

Application No: 21/1249M

Location: Land West Of London Road And South Of, GAW END LANE, LYME GREEN

Proposal: Full planning permission for the erection of 42 dwellings including access and associated works

Applicant: Morris Homes & The Trustees, of The Lyme Green Settlement

Expiry Date: 04-Jun-2021

## **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 17. The proposed development seeks to provide a residential development of 42 dwellings and is submitted in full. Vehicular and pedestrian access would be taken from directly from London Road with further pedestrian connections made with the adjoining development to the west and Gaw End Lane.

The design of the scheme has been enhanced and is comply with CEC Design Guide. There would be less than substantial harm to the nearby Toll Bar Cottage, but this has been minimised through landscaping and would be outweighed by the benefits of delivering sustainable housing a strategic housing allocation.

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 (subject to confirmation by update) 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.

A scheme of surface water attenuation is proposed ensuring there will be no increase in surface water runoff. This is still being reviewed by Council's Flood Risk Manager and subject to further

detail, will adequately mitigate the residual risk of flooding from surface water and not increase the risk of flooding to neighbouring properties.

Discussions are currently ongoing with the applicant with regards to ecology and biodiversity enhancement and this will be reported to members by way of an update.

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 south of Macclesfield, specifically Lyme Green Business Park. The site sits to the south of the junction where London Road (A523), Gaw End Lane and Robins Lane meet. To the east beyond London Road there is residential development forming Lyme Green Settlement. To the south of the site is 'Rayswood Nature Reserve'. Surrounding uses include mainly commercial, residential and agricultural land. The site measures approximately 1.6 hectares in size. The site forms part of an allocated site for housing development under Policy LPS 17 of the Cheshire East Local Plan Strategy (CELPS).

## **DETAILS OF PROPOSAL**

This application seeks full planning permission for the erection of 42 no. dwellings. As originally submitted the proposal was for 45 no. dwellings but this has since been reduced following the receipt of amended plans. The site has been excluded from a larger development for which outline planning permission has already been granted for the erection of up to 310 dwellings (planning ref; 18/3245M refers). The reserved matters pursuant to that outline consent are currently being considered under planning ref; 21/0966M and appears elsewhere on the agenda. Vehicular access would be provided by its own dedicated access taken from London Road.

## **RELEVANT HISTORY**

None

## **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  
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 17 Gaw End Lane, 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) 2021  
National Planning Practice Guidance

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

**ANSA / Greenspaces** - No comments received

**Education** – No objection subject to financial contributions of £98,056.14 towards to secondary education provision.

**Environmental Protection** – No objection subject to conditions relating to electric vehicle charging infrastructure, use of ultra-low emission boilers, piling, dust management, noise mitigation and contaminated land.

**Flood Risk Manager** – request further details on flood risk management in relation existing topographical low spot and overland flow path in the northern section will be managed onsite without causing adverse flooding on/off site. Additionally, further clarification is sought on the proposed connection to the ordinary watercourse on the southern boundary.

**Head of Strategic Infrastructure** – No objection but advise that a revision to the footway along frontage to the site is required to increase its width from 2 metres to 3 metres so that it can serve as a shared pedestrian / cycle facility.

**Housing Strategy & Needs Manager** – Object on the basis that the affordable units are not sufficiently pepper potted throughout the development.

**Natural England** – No objection

**NHS** - No comments received

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

## **VIEWS OF THE PARISH COUNCIL**

**Sutton Parish Council** – object to this application for the following reasons:

1. The Bovis application 18/3245M was approved with 330 houses, and the Gaw End site was not included in it. The Local Plan allocates the Bovis site and the Gaw End site (LPS 17) for around 300 houses. The 45 houses when added to the 330 houses this means that, if approved 375 houses could be built on the allocated site, which is not around 300 houses. The potential over-build of house numbers, agreed for the local plan, if allowed this could affect the whole Parish. Increased traffic numbers for leisure activities in Macclesfield Forest, difficulties in providing schooling for children and increased traffic in Sutton.
1. The Council has well over 5 years supply of housing so there is no reason to give permission for 45 houses on this site. This represents an overdevelopment of the site.
2. The current layout is totally inappropriate at the entry to "Macclesfield", and bordering the Green Belt. The number of houses should be reduced, and a landscape buffer (5m wide) included along the southern boundary of the site. It is important that the Council's Design Officer makes sure that a re-design of the layout takes place to ensure that it complies with the Council's Design Guide.

3. The site floods and the Flood Risk Assessment appears not to recognise this.
4. There should NOT be another junction onto London Road, as there are already 7 junctions on a stretch of road which is dangerous in terms of speeding traffic. Speeding traffic approach the built up area in excess of 50 mph or they accelerate through Lyme Green as they are about to leave the built up area.  
The allocated site was to be developed comprehensively, off a single access point. The Morris Homes site should be incorporated into the Bovis scheme with access provided through the main access onto London Road. Traffic lights should be introduced on the main access.
5. There does not seem to have been an extensive publicity campaign within the area or engagement with the local community. The consultation took place over the Christmas period. There are 308 houses in Lyme Green and we understand that only 120 leaflets were distributed in the area.”

## **OTHER REPRESENTATIONS**

Letters of representation have been received from approximately 28 addresses, 27 of which raise the following objections / comments:

- Principle of Development
  - Council has a five-year supply of sites. No need to grant planning permission in this case.
  - Development would result in more homes than included in the Local Plan Strategy (LPS) allocation - LPS 17 Gaw End Lane (for around 300 Homes).
  - Application should be considered in tandem with adjoining planning applications, including 21/0966M – a total of 375 homes.
  - There are several derelict buildings in Macclesfield.
  - The site should be considered a windfall site, where Macclesfield has far exceeded expectations. So not required in Macclesfield.
- Design / character / landscape
  - Density, design and layout represent overdevelopment of the site.
  - Density would be more appropriate for a brownfield site in town.
  - Graded density should taper back to the countryside.
  - The gable ends of terraced housing located 2 metres from the A523 should be replaced by detached housing.
  - Important that Council follows the Design Guide Supplementary Planning Document.
  - The entire south end of the site should be re-planned to leave adequate and significant space to ensure the existing natural environment is respected and maintained.
  - Sizeable reduction in the number of homes needed to allow adequate space for spacing and a generous buffer zone to the nature reserve.
  - Layout is akin to ribbon development along a main road. If the development is to proceed then the density should be reduced and layout amended.
  - Loss of greenspaces.
  - Proposal would affect the setting and character of the town and outlying settlements.
  - Site would appear over intensive in relation to the site, countryside on the edge of the town and character of development opposite.
  - The site should be incorporated into the adjacent site to provide for a comprehensive development.

- Design is lacking and development should retain all hedges and trees.
- Highways / access
  - Concerns over traffic congestion impacting on the local area, including London Road (A523), Robin Lane, Gaw End Lane, Lindrum Avenue, Bullocks Lane, Byrons Lane, Gunco Lane.
  - The allocated site was intended to be developed comprehensively off a single access point with appropriate traffic light control. This proposal is independent of the rest of the allocated site and proposes an additional access onto London Road.
  - Should be integrated in terms of green, pedestrian and cycle networks.
  - Bridge over the canal and section of A523 is inadequate.
  - No safe cycle routes to town centre, train station.
  - Entrance and exit arrangements do not take account of volume of traffic from Robin Lane. School traffic use Robin Lane as a cut through.
  - Traffic safety concerns, particularly students attending local schools.
  - Concerns regarding traffic speed around the access to the site.
  - Impact of proposed access on neighbouring businesses should be considered.
  - The proposed access is at a crossing point for people with reduced mobility and the public.
  - Proposed access would add to the 7 junctions which already exist, on a short, dangerous stretch of road.
- Infrastructure
  - No additional facilities, services or shops.
  - Inadequate nursery / school provision in the local area.
  - Impact of the development on infrastructure including sewerage, water etc
  - No consideration given to additional infrastructure provision including doctors.
- Flooding / drainage
  - Site floods: there is regular 'pooling' on the site. The submitted Flood Risk Assessment does not appear to recognise this.
  - Drainage should be reconsidered; surface water should enter the system on London Road.
- Heritage
  - Impact on heritage assets including Macclesfield Canal conservation area, and listed canal bridge. Development must be sensitive to the conservation area / listed structures.
- Nature conservation
  - Field is in pond most of the year where birds and other animals, including badgers, have been seen.
  - Detrimental to the local environment and the village of Lyme Green.
  - Negative impact and loss of wildlife in the area, particularly when taken together with neighbouring applications.
  - Paragraph 15.234 of the Local Plan Strategy notes natural features and adjacent to a Site of Biological Importance.
  - Loss of habitat for so many species.
  - Existing ditch and hedgerow should be retained.
  - Hard to comprehend how construction of houses, noise and light pollution can lead to biodiversity net gain.
  - Wildlife including badgers, great crested newts, bats are present on site.
  - Buffer zone to adjacent nature reserve is a tiny sliver of land to be left undeveloped. This should be a fence to the southern boundary of the site.

- Request that if consent is granted that it respects the needs of the nature reserve and any development be restricted to leave a 10-meter buffer to the boundary to the Rayswood Nature Reserve to minimise light and noise pollution to this sensitive area. Also, a minimum 1.8m high anti climb fence be required as a condition to commencement.
- Trees and hedges should be protected through the use of preservation orders, where possible.
- Amenity
  - The proposal has implications for noise and air pollution.
- General / Process
  - Public consultation period has not led to any significant changes to the layout.
  - Applicant has not given a presentation to the Parish Council.
  - Lyme Green Settlement Charity asked for an update on progress on the application.

One representation has no objection but notes that the scheme should not impede the wider development of reserved matter application for 306 dwellings (ref 21/0966M), pursuant to outline planning consent (18/3245M). The Transport Assessment undertaken as part of the approved outline planning application (ref: 18/3245M) tested the ability of the local highway network to accommodate up to 330 dwellings. The Council therefore needs to be satisfied that there is sufficient highway capacity to accommodate the proposed development (which would provide a total of 351 dwellings), and via through two separate site accesses on the London Road. The detailed layout submitted as part of the proposed Reserved Matters scheme, identifies how a vehicular connection can be made to the applicant's site through the proposed internal road network, as required by Condition 36 on the approved outline consent. Note that the planning layout produced by the applicant, provides for vehicular access to some of the proposed dwellings via Gaw End Lane. Whilst the number of vehicle movements associated with this access is likely to be limited, the safety of this junction to accommodate any additional traffic must be assessed.

## **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 17 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 adjoining land to the north and west and north has the benefit of outline planning permission for the erection of up to 310 dwellings (planning ref; 18/3245M refers). The reserved matters pursuant to the outline consent are currently being considered under planning ref; 21/0966M and appears elsewhere on the agenda. This application site is separate from the larger scheme and is being brought forward by a different applicant and developer.

Site LPS 17 states that the development of Gaw End Lane will be achieved over the Local Plan Strategy period through:

1. The delivery of around 300 homes;
2. Incorporation of green infrastructure which should include the following:
  - i. Green linkages to the wider footpath network, habitats and site LPS 13 including links to the north/south strategic link of the Macclesfield Canal. Land to the southwest of the site adjacent to the canal should remain undeveloped and is allocated for open space within site LPS 17 as shown on Figure 15.19;
  - ii. New public open space;
  - iii. Green buffers to London Road/Leek Road and Macclesfield Canal; and
  - iv. An area of protected open space adjacent Rayswood Nature Reserve as shown on the proposals map;
3. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities; and
4. 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. Buffer zone of semi-natural habitats to be provided adjacent to the Macclesfield Canal SBI.
- b. Development must be sensitive to the conservation area and listed structures / buildings. The retention of open space on the western edge of the site would help safeguard the immediate context from urbanising development up to the canal edge, where it would most dramatically affect views and the sense of openness within the bend in the canal. Regarding the setting of Toll Bar cottage the impact could be lessened in the approach taken to the site's planning, by retaining the mature boundary landscaping opposite the property and also by using this south easterly part of the site as a pedestrian gateway into the scheme, with associated open space.
- c. This Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC 5 'Affordable Homes'.
- d. The site will be developed only where it can be demonstrated that there is no significant harm on the Danes Moss SSSI, particularly in relation to changes in water levels and quality and recreational pressures. This should include a full assessment of the direct and indirect impacts of the development on the features of special interest. Where impacts cannot be avoided, appropriate mitigation measures will be required to ensure protection of the SSSI
- e. Any application would need to be supported by a full ecological appraisal. Ecological mitigation would be required to address any adverse impacts.
- f. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the site.

This application is for 42 units in addition to the 306 units proposed in the adjoining development which is the subject of a separate application (planning ref; 21/0966M refers).

Objectors have levied concern that the two schemes combined would take the development numbers past the general number of 300 indicated in the site allocation. Each application needs 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 348.

As noted above, LPS 17 allows for around 300 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 300 dwellings” in LPS 17. 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 17, 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 42 no. units (as amended), 13 of the units will be required to be affordable. To satisfy the required tenure split, 8 of the units would need to be provided as social / affordable rent accommodation and 5 of the units as intermediate tenure.

The current number of those on the Cheshire Homechoice waiting list with Macclesfield as their first choice is 1592. This can be broken down to 936 x 1 bedroom, 408 x 2 bedroom, 173 x 3 bedroom, 45 x 4 bedroom and 30 x 5 bedroom dwellings. The intermediate need in Macclesfield is the same as across the borough of Cheshire East. The need is for dwellings that 1<sup>st</sup> time buyers and families looking to buy but cannot afford without assistance.

The submitted details show that 13 of the dwellings will be provided as affordable units which would amount to 31%. These are to be provided as:

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

The Strategic Housing Manager (SHM) has confirmed acceptance of the above split. Whilst the SHM originally expressed concern about pepper potting, the scheme has been amended so that there are 3 blocks of affordable spread through the development. It is considered that the tenures are appropriately pepper potted through the site having regard to the size of the scheme and accordingly, the proposal complies with policies SC 5 or LPS17 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
- 4 x 2 bed units
- 16 x 3 bed units
- 16 x 4 bed units
- 2 x 5 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, 4 and 5 bed mews, semi-detached and detached 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 is well connected within the existing infrastructure with pedestrian, cycle and vehicular routes. Links to the closest PROWs include Gawsworth FP5 & 31 and Sutton FP 46 that runs along the Macclesfield Canal, joining with Sutton FP1 that enables the crossing of the canal. All of the footpaths connect to wider routes leading to Macclesfield Town Centre, Gawsworth, Sutton and beyond.

Where the carving up of LPS sites is necessary to attract investors, each part should interconnect with the adjacent one to enable a whole site design to be developed. The site design should incorporate a collaborative approach with adjoining development plots. Following officer comments, the 2 layouts have been amended so that connections between both sites can be made.

**Facilities and Services (Green)** - The site lies close to South Macclesfield where a full range of facilities and services can be accessed. There are shops, pubs, schools and access to local transport hubs, within easy walking distance of the site. In addition to Lyme Green Recreation Ground, located East of the site on Robin Lane, there is an area of public open space provided on site.

**Public Transport (Green)** - The closest bus stops to the scheme are located on London Road (A523) a short distance from the proposed site access. From services found there, access can be gained into Macclesfield town centre and to the National Rail station, with its excellent services to Manchester and the wider UK. As a result, a green light is awarded.

**Accommodation and Tenure Mix (Amber)** - The affordable units were originally clustered in the southern and northern corners of the site and not pepper-potted throughout. However, amended plans have been secured which spread them. That said, this application is only for a small number of homes and it is acceptable that some affordable units are clustered in groups as opposed to properly dispersed as set out in Policy SC 5.

**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 scheme as amended would introduce some well designed units with a well conceived layout.

**Working with the site and its context (Green)** - Areas of existing trees and natural assets are retained and incorporated within the layout design. The listed building, Toll Bar Cottage, adjacent to the Eastern edge of the development has been identified as an asset and as a unique feature close to the site. The LPS requirements ask that to retain the setting of this building, a green buffer is maintained by the retention of the existing greening and pedestrian accessway along Gaw End Lane. The amended scheme includes a good landscaping buffer with the nearest units stepped back into the site. Parallel to London Road, the homes along this edge face outwards but although a pathway has been introduced onto this edge to create a more informal walkway / cycleway. The use of shared surfaces in this location would enable a more efficient use of the land.

**Creating well defined streets, easy to find your way around and streets for all (Green)** - There is a clear hierarchy leading from the main entrance into the site, through and to the outskirts of the development. The proposed character areas, use of materials and units as well pockets of green infrastructure would be acceptable. Corner turning types provide strong architectural features and designs to enable an increase in legibility across the site and nodal points provide good focal points.

**Car Parking (Amber)** - A mix of parking solutions is encouraged by the Design Guide so that the street scene isn't dominated by vehicles. The development has achieved a varied mix of parking solutions across the site.

**Public and private spaces (Amber)** - Houses have reasonably sized rear gardens and some space to the front too which is well defined.

**External storage and amenity space (Amber)** - Houses have reasonably sized rear gardens, large enough to house the bin/recycling stores. These rear gardens have a clear external route to the front of the property for bin collection without the need to go through homes. Garages are provided at some plots, maybe with the intention of use for bike storage.

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 17 and the Cheshire East Design Guide.

### **Impact on Designated Heritage Assets**

The land lies adjacent to the grade II listed properties Toll Bar Cottage and Lyme Green Hall with its gardens bordering the road. In considering whether to grant planning permission, the Council shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (Section 66 of the Planning (listed buildings and Conservation areas) Act 1990, section 66).

The change of use of this land from greenfield to residential will inevitably alter the rural feeling at this point when entering or exiting the outskirts of Macclesfield. Currently both Toll Bar Cottage and Lyme Green Hall enjoy rural views. This proposed development will alter that view. Although the harm to the views from both properties will be less than substantial, there will be a change to the setting of both properties. This is particularly true of Toll Bar Cottage as it will be looking directly onto proposed plots 1-4. Toll Bar Cottage as its name suggests historically would have been the first building to be seen when traveling towards Macclesfield, its very purpose was to look down London Road, it has enjoyed that view since it was built.

The objective of the policies is to maintain and manage change to heritage assets in a way that sustains and, where appropriate, enhances its significance. That significance is the value of a heritage asset to this and future generations because of its heritage interest, which may be archaeological, architectural, artistic, or historic. This significance may derive not only from its physical presence but also from its setting. The setting of a heritage asset is defined as: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Paragraph 199 of the NPPF. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 of the NPPF. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 202 of the NPPF. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Following officer concerns, the scheme has been amended so that the nearest units directly opposite Toll bar Cottage are pulled back into the site and a green landscaping buffer provided to the northern corner of the site. Further, the design of the scheme including its layout and architectural form have been elevated in terms of their design quality. Following these revisions, the harm to the setting of both designated heritage assets has been reduced to the lesser end of less than substantial. It is considered that this harm is balanced and outweighed against the wider benefits of the scheme, which are providing housing in sustainable location and helping to deliver housing in line with one the of the council's strategic housing allocations. Accordingly, the proposal would not conflict with CELPS Policies SE1 and SE7 of the Cheshire East or NPPF advice.

## **Landscaping**

The application site is bound to the east by the A523 London Road, to the north by Gaw Lane End and to the south by Rayswood Nature Reserve, which also lies within the boundary of the Peak Fringe Local Landscape Designation Area (LLD), formerly known as ASCV.

Policy LPS17 Gaw Lane, Macclesfield indicates that the whole of the allocation site will allow the delivery of 300 homes, it also identifies that there will be green buffers to London Road and the Macclesfield Canal as well as an area of protected open space adjacent to Rayswood Nature Reserve.

While Policy LPS17 requires a green buffer along London Road and with Raywsood Nature Reserve, the proposal subject of this site represents a modest part of the overall site allocation. It is in part visually distinct from the remainder of the site allocation further to the north which achieves a much larger frontage to London Road and the Nature Reserve. The proposal has been amended so that the built form has been set back at the northern end where Gaw End Lane meets with London Road. This has allowed for a better standoff and the incorporation of soft landscaping to soften the transition. Elsewhere along the London Road frontage, a pedestrian / cycleway would be secured with complimentary planting along the frontage.

With respect to Rayswood Nature Reserve, a defensible 4 metre buffer is provided. A condition requiring submission of a landscaping scheme to ensure appropriate species and density or planting are recommended. Subject to this, the proposals comply with Policy LPS17, and policies SE1- Design or SE4 The Landscape.

## **Education**

One of the site specific principles of the site allocation under LPS 17 is that the development of the site will require "contributions to education and health facilities".

In the case of the current proposal for 42 dwellings, a development of this size would generate:

- 8 primary children (42 x 0.19)
- 6 secondary children (42 x 0.15)
- 0 SEN children (42 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. No response has been received to date. In the event that Children's Services confirm that financial contributions are required, this will be secured by a s106 legal agreement. This will be confirmed to members by way of an update.

## **Healthcare**

The views of the NHS Eastern Cheshire Clinical Commissioning Group (CCG) have been sought but no response has been received. In the absence of any response from the NHS, it is advised that they would not be seeking any financial contributions from this development.

## **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. At 65sqm per dwelling, the total amount of on-site open space required would be up to 2,730 square metres.

The applicant claims that the proposed layout incorporates 2,186 square metres of open space. However, this comprises predominantly of green infrastructure, which is not open space. On this basis, it is considered that the scheme is not providing on-site open space. 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 not commented on the application. Any comments will be reported to members by way of an update.

## **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 north west on the opposite side of Gaw End Lane. The proposed layout shows that the part of the development fronting Gaw End Lane would achieve a separation distance of at least 22 metres with the nearest property referred to as 'The Bungalow'. This is sufficient to ensure no material harm to neighbouring amenity by reason of loss of light, direct overlooking or visual intrusion. As such, the amenity afforded to existing properties would be respected.

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 a Road Traffic Noise Impact Assessment. The impact of the noise from road traffic on London 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, ventilation and acoustic fencing 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 186 of the NPPF and the Government's Air Quality Strategy. A scheme of this size does not meet the criteria to require an air quality impact assessment according to the 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, low emission boilers 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 17 includes the following requirements for this site:

- Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities;
- Green infrastructure which should include ...green linkages to the wider footpath network, habitats and site LPS 13 including links to the north/south strategic link of the Macclesfield Canal.

The site does not directly affect a public right of way. However, there are a number in the vicinity of the site. In order to encourage people to walk and cycle for travel purposes and for healthy leisure activities, specific support and facilities should be offered to people at a 'transition point' in their lives, for instance, when they are changing job, house or school. The National Institute for Health and Clinical Excellence (NICE) guidance *Walking and cycling: local measures to promote walking & cycling as forms of travel or recreation*, November 2012, states that "at these times people may be open to trying a new mode of transport or new types of recreation". It is therefore important that the facilities for walking and cycling, including routes, destination signage (secured by condition) and information materials, are completed and available for use prior to the first occupation of any property within any phase of the development, and remain available for use during the completion of other phases. This proposal would not undermine the justification to Policy LPS 17 of the CELPS.

## Highways

There is single priority junction access to London Road to serve this development. The Head of Strategic Infrastructure (HSI – Highways) has confirmed that a single access is acceptable to serve the 42 units proposed. The access road has a 6.1m carriageway, the initial section of road has a footway on both sides with the remaining section being shared surface. The applicant has submitted swept paths that indicates that a refuse vehicle can enter the site and turn within the turning area at the end of the access road.

### Access Visibility

The appropriate SSD's (stopping sight distance) to be provided at the access point has been calculated from the applicant's speed survey undertaken on London Road. The 85%ile speeds are 47.1 mph northbound and 49.4 mph southbound and the necessary visibility splays of 2.4m x 160m in both directions for these speeds have been provided.

### Pedestrian/Cycle Access

The submitted layout plan includes a 2m footway along the eastern boundary of the site with London Road. Whilst this facility is welcomed, the HSI has recommended that this should be a 3m pedestrian/cycleway as this will link to a similar facility being provided by the larger residential development just north of this development. There is also a pedestrian connection at 2 points to the west of the site into the adjoining development and also to Gaw End Lane at the north end of the site. This is considered acceptable. The increase in width to the footway / cycleway could be increased in width and accommodated within the proposed layout. As such, it is considered that this could be secured by condition.

### Traffic Impact

The level of development is considerably below the threshold that requires a Transport Assessment to be undertaken as it is normally expected that the traffic generation from this level

of development would not result in capacity problems. The applicant has submitted some trip generation figures that indicate that circa 21 two-way trips would be generated in the peak hours. This level of generation would have a minimal impact on the local highway network and the impact is considerable acceptable.

### Car Parking

The car parking provision for each of the units is provided in accordance with CEC parking standards, 1 space for one bedroom, 2 spaces for 2 to 3 beds and 3 spaces for 4/5 beds.

### Summary

The proposed access and internal road layout is a satisfactory design to serve the 42 dwellings proposed and adequate parking is provided in accordance with CEC standards.

The vehicle speeds on London Road have been surveyed and are in excess of the posted 40mph speed limit in both directions at the proposed access point. Visibility splays in accordance with the measured 85%ile speeds have been provided to ensure that the required SSD is met.

The submitted plan indicates that a 2m path is provided along the frontage. A condition should be attached to improve this to a 3m shared ped/cycle facility as part of this application. Subject to an amendment to the footway the submitted layout is now acceptable in highway terms and no objections are raised to the application.

### **Trees**

The site allocation refers to the requirement for green buffers to London Road/Leek Road as part of the provision of Green Infrastructure. In this regard the retention of existing tree cover through the delivery of the Arboricultural Impact Assessment has identified those trees appropriate for retention within the proposed development. Any tree identified as High (A) or Moderate (B) category in accordance with the definitions in BS5837 :2012 *Trees in Relation to Design, Demolition and Construction* – Recommendations should be given priority for retention within the new development.

The site specific principles of LPS17 also make particular reference to Toll Bar Cottage and the retention of mature boundary landscaping opposite the property. There are a number of individual and groups of mature hedgerow trees to the south of Gaw End Lane which make a significant contribution to the existing landscape setting.

The scheme has been designed where all structures are located outside of the Root Protection Area of the retained trees and any indirect impacts can be controlled by appropriate tree protection measures. The proposal would result in the part removal of a hawthorn hedge along the London Road frontage and the southern boundary. Five no. trees are proposed to be removed to accommodate the proposal, whereas one no. tree is proposed for removal due to poor condition and limited long-term retention value. The trees and hedgerows proposed for removal range from low to moderate quality and therefore their loss can be offset through the proposed replacement planting.

The amended plans present no significant arboricultural implications. Accordingly, compliance with policy SE 5 of the CELPS and LPS 17 is confirmed.

## Ecology

The site is within close proximity to 'Rayswood Nature Reserve' and falls within Natural England's SSSI risk zones associated with Danes Moss. The Council would therefore consult Natural England on any future planning applications at this site. Cheshire East Policy SE 3 requires all development proposals to aim to contribute positively to the conservation and enhancement of biodiversity. The site specific policy for allocated site LPS 17 requires an assessment of the impacts of any proposed development on the SSSI to be submitted with the planning application.

Coastal and Flood Plain Grazing Marsh - The application site is listed on the national Inventory of Floodplain and Grazing Marsh Priority Habitat. Habitats of this type are a material consideration for planning.

The habitats present on the application site however only partly meet the description of this priority habitat type. Much of the nature conservation value of grazing marsh habitats is associated with the related ditches. Only one ditch is present on site. This is a dry ditch on the site's southern boundary. The Council's Nature Conservation Officer (NCO) has advised that it must be ensured that the existing ditch is retained as part of the proposed development. The revised proposals show a standoff to allow retention of the ditch. It is recommended that a condition is imposed to secure its retention.

Hedges - Native hedgerows are a priority habitat and hence a material consideration. Based upon the submitted landscape masterplan it appears that part of two hedgerows would be removed as part of the proposed development. A condition is recommended seeking greater retention of these hedgerows. If any length of hedgerow is unavoidable lost then compensatory planting must be provided to address its loss. Losses and gains of biodiversity associated with hedgerows can be assessed as part of the biodiversity metric calculation discussed below.

Badger - Badgers were recorded as being active on this site, but no active setts were present. Based on the current levels of badger activity on site, the proposed development would result in a 'low level adverse' impact upon badgers as a result of the loss of foraging habitat. As the status of badgers on a site can change in a short time-scale, a condition should be attached which requires an updated badger survey to be undertaken and a report submitted prior to the commencement of development.

Great Crested Newt - Great Crested Newt surveys were undertaken in respect of the adjacent outline consent (18/3245m). No evidence of great crested newts was recorded during these surveys. However, access at that time to some of the surrounding ponds was restricted. Following comments from the NCO, a Great Crested Newt Impact Assessment has been submitted. This is currently being reviewed by the NCO and members will be updated.

Roosting Bats (Bats) - Three trees on site (referred to T2, T5 and T7 in the bat assessment) have been identified as offering moderate potential to support roosting bats. T5 is proposed for removal as part of the proposed development. The submitted bat assessment recommend that T5 is subject to further bat surveys to establish the presence/absence of roosting bats. The NCO is currently reviewing a further submission made by the applicant and members will be updated.

Lighting - To avoid any adverse impacts on bats resulting from any lighting associated with the development, a lighting scheme will be required. The lighting scheme should reflect the Bat Conservation Trust Guidance Note 08/18 (Bats and Artificial Lighting in the UK) and should consider both illuminance (lux) and luminance (candelas/m<sup>2</sup>). It should include dark areas and avoid light spill upon bat roost features, bat commuting and foraging habitat (boundary hedgerows, trees, watercourses etc.) aiming for a maximum of 1lux light spill on those features.

The scheme should also include a modelled lux plan, and details of:

- Proposed lighting regime;
- Number and location of proposed luminaires;
- Luminaire light distribution type;
- Lamp type, lamp wattage and spectral distribution;
- Mounting height, orientation direction and beam angle;
- Type of control gear

Nesting Birds - The existing trees and hedgerows on site are likely to support nesting birds potentially including the more widespread priority species. If planning consent is granted, a condition for the protection of nesting birds is recommended.

Biodiversity Net Gain - In accordance with Local Plan policy SE3(5) all development proposals must seek to lead to an overall enhancement for biodiversity. In order to assess the overall loss/gains of biodiversity an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 2 must be undertaken and submitted with the application. In order to achieve net gain for biodiversity it should be ensured that any habitats are higher value (such as ponds and woodland, more species rich grassland etc) are retained and enhanced as part of the development proposals. This is currently being reviewed by the NCO and members will be updated.

If additional habitat creation measures are required to ensure the site achieves a net gain for biodiversity consideration should be given to the creation of additional ponds and species rich grassland. Offsite habitat creation may be required if an appropriate level of habitat creation cannot be delivered on site.

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development.

The Council's Nature Conservation Officer has advised that conditions should be imposed requiring the delivery of hedgerow planting and a biodiversity enhancement plan. Subject to reviews by the NCO, and appropriate 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 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 an existing topographical low spot and overland flow path in the northern section of the site. Discussions are currently ongoing between the Lead Local Flood Authority (LLFA) and the applicant as to how this will be managed onsite without causing adverse flooding on/off site. The outcome of these discussions will be reported to member by way of an update.

## **Peat**

The Preliminary Environmental Risk Assessment confirms that peat is present adjacent to the site but not within it.

## **Other Matters Raised by Representation**

Whilst a representative of Rayswood Nature Reserve has expressed concern about the form of boundary treatments (requiring a defensible barrier to prevent access), unauthorised access is a civil matter. Further detail will be secured by condition.

## **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 tbc
- NHS contributions tbc
- Public Open Space contributions tbc

## **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 42 dwellings on part of a site allocated within the CELPS. The comments received in representations have been given due consideration, however, subject to the satisfactory resolution of the s106 negotiations, 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 £98,056.14 towards secondary provision**
- **Public Open Space off site contributions tbc**

**And the following conditions:**

1. **Standard Time limit – 3 years**
1. **Accordance with Approved / Amended Plans**
2. **Access to be constructed in accordance with approved plan prior to first occupation**
3. **Implementation of submitted Construction Environmental Management Plan (CEMP)**
4. **Scheme of Piling works to be submitted, approved and implemented**
5. **Implementation of submitted Dust Control Scheme**
6. **Accordance with submitted noise mitigation scheme**
7. **Provision of electric vehicle infrastructure (charging points) at each property prior to first occupation**
8. **Submission of contaminated land survey**
9. **Remediation of contaminated land**
10. **Details of drainage strategy to be submitted**
11. **Development to be carried out in accordance with submitted Flood Risk Assessment**
12. **Scheme of foul and surface water drainage to be submitted**
13. **Submission of a detailed drainage strategy / design, associated management / maintenance plan**
14. **Submission of existing and finished ground and floor levels**
15. **Implementation of a Biodiversity Enhancement Strategy first agreed**
16. **Nesting Birds Survey to be carried out if works are to be carried out during the bird breeding season**
17. **Strategy for the incorporation of features to enhance the biodiversity value of the proposed development for use by roosting bats and nesting birds**

18. Updated Arboricultural Method Statement to be submitted to show retention of hedgerows
19. Details of external lighting scheme to be submitted approved and implemented
20. Facing materials to be submitted and approved
21. Landscaping scheme to be submitted including details of hard surfacing materials and details of hedgerow retention / mitigation
22. Implementation of landscaping scheme
23. Further details of boundary treatments to be submitted
24. Accordance with Great crested Newt Impact Assessment
25. Removal of permitted development rights classes A-E
26. Submission, approval and implementation of a scheme for the retention of the ditch along the southern boundary
27. Updated Badger Survey to be submitted, approved and implemented
28. Footway along eastern boundary to be increased in width to 3 metres to serve as a shared pedestrian / cycleway
29. Scheme of pedestrian / cycle destination signage to be submitted, approved and implemented

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



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