirm that some areas of peat will need to be excavated and backfilled with material to enable appropriate ground works to be undertaken and suitable foundations to be used. It advises that pile foundation techniques will be used to minimise peat removal and under hard infrastructure (like the internal roads), the peat will need to be removed. In the interests of environmental sustainability, the excavated material would be placed elsewhere within the site where level changes are proposed. Peat would not therefore be removed from the site and accordingly is acceptable in this regard.

### **Other Matters Raised by Representation**

Whilst concerns have been raised regarding the impact on the local highway network and local infrastructure including schools and local GP surgeries, these matters have already been considered and with mitigation, deemed acceptable under the outline approval as has the principle of developing this site.

Matters relating to property values and compensation are not a material consideration.

### **BALANCE OF ISSUES**

Macclesfield is one of the principal towns and growth areas of the Borough where national and local plan policies support sustainable development. The principle of residential development on the site has been established through the grant of outline planning permission and allocation in the Cheshire East Local Plan Strategy (CELPS) under Policy LPS 18. The proposed development seeks to provide a residential development of 134 dwellings. The submission relates to the detail of the proposal in terms of its scale, layout, appearance and landscaping. Details of access were determined at outline stage and secured vehicular access from Chelford Road and pedestrian access from Whirley Road.

The proposal provides the required amount of affordable housing with an appropriate mix and density of housing. The proposal achieves an appropriately designed residential development and would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants. Appropriate public open space including a Locally Equipped Area for Play (LEAP) would be provided on site. The layout would provide an appropriate buffer with the Green Belt to the west and landscape transition as required by the site allocation. Tree losses have already been accepted and would be partly mitigated in the proposed landscaping of the site.

Mitigation for the impact of the proposal on local infrastructure including education, healthcare provision and outdoor and indoor sports and recreation was secured at outline stage as part of the s106 legal agreement. With respect to highways, consideration of the outline consent determined that the development will not have a detrimental impact on the local highway network. Similarly, the impact on local air quality (including cumulative impacts) will be acceptable also.

It is acknowledged that the site is currently susceptible to surface water flooding. However, a comprehensive scheme of surface water attenuation is proposed ensuring there will be no increase in surface water runoff. This has been agreed with the Council's Flood Risk Manager and as such, will adequately mitigate the residual risk of flooding from surface water and not increase the risk of flooding to neighbouring properties.

The site contains peat deposits. Pile foundation techniques will be utilised to minimise peat removal and under hard infrastructures (like the internal roads), where the peat will need to be removed. In the interests of environmental sustainability, the excavated material would be placed elsewhere within the site where level changes are proposed. Peat would not therefore be removed from the site and accordingly is acceptable in this regard.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF.

## **RECOMMENDATION**

**APPROVE** subject to the following conditions:

- 1. Accordance with Amended / Approved Plans**
- 2. Accordance with submitted Affordable Housing Scheme**
- 3. Facing materials to be submitted and approved**
- 4. Updated Public Open Space Management Plan to be submitted**
- 5. Detailed specification of LEAP to be submitted**
- 6. Further details of levels to be submitted**
- 7. Landscaping scheme to be submitted including details of hard surfacing materials and details of mitigation planting for community woodland**
- 8. Implementation of landscaping scheme**
- 9. Further details of boundary treatments to be submitted and shall include measures for brash/wood piles and the incorporation of gaps for hedgehogs**
- 10. Drainage Management and Maintenance Plan to be submitted**
- 11. Updated details of external lighting to be submitted**
- 12. Updated Great crested Newt Strategy to be submitted or entry onto into Natural England's District licencing scheme**
- 13. 25 year habitat management plan to be submitted, approved and implemented**
- 14. Removal of permitted development rights classes A-E**
- 15. Obscured glazed on selected plots with no further openings to be created**
- 16. Adherence to the submitted Arboricultural Impact Assessment / Method Statement and Tree Protection Plan**

**Informative:**

- 1. Verges required for adoption**

*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for*

*approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.*

