

Application No: 19/3098M

Location: Land between Chelford Road Henbury and Whirley Road Macclesfield Cheshire

Proposal: Erection of 23no. dwellings, vehicular access, roads and footways, hard and soft landscaping, drainage and other associated works.

Applicant: Mr Matthew Shipman, Bellway Homes Limited (Manchester Division)

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 for a larger development adjoining the site and allocation of the site in the Cheshire East Local Plan Strategy (CELPS) under Policy LPS 18. The proposed development seeks to provide a residential development of 23 dwellings and is submitted in full. Vehicular and pedestrian access would be taken from the adjoining development to the south currently being considered under planning ref; 19/3097M. Pedestrian access would be provided 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.

Mitigation for the impact of the proposal on local infrastructure including education, open space and provision for outdoor and indoor sports and recreation would be secured as part of a s106 legal agreement.

With respect to highways, a development of this size will not have a detrimental impact on the local highway network even accounting for other committed developments. Similarly, the impact on local air quality (including cumulative impacts) will be acceptable also.

It is acknowledged that the adjoining 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), the peat will need to be

removed. In the interests of environmental sustainability, as much of the excavated material would be placed elsewhere within the site and adjoining site where level changes are proposed. Discussions have taken place with the applicant with regards to minimising peat removal off the site. It is considered that the impacts that the development would have in terms of disturbing peat could be minimised through the use of conditions securing a materials management plan.

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 and a s106 agreement.

### **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. It sits in-between nos 42 and 50 Whirley Road. Surrounding uses include mainly residential and agricultural land. Whirley Primary School lies to the north-west. The site measures approximately 0.97 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 full planning permission for the erection of 23 no. dwellings. The site has been excluded from a larger development for which outline planning permission has already been granted for the erection of up to 135 dwellings (planning ref; 17/4277M refers). The reserved matters pursuant to the outline consent are currently being considered under planning ref; 19/3097M and appears elsewhere on the agenda. Vehicular access would be provided through that adjoining development.

### **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

19/3097M - 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 – 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)**

**ANSA / Greenspaces** - No objection to financial contributions of:

- Protected Open Space contribution of £57,000 towards Bodmin Avenue play area and amenity open space
- Recreation Open Space contribution of £19,000 towards to Weston Playing field football pitch
- Allotment and community gardening contribution of £10,687.50 towards Birtles Road allotments
- Indoor Sport and Outdoor Sport contribution of £4,160 towards Macclesfield Leisure Centre

**Education** - The Council's Children's Services have confirmed that the proposal would result in a claim for 3 secondary children 19 dwellings x 0.15 (secondary yield) = 3 children 3 x 17,959 x 0.91 = £49,028 No primary education provision is required.

**Environmental Protection** – No objection subject to conditions relating to electric vehicle charging infrastructure, piling, dust management, noise mitigation 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

**NHS** - The NHS has confirmed that they would not be seeking any financial contributions from this development owing to its small size and scale.

**United Utilities (UU)** – No objection subject to drainage conditions.

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

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

- Application 20/5442M is seeking that Condition 6 is removed on the basis that the developers and landowners of the sites located South and North of Chelford Road have not come to an agreement to fund the Broken Cross Highway improvements
- Consideration of this application independently of 20/5442M fails to assess the full impact of the development in the local area where traffic modelling showed that the junction would offer notable benefit relative to the existing junction in capacity terms with shorter Queue lengths
- Macclesfield Town Council request that the applications relating to the development of land between Chelford Road and Whirley Road, namely 19/3097M, 19/3098M and 20/5442M are considered together in future to enable the Strategic Planning Board to make an informed decision.

and

1. Incompatibility with Macclesfield Town Council and Cheshire East Council's declaration of climate emergency; the development will lead to increased traffic volumes and therefore further exacerbate the poor air quality in the Broken Cross Air Quality Management Area.
2. Lack of cycle and pedestrian routes between the development and town centre which is in incompatible with Macclesfield Town Council and Cheshire East Council's declaration of a climate emergency.
3. The Broken Cross junction is a known bottleneck in and out of Macclesfield; congestion will be worsened by an increase in traffic from the development. Additionally, a traffic plan to ease the bottlenecks at this junction has yet to be published.
4. Increased pressure on public transport in a time when services are being reduced.
5. Overdevelopment of the site; the number of planned houses exceeds the allocation for the site as published in Cheshire East Council's Local Plan Strategy.
6. Lack of affordable housing within the development. Increased pressure on primary care facilities.
7. Increased pressure on availability of primary school places.
8. Increased pressure on secondary school places; a shortfall of 392 places by 2024 has been identified by Cheshire East Council.
9. Removal of trees and hedges which is in incompatible with Macclesfield Town Council and Cheshire East Council's declaration of a climate emergency.
10. The development site is prone to flooding and will be exacerbated by the development.

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 – Henbury Parish Council (HPC)** – Detailed objections have been received from the Parish Council. This has included the submission of a letter / ‘technical review of documents’ carried out by a Hydrologist on behalf of the Parish Council. The main concerns are summarised below:

- Believe the Strategic Planning Board have been misled in 2 key areas relating to peat and trees / community woodland
  - The loss of the community woodland planting was not accepted at outline stage, which only approved details of access
  - The quantity of peat shown contains up to 6160 tonnes of CO<sub>2</sub>
  - The applicant’s original assessment stated that no peat would be removed from the site
  - No further investigative work has been carried out since the deferral and why have the conclusions changed so radically
  - HPC have commissioned an environmental consultancy who has confirmed that the applicant’s submission does not contain the main requirements of a peat management plan
  - Peat depth probing should be carried out to a suitable depth to accurately map it and allow net peat balance and carbon stock calculations
  - The proposals do not follow best practice for peat management issued by the Scottish Environmental Protection Agency (SEPA Guidance)
  - Exploration as to whether neighbouring peatlands flow into the site
  - Existing waterbodies are likely hydrologically connected to existing wetland areas outside of the site
  - Any lowering of water tables will result in drying out and oxidation of peat which will release carbon when Cheshire East has declared a climate emergency
- 
- 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 36 properties (including Local Councillors Barber and Vernon) over the two 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:

- Concerned at a strategic level that the increment of 23 dwellings would assure that the Local Plan Strategic Allocation of around 150 dwellings would be exceeded given that there is a further site to the east which is as yet undeveloped and has not been the subject of a planning application to date
- Over development of the allocation would have implications for traffic movement, air quality and impact on services - surely if limits are set as strategic objectives then they should only be exceeded in the most compelling of circumstances - none appear evident in this case

## **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 is part of a larger site which 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. This application site has been separated off from the larger scheme.

The principle of development has been deemed to be acceptable. The purpose of this application is to determine whether this standalone detailed application for a further 23 units is acceptable in terms of its detail.

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 23 units in addition to the 134 units proposed in the adjoining development which is the subject of a separate application (planning ref; 19/3097M 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 for that scheme are currently being considered under planning ref; 19/3816M.

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. 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 provide a small contribution 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**

Policy SC 5 of the CELPS and the Councils Interim Planning Statement on Affordable Housing (IPS) requires the provision of 30% affordable housing on all ‘windfall’ sites of 15 dwellings or more. This relates to 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.

As this is a scheme for 23 no. units, 7 of the units will be required to be affordable. To satisfy the required tenure split, 5 of the units would need to be provided as social rented accommodation and 2 of the units as intermediate tenure.

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 7 of the dwellings will be provided as affordable units. These are to be provided as:

- 4 x 1 bed (3 social rented / 1 intermediate)
- 3 x 2 bed (1 social rented / 2 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:

- 4 x 1 bed units
- 3 x 2 bed units
- 6 x 3 bed units
- 10 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. 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:

Connections (Green) - The proposal would be only accessible by vehicles through the adjoining application site. With regard to this, it can be seen that the decision to remove the vehicular connection to Whirley Road (as approved in the outline) and was imposed to reduce vehicles on that street. That said, the proposed would allow pedestrian and cycle access and

would link Chelford Road from the south with Whirley Road, a connection which does not presently exist.

Accommodation and Tenure Mix (Amber) - The affordable units are clustered to the eastern corner of the site and not pepper-potted throughout. However, this application is only for a small number of homes and this could be considered 'specific circumstances' the case across the wider development that the affordable homes are clustered in groups as opposed to properly dispersed as set out in Policy SC 5.

Layout, Density and Frontage (Amber) - This is clearly an adjunct to the larger site and as such it is difficult to review it in isolation. However, looking predominantly at this application, the units on plots 140-147 are in front of the building line, whereas 137-139 are set back further behind landscaping. However, this projection would not be harmful to the street scene and the existing hedgerow along Whirley Road could be incorporated into the boundary landscaping to soften it. It is recommended that this be secured by condition as are further details of boundary treatments.

Character (Green) - The inclusion of some local precedent work and reference to the Cheshire East Borough Design Guide is welcomed and it can be seen where the cues have been taken from. The homes are essentially standard house types and whilst the Design Guide accepts the reality of these, it suggests that these can be given a fresh and modern feel. The unfussiness of the elevations along with use of black facias, frames and doors is welcomed and there is an equally welcome avoidance of pastiche. The units are found to be acceptable on their merits.

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. 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.

## **Education**

One of the site specific principles of the site allocation under LPS 18 is that the development of the site will require "contributions to education and health facilities".

In the case of the current proposal for 23 dwellings, a development of this size would generate:

- 4 primary children (23 x 0.19)
- 3 secondary children (23 x 0.15)
- 0 SEN children (23 x 0.51 x 0.023%)

The development is expected to impact on both primary school and secondary places in the immediate locality. Any contributions which have been negotiated on other developments are factored into the forecasts undertaken by the Council's Children's Services both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. Confirmation has been sought from Council's Children's Services as to whether there remains a shortfall in school places and whether this needs to

be alleviated by financial contributions. Children's Services have confirmed that this proposal would result in a claim for 3 secondary children 19 dwellings x 0.15 (secondary yield) = 3 children 3 x 17,959 x 0.91 = £49,028. This would be secured by of a s106 legal agreement. No primary education provision is required as there is sufficient capacity at this level.

## **Healthcare**

The views of the NHS Eastern Cheshire Clinical Commissioning Group (CCG) have been sought. The NHS has confirmed that they would not be seeking any financial contributions from this development owing to its small size and scale.

## **Public Open Space and Recreation**

The local plan allocation for this site and Policy SE 6 of the CELPS sets out that the open space requirements for housing development are (per dwelling):

- Children's play space – 20sqm
- Amenity Green Space – 20sqm
- Allotments – 5sqm
- Green Infrastructure connectivity 20sqm

This policy states that it is likely that the total amount of 65sqm per home (plus developer contributions for outdoor and indoor sports) would be required on major Greenfield and brownfield development sites. The proposed scheme is small in terms of its size and therefore does not propose the provision of any on-site public open space. At 65sqm per dwelling, the total amount of on-site open space required would be up to 1,495 square metres. In the absence of on-site provision, contributions would usually be sought towards existing areas of open space near to the development. The necessary outdoor sports and indoor sports facilities would also usually be provided by way of a financial contribution towards off site provision.

The Council's open spaces officer and Leisure Services have confirmed that the following commuted sums would be required in lieu of on-site provision:

- Protected Open Space contribution of £57,000 towards Bodmin Avenue play area and amenity open space
- Recreation Open Space contribution of £19,000 towards to Weston Playing field football pitch
- Allotment and community gardening contribution of £10,687.50 towards Birtles Road allotments
- Indoor Sport and Outdoor Sport contribution of £4,160 towards Macclesfield Leisure Centre

Subject to these being secured by way of a legal agreement, the scheme accords with MBLP Policies RT5 and DC40 and CELPS Policies SC 1 and SC2.

## **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 and east and are those fronting Whirley Road. The proposed layout shows that the part of the development fronting Whirley Road would sit alongside the existing properties (i.e. side to side). As such, the amenity afforded to existing properties on the same side as Whirley Road would be respected. With respect to those on the opposite side of Whirley Road, at its closest point, the separation would be c23 metres. This is sufficient to ensure no material harm to neighbouring amenity by reason of loss of light, direct overlooking or visual intrusion.

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. 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.

When assessing the impact of a development on Local Air Quality, regard is had to 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)

This proposal is a full application for 23 dwellings as part of a larger development, the remaining dwellings being submitted under a separate reserved matters application. These extra dwellings represent an increase on the original number submitted under the initial outline application. As such, an additional air quality impact assessment has been submitted to determine the impact of the additional dwellings on the local air quality.

The report has determined that a full impact assessment is not required due to the number of additional dwellings not meeting the criteria to proceed with one as per Institute of Air Quality Management (IAQM) and Environmental Protection UK (EPUK) guidance. The Council's Environmental Protection Unit has therefore confirmed that the addition of these extra dwellings would have a minimal impact and is considered insignificant in line with the previously mentioned guidance. Subject to conditions relating to electric vehicle charging infrastructure, and a dust management plan, 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 Whirley Road which coupled with the adjoining development would connect with the existing residential areas.

With respect to the internal footways and cycle path connections, there are internal footways and paths that run through the site that would link with the adjoining development and 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**

The Head of Strategic Infrastructure (HSI – Highways) has confirmed that this proposal for an additional 23 no. units would not have a material impact on the considerations and conclusions drawn when the cumulative impacts of the neighbouring development were originally considered. As such, this standalone application would not require further highway mitigation works and would have an acceptable impact on the local highway network owing to its small scale.

The internal road design has been downgraded to 'Lanes' similar to the design on the adjoining development. There are no objections to the proposed design but it is important in terms of adoption that provision is made for service strips/verges.

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 application must be determined on its merits and as considered above; the scale of this proposal would not require such highway mitigation works on its own.

## **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'.

This proposal does not cover parts of the site that elements of the policy require i.e. existing ponds or the western boundary with the Green Belt and therefore are not applicable.

The submission would require the partial removal of three sections of hedgerow (H4) to facilitate pedestrian access and the impact of proposed driveway and building foundations within the Root Protection Areas (RPA) of two trees, an Ash (T6) and a Red Oak (T8). Reference is also made to the relationship of Plot 139 to Red Oak (T8) and the trees future growth potential which would need to be regularly managed by pruning. It is accepted that the section of the driveway associated with Plot 153 and Ash(T6) can be constructed in accordance with the detail submitted in the consulting Arboricultural Method Statement which broadly accords with the design advice of BS5837:2012. It is also accepted that the encroachment of Plots 153 and 139 into the RPA of Trees T6 an T8 is minor and that no specialist foundation detail is required. The design of the layout and its relationship to trees subject to a condition that requires compliance with the previously submitted Arboricultural Method Statement is acceptable. The Arboricultural Method Statement needs updating to reflect the layout changes, but this can be secured by condition.

The Council's Principal Arboricultural Officer has confirmed that the amended plans present no significant arboricultural implications. Accordingly, compliance with policy SE 5 of the CELPS and LPS 18 is confirmed.

## **Ecology**

Great Crested Newts (GCN) - A condition should be applied which requires adherence to the GCN Mitigation Strategy submitted in support of the wider site.

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.

Hedgerows - Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of sections of hedgerow to provide the new pedestrian access off Whirley Road. Where hedgerows are lost suitable compensation should be provided. This will be secured by way of a landscaping condition.

Hedgehog - Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. A condition requiring the incorporation of gaps for hedgehogs in garden or boundary fencing is recommended.

Breeding Birds / Roosting Bats - House sparrows and bats are priority species which occur in this locality. The provision of features suitable for these species as part of the development provides an opportunity to secure an enhancement.

The Council's Nature Conservation Officer has advised that conditions should be imposed requiring the delivery of hedgerow planting, a Management Plan for the provision of access for hedgehogs and features for breeding birds / bats. 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, Drainage and Hydrogeology**

A Flood Risk Assessment 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.

In response to the outline application for the wider site, further information and an updated FRA have been submitted by the applicant for the adjoining development which also covers this site area. The updated FRA 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 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.

With respect to hydrogeology, the applicant’s consultants have confirmed that the drainage strategy takes account of the remediation and peat management strategy proposed by the applicant. However, the Council’s Flood Risk Manager has also reviewed the submitted drainage information including the submissions made by Henbury Parish Council. The Flood Risk Manager has confirmed that the proposals to remove peat would have a hydrogeological impact, but considers that the further details, which could be secured by condition would ensure that the associated hydrogeology impacts could be appropriately monitored and controlled to manage the risk to controlled waters, drainage and flood risk.

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.

## **Peat**

The applicant has reviewed how the peat will be managed and this has resulted in further advice from the applicant’s consultant and a revised strategy to minimise peat removal both within the site itself and off site. Members will note that the applicant’s strategy for the

management of peat across this and the adjoining site identified that some 24,000 cubic metres (m<sup>3</sup>) of peat material would be excavated, with 14,000m<sup>3</sup> used within across the two sites and 10,000m<sup>3</sup> removed elsewhere within Cheshire East. However, a further review of the strategy has enabled the applicant to confirm that:

“The materials management analysis suggests that ~18,866m<sup>3</sup> of this material can be recovered as a suitable soil material for use in the landscaping to the Public Open Space area to achieve the agreed contour levels. This analysis suggests an excess of ~5488m<sup>3</sup> which will require removal from site to a suitable facility.”

As such, the extent of peat removal off the two sites has been reduced from 10,000m<sup>3</sup> to ~5488m<sup>3</sup>. Whilst the removal of any peat from site would be regrettable in terms of environmental sustainability, the revised strategy has minimised the extent of removal off site and has to be balanced against the benefits of bringing an allocated site forward for residential development. Weight is also afforded to the fact that the principle of developing the site for residential development has been set in the allocation of the site under Policy LPS 18 for residential development and this has been taken further with the grant of outline consent for 135 dwellings. These are significant material considerations which weigh in favour of the scheme and outweigh the impacts associated with the revised management strategy for peat.

Henbury Parish Council have submitted a letter / ‘technical review of documents’ carried out by a Hydrologist in respect of peat. This provides a commentary of the documents submitted with the application in relation to peat. The letter also references a policy framework within which proposals affecting peatland should be assessed against. This comprises of legislation produced by the Scottish Environmental Protection Agency (SEPA Guidance) and is not enforceable against proposals outside of its administrative boundary for Scotland. The starting point for assessment for this application is against the relevant policies of the National Planning Policy Framework and the Development Plan.

Para 205 of the NPPF states that when determining planning applications, ‘great weight should be given to the benefits of mineral extraction, including the economy, but that mineral planning authorities should not grant planning permission for peat extraction from new or extended sites’. Policy SE 10 of the CELPS similarly relates to proposals for minerals development. The aims of the Framework and Policy SE 10 are to ensure there is a sustainable provision of minerals within the Borough. Whilst bullet 9 of Policy SE 10 and NPPF para 205(d) state 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 and NPPF para 205 are not applicable to this application.

It is considered that with the imposition of further conditions regarding a detailed materials management plan, the impacts of the proposal on peat could be appropriately managed to minimise its environment impacts in terms of peat removal. Subject to this, the scheme is found to be acceptable.

## **S106 HEADS OF TERMS**

Subject to the receipt of further consultee comments, a s106 agreement is currently being negotiated to secure:

- Affordable Housing comprising 30% (65% of which will be for social / affordable rent and 35% for shared ownership / intermediate tenure)
- Education contributions of £49,028 towards secondary provision
- Public Open Space contribution of £57,000 towards Bodmin Avenue play area and amenity open space
- Recreation Open Space contribution of £19,000 towards to Weston Playing field football pitch
- Allotment and community gardening contribution of £10,687.50 towards Birtles Road allotments
- Indoor Sport and Outdoor Sport contribution of £4,160 towards Macclesfield Leisure Centre

## **CIL Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of affordable housing, public open space, indoor and outdoor sport (financial) mitigation would be necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The development would result in increased demand for secondary school places within the catchment area which currently have a shortfall of school places. In order to increase the capacity of the schools which would support the proposed development, a contribution towards secondary school education is required based upon the number of units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

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

## **CONCLUSIONS**

The proposal seeks to provide 23 dwellings on part of a site allocated within the CELPS. The comments received in representations have been given due consideration, however, subject to conditions and a s106 agreement, the proposal complies with all relevant policies of the development plan and is therefore a sustainable form of development. On this basis, the proposal 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 conditions and a S106 Agreement making provision for:

- **Affordable Housing comprising 30% (65% of which will be for social / affordable rent and 35% for shared ownership / intermediate tenure)**
- **Education contributions of £49,028 towards secondary provision**
- **Public Open Space off site contributions of:**
  - **Protected Open Space contribution of £57,000 towards Bodmin Avenue play area and amenity open space**
  - **Recreation Open Space contribution of £19,000 towards to Weston Playing field football pitch**
  - **Allotment and community gardening contribution of £10,687.50 towards Birtles Road allotments**
  - **Indoor Sport and Outdoor Sport contribution of £4,160 towards Macclesfield Leisure Centre**

**And the following conditions:**

1. **Standard Time limit – 3 years**
2. **Accordance with Approved / Amended Plans**
3. **Access to be constructed in accordance with approved plan prior to first occupation**
4. **Implementation of submitted Construction Environmental Management Plan (CEMP)**
5. **Scheme of Piling works to be submitted, approved and implemented**
6. **Implementation of submitted Dust Control Scheme**
7. **Accordance with submitted noise mitigation scheme**
8. **Provision of electric vehicle infrastructure (charging points) at each property prior to first occupation**
9. **Submission of contaminated land survey**
10. **Remediation of contaminate land**
11. **Details of drainage strategy to be submitted**
12. **Development to be carried out in accordance with submitted Flood Risk Assessment**
13. **Scheme of foul and surface water drainage to be submitted**
14. **Submission of a detailed drainage strategy / design, associated management / maintenance plan**
15. **Accordance with submitted details of finished ground and floor levels**
16. **Development to be carried out in accordance with the recommendations of the submitted Ecological Report**
17. **Nesting Birds Survey to be carried if works are to be carried out during the bird breeding season**
18. **Proposals for the incorporation of features into the scheme suitable for use by roosting bats and nesting birds to be submitted**
19. **Updated Arboricultural Method Statement to be submitted**
20. **Updated lighting scheme to be submitted**
21. **Accordance with submitted Affordable Housing Scheme**
22. **Facing materials to be submitted and approved**

23. Landscaping scheme to be submitted including details of hard surfacing materials and details of hedgerow mitigation
24. Implementation of landscaping scheme
25. Further details of boundary treatments to be submitted and shall include measures for incorporation of gaps for hedgehogs
26. Updated Great crested Newt Strategy to be submitted or entry onto into Natural England's District licencing scheme
27. 25 year habitat management plan to be submitted, approved and implemented
28. Removal of permitted development rights classes A-E
29. Materials Management Plan to be submitted to include:
  - quantities and types of material to be excavated
  - depths of excavation
  - locations of storage for the different materials (and timescales for material to be stored)
  - locations for re-use and quantities/nature of material proposed to be re-used
  - quantities of material to be imported in total, type of material to be imported, source
  - details of peat reinstatement on site
30. Scheme of ground water monitoring to take place with measures to control flows

**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.*



