

# Strategic Planning Board

## Agenda

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**Date:** Tuesday 4th September 2018  
**Time:** 10.30 am  
**Venue:** The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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Please note that members of the public are requested to check the Council's website the week the Strategic Planning Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and in the report.

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings are uploaded to the Council's website.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

To receive any apologies for absence.

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

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**Please Contact:** Sarah Baxter on 01270 686462  
**E-Mail:** [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk) with any apologies or request for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

### 3. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Strategic Planning Board
- The relevant Town/Parish Council

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- Objectors
- Supporters
- Applicants

4. **17/4034M Land South of Chelford Road, Macclesfield: Outline Planning Permission (with all matters reserved except for access) for the erection of up to 232 dwellings for Redrow Homes and Jones Homes North West**  
(Pages 3 - 32)

To consider the above application.

5. **17/4277M Land Between Chelford Road and Whirley Road, Chelford Road, Henbury: Outline Application for the erection of up to 135 dwellings with access from Chelford Road and Whirley Road and associated open space for Frederic Robinson Ltd** (Pages 33 - 62)

To consider the above application.

6. **18/0294M Land North of Chelford Road, Macclesfield: Outline Planning Application (with all matters reserved except for access) for the erection of up to 31 dwellings for Mr Tom Loomes, Jones Homes (North West) Ltd**  
(Pages 63 - 86)

To consider the above application.

7. **18/2213M The Marl Field , Arley Hall, Arley Park, Arley CW9 6LZ: New Memorial Walled Garden, including ancillary landscaping, car park area and reception facilities for Ninian MacGregor, The Walled Garden Company** (Pages 87 - 108)

To consider the above application.

Application No: 17/4034M

Location: LAND SOUTH OF, CHELFORD ROAD, MACCLESFIELD

Proposal: Outline Planning Permission (with all matters reserved except for access) for the erection of up to 232 dwellings.

Applicant: Redrow Homes and Jones Homes North West

Expiry Date: 13-Jul-2018

### **SUMMARY**

The site is allocated within the Local Plan for residential use (LPS16). The development accords with the Local Plan policy relating to its allocation by providing around 200 dwellings. Through the adoption of the CELPS, the site has been removed from the Green Belt and the principle of developing the site for housing is acceptable. This proposal would bring economic and social benefits through the delivery of housing in a sustainable location.

Cheshire East is currently able to demonstrate a 5 year supply of housing however this proposal will make a valuable contribution in maintaining this position.

The applicant is providing financial contributions in respect of health and education provision, off-site recreation open space and indoor leisure facilities. These are required in order to make the development acceptable. The applicant is providing the full amount of affordable housing on site which is essential in order to make developments sustainable in the future.

The development will not have a detrimental impact on the local highway network subject to financial contributions towards highway improvement works at Broken Cross roundabout / junction. Subject to appropriate mitigation, the impact on local air quality (including cumulative impacts) will be acceptable also.

Subject to the submission of appropriate reserved matters, and based on the principles shown on the indicative layout, the proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants. The applicants have demonstrated general compliance with national and local guidance in a range of other areas including trees, landscape impact and noise.

The proposal constitutes sustainable development which accords with relevant policies of the adopted Cheshire East Local Plan Strategy, the saved policies of the Macclesfield Borough Local Plan and advice contained within the Framework. In accordance with Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 11 of the Framework, the proposal should therefore be approved without delay.

**SUMMARY RECOMMENDATION: Approve subject to Section 106 Agreement and conditions.**

## **PROPOSAL**

The application is for outline planning permission for the erection of up to 232 dwellings with associated works. Access is to be approved as part of this application whilst all other matters are reserved for future approval.

The access will be from a new roundabout between 64 and 66 Chelford Road.

## **SITE DESCRIPTION**

The application site consists of 5 fields last in agricultural use and a field at the northern end of the site that is mainly covered in vegetation. The section of land adjoining Chelford gently increases in ground level. The fields within the site are separated by hedgerows and a number of mature trees are located within the site and along its boundaries. The site adjoins residential properties in places along its northern boundary and at the north eastern corner of the site. Pexhill Road forms the eastern boundary of the site and open land is located to the south and west.

## **RELEVANT HISTORY**

None relevant in the consideration of this application.

## **NATIONAL & LOCAL POLICY**

### **Cheshire East Local Plan Strategy**

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  
SE1 Design  
SE2 Efficient use of land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 6 Green Infrastructure  
SE7 The Historic Environment  
SE 9 Energy Efficient Development  
SE 12 Pollution, Land Contamination and Land Stability  
SE 13 Flood Risk and Water Management

CO 1 Sustainable Travel and Transport  
CO 3 Digital Connections  
CO 4 Travel Plans and Transport Assessments  
SC 1 Leisure and Recreation  
SC 2 Outdoor Sports Facilities  
SC 3 Health and Well Being  
SC 4 Residential Mix  
SC 5 Affordable Homes  
IN 1 Infrastructure  
IN 2 Developer Contributions

Directly relevant to this site is the following allocation;

**Site LPS 16** Land south of Chelford Road, Macclesfield

The application site is contained entirely within the confines of the allocation but does not cover the allocation in its entirety.

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. Macclesfield Local Plan policies are set out below.

NE3 – Protection of Local Landscapes  
NE11 – Protection and enhancement of nature conservation interests  
NE17 – Nature Conservation in Major Developments  
NE18 – Accessibility to Nature Conservation  
RT5 – Open Space Standards  
DC3 – 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 Lane  
H9 – Occupation of Affordable Housing

**Other Material Considerations:**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Cheshire East Borough Design Guide Supplementary Planning Document

### CONSULTATIONS

**Environmental Health** – No objection. Conditions have been requested relating to noise, air quality electric vehicle charging points and contamination. The above issues are considered in detail later in this report.

**Highways** – No objection. The comments made by the highway engineer and all highway matters are addressed in full later in this report.

**Housing Strategy** – No objection. The development triggers an affordable housing requirement and this has been agreed by the applicant.

**Flood Risk** – No objection. A condition relating to a scheme for surface water drainage to be submitted.

**Education** – No objection. This is based upon the applicant committing to pay a financial contribution for the provision of additional school places generated by the development. This is addressed in detail later in this report.

**ANSA (Open Space)** – No objection. This is subject to a financial contribution being agreed in respect of recreation open space, indoor recreation provision and the detailed layout going forward providing a LEAP and the required amount of open space within the site based on the number of units proposed. This matter is addressed later in this report.

**Countryside Rights of Way** – No objection. A condition has been requested relating to a signage scheme within the site directing users to local cycle and footpath routes.

**Manchester Airport** – No objection

### VIEWS OF THE PARISH / TOWN COUNCIL

#### **Macclesfield Town Council**

Macclesfield Town Council does not support the development of green belt or green field sites on the periphery of the town, such as this site.

However, as the site has been identified for development within the Cheshire East Local Plan, should the application be approved the following measures must be enforced within any associated planning consent:

**Air Quality** – this proposal must be considered in parallel to 17/4277M, on land facing, on the opposite side of Chelford Road. The proposals total 367 dwellings, impacting on road traffic and associated air pollution. Provision must be made to ensure all measures are in place to reduce air pollution / improve air quality. Significant on site provision for electric vehicle charge points must be mandated. Safe cycling and walking routes for ingress and egress must be prioritised to make sustainable transport a wholly accessible and safe option.

**Impact on traffic** – the current highways are heavily congested at peak times. Additional motor traffic generated by up to 398 new homes will exacerbate this situation.

Community infrastructure – any proposed development of scale must make suitable contribution to the provision of community infrastructure and enhancement as a condition of development. This contribution to be informed by community consultation.

Development impact – residents directly affected by the proposed development must be consulted on mitigation relating to disturbances caused by development, to include, but not exclusively, clear access and uninterrupted easement to property, noise control, dust and particle control, no on street parking for site related vehicles (to include works, delivery, professional and customer vehicles).

Cycle access – To meet with the Cheshire East sustainable transport strategy and the Cheshire East Cycle Strategy, any proposed developments must make significant provision for site navigation, access and egress on bikes.

**Henbury Parish Council** Detailed objections have also been received from Henbury Parish Council and the points of objection are summarised as follows;

- The application should be considered alongside the applications to the north of Chelford Road.
- The traffic impact of the development has been carried out incorrectly and does not take into account other developments.
- The Parish Council has had their own transport assessment carried out that comes forward with a different conclusion and has identified issues with the submitted information.
- The introduction of a new roundabout on Chelford Road to access the site will affect traffic flow.
- The proposed changes to Broken Cross junction have not yet been properly modelled either from a highway or air quality perspective.
- Lack of school places and medical facilities in the area.
- The development will lead to a worsening of the existing air quality problems along Chelford Road towards Broken Cross and no mitigation has been put forward to overcome this.
- Impact of the development on the Local Wildlife Site.

As part of the representations reports in respect of traffic impacts and air quality were commissioned by the Parish Council and submitted to support their comments. The contents of these submissions were taken into account when additional information was submitted to support the application. The points raised are addressed in the highway and air quality sections later in the report.

### **OTHER REPRESENTATIONS**

Representations were received from 99 properties over three periods of consultation. The point of objection are summarised as follows;

- The site is in the Green Belt and therefore should not be built on. Very special circumstances have not been demonstrated to support the proposal.

- Plenty brownfield sites are available for development and should be built on before any development is allowed on greenfield site.
- The new houses are not needed and no evidence of the need has been provided. Too many houses are proposed.
- Scale of development proposed, too many dwellings are proposed.
- Loss of agricultural land, the land has been actively farmed for many years.
- Broken Cross roundabout is already too congested and the development will add to this.
- The area around Broken Cross & Henbury is already badly congested with almost constant traffic tailbacks on all roads in and out of Broken Cross.
- The increased activity on the local highway network caused by this development will lead to an increase in accidents and have a detrimental impact on highway safety.
- Replacing the roundabout at Broken Cross with traffic lights will make the traffic worse and not mitigate against the development as stated.
- The modified Broken Cross junction appears to attempt to alleviate congestion on Chelford Rd, but only by pushing more congestion into Gawsworth Rd (and hence Pexhill Rd and Princes Way) and Fallibroome Rd which are already heavily congested at peak times.
- The scope of the Transport Assessment is not wide enough and under estimates the impact of the development.
- The current proposal degrades both provisioning for and safety of pedestrians and cyclists around the Broken Cross junctions. Unreasonably long wait times will result in people (including Fallibroome pupils) crossing without waiting for a green light.
- The TA is inaccurate and misleading as surveys were taken when not all of the local pupils at Fallibroome Academy were in school on that day.
- The area already suffers from poor air quality that is at illegal levels and the proposals will exacerbate these issues, additionally no air quality action plan has been prepared to deal with this issue.
- The air quality in the area fails to meet the required standards and the air quality assessment was carried out on incorrect traffic data.
- The information on the Air Quality Assessment only considers the localised impact of the development and not the other developments within a mile of where it is to be built.
- The baseline data in the Air Quality Assessment are not correct.

- Local children have less and less opportunity to easily access and explore local countryside and woodland. This development would reduce this further
- Disturbance from the construction process.
- Loss of view of open fields
- Impact on local ecology as the development will result in a loss of habitat for a variety of species.
- Loss of ponds will have a detrimental impact on the ecology of the area.
- The development will cause damage to the adjacent ancient woodland.
- Lack of school places locally for both primary and high schools. Local schools also do not have the space they require to expand.
- Impact on local infrastructure, it will stretch fire and ambulance services and the area has been subject to power and water issues in the past.
- Lack of local health facilities, not enough GP provision and the development will worsen this issue.
- Pumping station is inappropriately located close to residential properties.
- The increased risk to flooding, during heavy rain the water runs along Chelford Road as the drainage system cannot cope therefore size of the new development would add to this risk and increase the potential for flooding due to the loss of permeable surfaces and size of the current draining systems.
- The affordable housing provided will not be genuinely affordable as local housing prices are too high.
- The development will cause unacceptable loss of light to neighbouring properties and have an impact on privacy.
- The revised masterplan shows cycle and pedestrian access to Pexhill Road is not safe for future units.
- Any developer contributions to local infrastructure should not be at the expense of any affordable housing provision.
- The development will have an adverse impact on the character of the local landscape.
- The application should be considered alongside the applications on the opposite side of Chelford Road.

## **APPRAISAL**

### **Key Issues**

- Principle of development
- Housing Land Supply
- Sustainability
- Affordable Housing and Housing Mix
- Education
- Open Space and Recreation
- Health Provision
- Residential Amenity
- Impact on Local Highway Network / Access
- Design and Layout
- Landscape
- Ecology
- Trees
- Air Quality
- Flood Risk
- Economic Sustainability
- Section 106 agreement
- CIL
- Representations
- Conclusions
- Recommendation

### **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.

The application site consists of part of the LPS 16 allocation (land south of Chelford Road). Therefore the principle of residential development is acceptable and subject to all other matters being satisfied the application should be determined without delay.

The allocation is expected to deliver the following;

- 1. The delivery of around 200 new dwellings;*
- 2. Provision of new road junction to Chelford Road, and construction of an access road to the southern perimeter of the site;*
- 3. Incorporation of green infrastructure and public open space;*
- 4. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities;*
- 5. On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space and community facilities; and*
- 6. A master plan should be submitted so the site may be planned in a co-ordinated and comprehensive manner. Development must be in accordance with an agreed masterplan*

*which must detail how a recognisable Green Belt boundary would be reinforced that will endure in the long term.*

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 and western Macclesfield area.*
- b. Any development that would prejudice the future comprehensive development of the adjacent safeguarded land will not be permitted (Site reference LPS 19).*
- c. The access road must be designed to serve any potential future development on the adjacent safeguarded land and it must be of a standard to form part of any future South West Macclesfield Link Road.*
- d. The development would be expected to provide improvements to existing and include the provision of new pedestrian, cycle and public transport links to existing and proposed residential and employment areas, shops, schools & health facilities. The provision of a south west green route would link with existing north to south routes in the form of the Macclesfield Canal and Middlewood Way.*
- e. The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC 5 'Affordable Homes'.*
- f. A desk based archaeological assessment is required for the site, with targeted evaluation and appropriate mitigation being carried out, if required.*
- g. Any application would need to be supported by a full ecological appraisal. Mitigation would be required to address any impacts on protected species. Any woodland, orchards and other priority habitats or habitats of local wildlife site quality on the site should be retained and buffered by areas of open space/habitat creation. A 30m undeveloped buffer must be provided around the ancient woodland within and adjacent to the site at Cock Wood and deliver complimentary and/or compensatory habitats on the site as required.*
- h. Any development proposals must avoid any impacts on Local Wildlife Sites. This should include indirect impacts resulting from changes in hydrology, hydrochemistry, air pollution and recreational impacts.*
- i. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the site.*

The provision of up to 232 dwellings is considered acceptable. This is a maximum number of dwellings and all of the submitted information relates to 232 dwellings. The remaining issues are addressed further in the report but it is considered the proposal accords with LPS16.

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*". In light of LPS 16, which allocates this site for housing development, the principle of developing the site for around 200 dwellings is acceptable.

As per para 14 of the Framework and CELPS Policy MP 1, there is a presumption in favour of sustainable development taking into account the three dimensions of sustainable development (social, economic and environmental) and compliance with the Development Plan in accordance with Sec.38 (6).

## **HOUSING LAND SUPPLY**

The Cheshire East Local Plan Strategy forms part of the statutory development plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This is the test that legislation prescribes should be employed on planning decision making. The 'presumption in favour of sustainable development' at paragraph 11 of the NPPF means: "approving development proposals that accord with an up to date development plan without delay"

The Council can now demonstrate a 5 year housing land supply but it is important to note that this site will deliver up to 232 dwellings on an allocated site within a principal town. Proposals such as this that bring forward development of allocated sites make a valuable contribution to maintaining a 5 year housing land supply and preventing inappropriate development elsewhere.

## **SUSTAINABILITY**

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

## **SOCIAL SUSTAINABILITY**

### **AFFORDABLE HOUSING**

The Cheshire East Local Plan (CELP) and the Council's Interim Planning Statement: Affordable Housing (IPS) requires the provision of 30% affordable housing on all 'windfall' sites of 15 dwellings or more. This relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 232 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 70 affordable dwellings. Based on 232 units 46 of the proposed units should be provided as Affordable rent and 24 units as Intermediate tenure. The exact location and tenure split will be finalised at Reserved Matters.

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

The number on the Cheshire Homechoice waiting list that have expressed Macclesfield as their first choice is 1294. This can be broken down to 683 x 1 bedroom accommodation, 417 x 2 bedroom, 158 x 3 bedroom, 36 x 4+ bedroom dwellings, therefore a mix of 1, 2 and 3

bedroom general needs dwellings, and 1 bedroom Older Persons dwellings on this site would be acceptable.

The Cheshire East Plan (CELP) and the Councils Interim Planning Statement: Affordable Housing (IPS) requires that the affordable units should be tenure blind and pepper potted within the development. The external design, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration. The affordable housing should be provided no later than occupation of 50% of the open market dwellings.

The affordable housing is secured by way of a S106 agreement, which: -

- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

Given the above the proposal complies with the requirements of Local Plan Policy SC5 and LPS 16(e).

### **EDUCATION PROVISION**

One of the site specific principles of the site allocation under LPS 16 is that the development of the site will require “contributions to education and health facilities”.

The development of 232 dwellings is expected to generate:

43 primary children (232 x 0.19) – 1 SEN

34 secondary children (232 x 0.15) – 1 SEN

3 SEN children (232 x 0.51 x 0.023%)

The development is expected to impact on both primary school and secondary school places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at primary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of school places still remains.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. This is an existing concern, however the 3 children expected from the application will exacerbate the shortfall. The 2 Special Education Need (SEN) children, who are thought to be of mainstream education age, have been removed from the calculations above to avoid double counting. The remaining 1 SEN child is expected to be 1 Early Years Foundation Status (EYFS) child. The Service does not claim for EYFS at present, therefore the child cannot be removed from the calculation above.

To alleviate forecast pressures, the following contributions would be required:

43 x £11,919 x 0.91 = £466,390 (primary)

34 x £17,959 x 0.91 = £555,651 (secondary)

3 x £50,000 x 0.91 = £136,500 (SEN)

Total education contribution: £1,158,541.00

The contribution has been agreed by the applicant and is subject to change when the final form of development is known and will be delivered through the s106 agreement.

### **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

Until the housing schedule is finalised it is not possible to accurately calculate the Public Open Space (POS) requirements. However, in line with the Policy SE6 of the CEC Local Plan, there is a public open space requirement of 65m<sup>2</sup> per family dwelling. On a development of this size this will be provided on site.

Amenity greenspace should be functional and flexible space, adaptable over time and should reflect local heritage/culture/wildlife to create distinctive, high quality spaces that compliment and strengthen the identity of the overall development and wider community as well and encouraging community cohesion. They should be large enough to accommodate informal recreation activities without disturbing residents of neighbouring properties. Therefore narrow buffers around the perimeter will not be considered amenity green space.

The provision and maintenance of the open space on the site will be controlled through the s106 agreement. The maintenance of the open space will be carried out by a management company.

There is a requirement to provide Recreation and Outdoor Sport (ROS) in line with Policy SC2 of the Local Plan and the playing Pitch Strategy. In this instance the developer has opted to make a contribution rather than on-site provision. This contribution will equate to £1,000 per dwelling (excluding the affordable properties) with the final contribution determined upon the final number of properties on site.

Policies SC1 and SC2 of the Local Plan Strategy provide a clear development plan policy basis to require developments to provide or contribute towards both outdoor and indoor recreation.

The Indoor Built Facility Strategy has identified that any existing shortfalls for Macclesfield should look to focus on improvement of provision at Macclesfield Leisure Centre. Whilst new developments should not be required to address an existing shortfall of provision, they should ensure that this situation is not worsened by ensuring that it fully addresses its own impact in terms of the additional demand for indoor leisure provision that it directly gives rise to. Furthermore, whilst the strategy acknowledges that the increased demand is not sufficient to require substantial indoor facility investment through capital build there is currently a need to improve the quality and number of health and fitness stations at Macclesfield Leisure Centre to accommodate localised demand for indoor physical activity.

The requirement is calculated as follows;

- 232 houses at 1.61 people per residence = a population increase of 374
- The annual Sport England Active People Survey Results for 2016 showed 42.7% participation rate for Cheshire East. = 160 additional “active population” due to the new development in Macclesfield
- Based on an industry average of 25 users per piece of health & fitness equipment this equates to an additional six stations. Requirement for - 3 running machines (£6,500 per treadmill) and 3 resistance / weight pieces (£3,000 per piece). Total £28,500

The applicant has accepted the need for this contribution although the level of contribution may change based on the number of houses eventually approved on site. The contribution will be delivered through the s106 agreement but the overall level of contribution may change depending on the number of dwellings that come forward as part of the reserved matters application.

## ACCESS TO HEALTH FACILITIES

There are six NHS GP practices within Macclesfield, all located within one building at the Waters Green Medical Centre. Based on the current local population, the Waters Green Medical Centre has sufficient capacity to manage currently registered patients. However, with the known planned housing developments, the local population is predicted to increase by approximately 19% over the next 10 years. In order to be able to continue to provide the current high level of primary care services to the local population the six GP practices will be required to review their current model of working. Even with modifications to the existing Waters Green Medical Centre, it is anticipated that the GP practices and NHS Community Services will need to expand out into an additional building.

It is suggested that the Section 106 funding for the planning application under consideration is based on a calculation consisting of occupancy x number of units in the development x £360. This is based on guidance provided to other CCG areas by NHS Property Services.

<b>Size of Unit</b>	<b>Occupancy Assumptions Based on Size of Unit</b>	<b>Health Need/Sum Requested per unit</b>
1 bed unit	1.4 persons	£504 per 1 bed unit

2 bed unit	2.0 persons	£720 per 2 bed unit
3 bed unit	2.8 persons	£1008 per 3 bed unit
4 bed unit	3.5 persons	£1260 per 4 bed unit
5 bed unit	4.8 persons	£1728 per 5 bed unit

Allocated Section 106 funding would be used to contribute towards modification to Waters Green Medical Centre or towards expanding services to an additional building. It is envisaged that multiple Section 106 funding allocations obtained from the various local housing developments planned in the Macclesfield area will be pooled to maximize the potential scope of the development of the above proposals. .

The applicant has agreed to a financial contribution in respect of this issue and this will be based on the number and size of dwellings that come forward as part of the reserved matters application.

### **RESIDENTIAL AMENITY**

In order for the proposals to be acceptable, it is important that they do not have a detrimental impact on the amenities of existing residents. Local Plan policies DC3, DC38 and DC41 seek to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property.

Many of the issues relating to overlooking, impact on privacy, and overshadowing will be addressed as part of any reserved matters application. Highway matters are addressed separately in this report.

Environmental Health has commented on the application and has raised no objections with regard to contaminated land, noise and vibration subject to conditions. It is inevitable that some disturbance will occur as part of the construction process. However this will be for a temporary period only and separate legislation is in place to ensure this does not occur.

### **Social Sustainability Conclusion**

The proposals for the residential development will make an affordable housing contribution through the provision of 70 units of the correct tenure. The scheme does make a valuable contribution towards affordable housing which will be secured through a Section 106 agreement.

The proposed development will make a full education contribution, health contribution and will make a contribution towards open space, indoor recreation and outdoor sport. The affordable housing provision will meet the requirements

Overall the provision of a reasonable mix of housing for the community as part of a large strategic allocation along with on site affordable housing, health, education and open space and outdoor recreation contributions which can be provided by the development are considered to be socially sustainable.

## **ENVIRONMENTAL SUSTAINABILITY**

### **IMPACT ON HIGHWAY NETWORK/ACCESS**

A masterplan has been submitted with an indicative layout and no comments are made on the internal road network. However, it should be noted that there is no direct vehicular access to Pexhill proposed, although there is a pedestrian/cycle link is indicated.

All three of the sites that are currently being considered by the Council have been subject to re-consultation as further highway information has been submitted that affects all three applications in relation to the off-site traffic impact at the Broken Cross roundabout. The applicants have submitted joint mitigation measures/financial contributions for all three applications. The three applications are as follows:

**17/4034M Land south of Chelford Road** - This is an outline application for up to 232 dwellings taking its principal access from Chelford Road. The access to the site is provided by a new roundabout on the A537 Chelford Road, that incorporates pedestrian crossing points. The roundabout design also includes an access stub on the northern side of the roundabout that will serve application 18/0294M for 31 units, although there is no internal link provided to serve the 135 units in 17/4277M. A capacity assessment of the proposed new roundabout has been undertaken in 2022 with the development traffic added and it also includes likely future development on the safeguarded land indicated in the Local Plan. The results indicate that the roundabout operates well within its capacity.

**17/4277M Land between Chelford Road and Whirley Road** - This is an outline application for up to 135 dwellings and takes its principal access from Chelford Road.

**18/0294M Land north of Chelford Road** - This is an outline application for up to 31 dwellings with one point of access proposed from Chelford Road. There have been two forms of access submitted, a priority junction arrangement or a connection to a roundabout on Chelford Road.

As the principle impact of the development proposals is at the Broken Cross roundabout a joint impact assessment of the junction has been submitted by the applicants. This takes into account the impact of this development and those on the allocated site to the north of Chelford Road. The scope of the traffic impact of the development has been agreed and the main junctions to be assessed were the Chelford Road site access and the A537 Chelford Road/A537 Broken Cross/Fallibroome Road roundabout at Broken Cross.

The current roundabout junction at Broken Cross has existing congestion problems with long queues forming in the peak hours particularly on the A537 Chelford Road approach. As the roundabout junction is currently operating over capacity the addition of further development traffic would only extend the queues further and increase congestion, which is not acceptable. Consideration has been given to whether improvements can be made to the existing roundabout junction to accommodate the traffic flows arising from the development. It has not been possible to design an improvement to the Broken Cross roundabout that can also accommodate the development traffic, this is due to the availability of land in public ownership at the junction that prevents increasing the size of the roundabout.

The Kings School development has been included in the assessment as committed development as this scheme has a material impact at the Broken Cross junction. The former TA centre in Chester Road is not included in the assessment as the traffic generation is low and also once distributed on the network the flows using Broken Cross are negligible.

Given the capacity problems with the existing roundabout, the applicant has submitted an improvement scheme that removes the existing roundabout and replaces it with a traffic signal control junction. The junction would have two lanes on the A537 Chelford Road eastbound approach to the junction and a right turn flare on the westbound A537 approach, the junction also would operate under MOVA control. As the junction would be signalised, pedestrian crossing facilities can be included and the existing crossing facilities can be removed. It is proposed to provide controlled pedestrian facilities on both the A537 Chelford Road arms of the junction.

To assess the effectiveness of the proposed signal junction and its ability to accommodate the proposed development traffic, a comparison between the operation of existing roundabout and the traffic junction has been undertaken. The modelling of the signal junction has been using LINSIG software in 2022 using flows based on the average of the CBO traffic counts (November 2016) and DTPC traffic counts (September 2017) traffic surveys. The LINSIG model includes the development flows for all three sites, committed development and growth. The comparison of the queue lengths of the 2022 Linsig model and the existing roundabout has been shown in the Table below:

Table 1.0 Mean Maximum Peak Hour Queue Lengths – Existing junction and Proposed Signal Junction

	Fallibroome Rd		A537 Chelford Rd		Gawsworth Rd		A537 Chester Rd	
	existing	prop	existing	prop	existing	prop	existing	prop
AM Peak Hour	16	29	77	35	31+	33	58	34
PM Peak Hour	34+	14	72	26	19	35	47	19

The queue length figures show that overall the queue lengths are much reduced on the A537 arms of the junction although there some increases on the other arms. It should be noted that the existing roundabout flows do not include traffic growth to 2022 and this would have the effect of increasing existing queue lengths should the junction remain as a roundabout.

The capacity assessment of the signal junction (Table 1.1) indicates that the introduction of the signal junction would still be operating over capacity in the peak hours and this is as a result of high traffic flows and the constrained nature of the junction preventing a larger junction being provided.

Table 1.1 LINSIG results 2022 Flows plus Development

	AM peak	PM peak

	DOS	Q	DOS	Q
A537 East Left Ahead Right	94.6 %	34	84 %	19
	106.1 %		84 %	
Gawsworth Road Right Left Ahead	104.3 %	33	107.4 %	35
A537 West Left Ahead Right	99.7 %	35	78 %	26
	104.2 %		109.2 %	
Fallisbroome Rd Left Ahead Right	106.4 %	29	95.3 %	14

It is important to note that the proposed signal junction will not work within capacity and there will still be residual queues at the junction. However, in regards to these applications the signal scheme can accommodate the proposed development traffic without increasing the existing level of congestion and would reduce queue levels overall.

An improvement for the Broken Cross junction is included in the Local Plan as part of the development of LPS sites 16 and 18 where these sites are expected to contribute to improvements at this junction. Looking further ahead, the MMS (Macclesfield Movement Strategy) identifies key infrastructure requirements in Macclesfield to be delivered by the end of the plan period (2030). Broken Cross junction is one of the junctions to be improved and it is intended that a larger junction improvement than the current proposed traffic signal scheme would be delivered by the Council by the end of the period. At the current time, however, this project is not yet underway.

It has been estimated that the traffic signal scheme proposed as part of these applications would cost £855,000 and highways have requested that this should be delivered prior to the occupation of the 100<sup>th</sup> unit across the two larger sites. In response to the highway comments the applicants have agreed to provide the improvement scheme prior to the first occupation of any of the units across the two larger sites.

Having regard to the concerns raised by residents and given that the proposed scheme will provide highways mitigation at an earlier stage, it is considered that this would serve as a wider planning benefit of the scheme.

Developments are required only to mitigate the effects of their own impact. The proposed traffic signal scheme meets this test and as such is considered an acceptable mitigation scheme. The highway improvement scheme would need to be fully funded by the applicants and secured by condition. It would be delivered through a S278 Agreement prior to the occupation of any of the units on the two larger sites (17/4277M and 17/4034M refer).

Therefore subject to the improvements at Broken Cross junction being carried out, the proposal is considered acceptable and the impact of the development on the local highway network is suitably mitigated against. Additional conditions requiring the implementation of the zebra crossing on Gawsworth Road, the access roundabout to the site being completed before occupation of any houses on the site, the design of the main internal road and links through to the safeguarded land, submission of a construction Management Plan and a Travel Plan have been requested. These will be included on the decision notice.

### **DESIGN AND LAYOUT**

The importance of securing high quality design promoted within the revised NPPF and the approach is fully consistent with CELPS Policy SE1 and the recently adopted Cheshire East Design Guide.

The application is in outline and details of layout, scale and appearance will be dealt with as part of any reserved matters application.

The illustrative site plan shows a layout that is unacceptable in Urban Design terms and contrary to adopted Design Guide. It shows no incorporation of green infrastructure and proposes the use of standard house types. As the site is located along a main route into Macclesfield a design of the highest quality will be expected on this site.

As a result a condition will be included on the decision notice that requires the submission and agreement of a design code. This will be required to be submitted in advance of any reserved matters application to meet the requirements of the Design Guide. A condition is also required in relation to materials.

Given the stage the proposals are at the proposals are acceptable subject to the above conditions.

### **LANDSCAPE**

A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. The LVIA identifies the baseline landscape character at the national, regional and county and district level, in this case Landscape Type 16: Higher Farms and Woods, and specifically the Gawsworth Character area (HFW1), and also identifies the settlement pattern, as identified in the Cheshire East Design Guide, which identifies the settlement pattern as Silk, Cotton and market Towns.

The site itself consists of an undulating farmland with hedgerows, trees and a number of ponds, with existing development along the northern and eastern boundaries and agricultural land to the west and south. The landscape assessment identifies that for the construction phase the site would have a low sensitivity, the magnitude of change would be moderate adverse and the overall significance of effect would be moderate to minor adverse. The assessment indicates that with a more established landscape, developed according to the Landscape Strategy, the longer term effects would be minor adverse.

The visual assessment identifies a number of receptors from public and private views. This indicates that during the construction period there would be moderate adverse effects from nearby residential properties, major to moderate adverse effects on completion and in the short term for receptors D, F and G, but this would reduce to moderate after 15 years.

Whilst the LVIA is broadly acceptable the landscape effects may be greater than the assessment indicates. The submission includes a Landscape Strategy, this includes proposals for hedgerow planting, tree planting, woodland edge planting. Any reserved matters

application for approval of landscape it will need to retain a robust landscape strategy along with a design that reflects the Cheshire East Design Guide.

### **ECOLOGY**

The application is accompanied by a comprehensive ecological assessment with subsequent addendums that address the following issues;

#### Cock Wood Local Wildlife site

Part of this local wildlife site, which includes a proportion of ancient woodland habitat, falls within the red line boundary of this application. The local plan policy for this specific site requires a 30m buffer to be provided around the ancient woodland within and adjacent to the site and woodlands and other habitats of Local Wildlife Site quality must be retained and buffered.

The updated ecological assessment includes a revised illustrative layout which excludes all development from the boundary of the local wildlife site and includes a 3m undeveloped buffer to the boundary of the Local Wildlife Site.

There are two small areas of marshy grassland on site. Only relatively limited information is provided on the species composition of these habitats, but they could potentially be of nature conservation value. These habitats are located close to the boundary of the Local Wildlife site therefore the Local Wildlife Site buffers be extended to ensure that these features are retained.

#### Otter and water vole

Whilst only a single survey visit has been undertaken in respect of these species, they are unlikely to be present or affected by the proposed development.

#### Badgers

Three minor badger setts were recorded on site. Depending on the final design produced at the reserved matters application it may potentially be possible to retain one sett on site, but the other two are likely to require closure under the terms of a Natural England licence to avoid any disturbance of badgers during the works.

The precise impacts of the proposed development on badgers will depend on the level of badger activity on site and the precise layout formulated at the time of any future reserved matters application. It is therefore recommended a condition shall be attached which requires any future reserved matters application be supported by an updated badger survey and mitigation strategy.

#### Breeding Birds

A number of breeding bird species were recorded on site, including a number of species which are considered a priority for nature conservation. The priority species are represented by only low numbers of breeding pairs, however to minimise the impacts of these species the proposed development must seek to maximise the retention of scrub and hedgerows habitats and the illustrative layout should include proposals for replacement planting to compensate for any avoidable losses.

The buffer zone required along the boundary of the Local Wildlife Site would also serve assist in reducing the potential impacts of the development upon breeding birds.

### Barn Owl

There are records of this protected species within 1km of the application site. Two trees on site have been identified as offering potential habitat for roosting barn owls. No evidence of barn owl presence was recorded during the submitted surveys, the two identified trees were however only viewed from the ground and during the bat activity surveys.

As barn owls are known to occur within the broad locality of this application site and the proposed development would have the potential to result in the disturbance of barn owls even if the trees were retained that these two trees be subject to a closer inspection in the form of an aerial/climbing inspection and a further report submitted as part of any subsequent reserved matters application.

### Bats

Most bat activity recorded during the initial two survey visits is associated with 'stop 5', 'stop 12' and 'walk 12'. Any detailed design submitted at the reserved matters stage should seek to maximise the retention of habitats in these parts of the site and bat roosts can be incorporated into the scheme and required by condition.

A number of trees on site have been identified as having potential to support roosting bats. One of these trees (37T) will be lost as a result of the proposed development and another tree (36T) may require pruning. These trees have been subject to a detailed inspection and are unlikely to support roosting bats. Roosting bats are unlikely to be affected by the proposed development.

### Hedgerows

Hedgerows are a priority habitat. Hedgerows 1 -11 & 13-15 are 'Important' under the Hedgerow Regulations, predominantly due to the presence of native bluebell.

The submitted illustrative layout plan retains the majority of hedgerows on site, but there would still be some losses from a number of hedgerows to facilitate the site access roads. This includes losses from a number of hedgerows identified as being Important. In the event that planning permission is granted it must be ensured that any unavoidable losses of hedgerow are compensated for by means of replacement hedgerows as part of any future reserved matters application. This matter can be dealt with by condition.

### Bluebell

This is a priority species and likely to be adversely affected by the removal of hedgerows as part of the proposed development. A condition should be attached which requires the submission of a bluebell translocation method statement.

### Hedgehog

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. Features for hedgehogs should be provided with any future reserved matters application. This can be dealt with by condition.

### Great Crested Newts and Common Toad

No evidence of great crested newts was recorded during the submitted detailed surveys.

### Ecological Enhancement

This application provides an opportunity to incorporate features to increase the biodiversity value of the final development. A condition should be attached which requires the submission of an ecological enhancement strategy in support of any future reserved matters application. The strategy should include proposals for the provision of features for nesting birds and roosting bats, gaps for hedgehogs in garden and boundary fencing, brash piles, a wildlife pond and native hedgerow and shrub planting.

In addition conditions are required for the safeguarding and buffering of the adjacent Local Wildlife Site and adjacent marshy grassland habitats. The reserved matters application is to be supported by updated bat, badger and bat surveys.

### **IMPACT ON TREES/HEDGEROWS**

Trees and woodland in and adjacent to the application site are not currently protected by a Tree Preservation Order or lie within a designated Conservation Area. Cock Wood located on adjacent land to the west of the site is designated as Ancient Semi Natural Woodland and a designated Local Wildlife Site.

The application is supported by a Tree Survey and Arboricultural Impact Assessment. The Assessment has identified 60 individual trees, 13 groups and 7 hedges located within the application site, 11 High (A) category trees, 45 Moderate (B) category trees and 24 Low (C) category specimens.

One moderate (B) category tree, a mature Oak (37T) which the report states is showing some physiological decline will require removal to accommodate the access to the site from Chelford Road. Other proposed tree removals are confined to a low (C) category group of Goat Willow and Hawthorn (26G) to accommodate the new access road and the partial removal of two further low (C) category groups of self seeded Oak/Cherry (25G) and Holly (42G) to accommodate the access road footpath.

The Assessment has identified a potential Veteran tree (Alder 54T) which is located to the south of the site, if verified as a Veteran, a minimum distance of 15 metres from the tree stem to any built development will be required to secure retention. This will be included as a condition on any approval.

The Assessment further states that the rooting environment of a High (A) category Oak (36T) will be affected due to the construction of the main access road into the site. As this is the only means of access into an allocated site there is no scope for any significant amendment to avoid these impacts. Proposed ground level changes that will be required and retaining structures probably discount any reduced or no dig solutions therefore the loss of both the Oaks (36T and 37T) will have to be accepted with suitable replacement planting in mitigation.

Whilst accepting that the layout is only indicative, with some exceptions the design in terms of the relationship/social proximity to retains trees appears reasonably favourable. The site has

some challenges as there are significant changes in level across the site and needs to be carefully considered in more detail at reserved matters stage.

The Council's Design Guide also pays particular attention to the quality of living accommodation and the need to retain existing trees of landscape value and enhance the setting of the new development. Particular regard will be given to these matters when the final layout is submitted at Reserved Matters stage and it will be expected that these matters will be considered in full within a Arboricultural Impact Assessment/Method Statement and Tree Protection Plan

### **AIR QUALITY**

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

Air quality impacts have, therefore, been considered within the air quality assessment submitted in support of the applications. The report considers whether the developments will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS Roads to model NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> impacts from additional traffic associated with these developments and the cumulative impact of committed developments within the area.

A number of modelled scenarios have been considered within the assessment. These were:

- 2017 verification
- 2020 – opening year do-minimum (predicted traffic flows should the proposals not proceed)
- 2020 – opening year do-something (predicted traffic flows should the proposals be completed)

As well as the standard detailed assessment, a sensitivity test was also conducted whereby the assumption is made that background concentrations will not decrease as predicted over the coming years. It is these figures that have been reviewed here as they represent a “worst case scenario” approach.

The assessment concludes that the impact of the future developments on the chosen receptors will be not significant with regards to NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations, with only one of the receptors experiencing a slight adverse effect for NO<sub>2</sub>. Many of the receptors are, in fact, predicted to see an improvement in NO<sub>2</sub> concentrations due to the highway improvements at Broken Cross junction. There are also no new exceedances predicted to occur as a result of the developments. However, several of the receptors are located within the nearby Broken Cross AQMA and it is considered that any increase in concentrations, no matter how small, within an AQMA is considered significant as it is directly converse to our local air quality management objectives, the NPPF and the Council's Air Quality Action Plan.

As part of the considerations the Council queried the baseline figures for some of the receptors given that a local diffusion tube monitoring site for 2016 showed significantly higher figures. In response the following explanation was provided:

*“Finally regarding the difference between monitored diffusion tube concentrations and modelled concentrations at the receptor locations, it is important to note that differences between distance from the road, wind direction e.g. being upwind or downwind of the pollutant source, leeward or windward direction, angle from pollutant source, building effects (which are not included in the ADMS-Roads model), distance from queuing sections and other road sources will all greatly affect predicted concentrations. In addition, the monitored concentrations are subject to pollutant emissions from every road in the area and any other sources, whereas the modelled concentrations are predicted based on the roads included in the model, as detailed in our report. Also the monitored concentrations may be affected by unknown queuing/idling sources e.g. bus stops, any road works or other short term works in the area, parking in the vicinity etc. The purpose of the model verification process is to try and minimise these discrepancies between monitored and modelled concentrations. A thorough verification process has been undertaken using 4 / 5 diffusion tube locations and a sensitivity analysis has also been undertaken to consider a conservative scenario where background concentrations and emission factors may not decline from base year levels. All results show a slight/negligible impact which is considered to be ‘not significant’ and the proposals for the junction improvements actually show some pollutant concentrations decreasing slightly at receptors with the junction improvements in place.”*

The EPU considers these conclusions to be acceptable, especially when the uncertainty (roughly 20%) associated with diffusion tube monitoring is also factored in. However, there is a need, for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Taking into account the uncertainties with modelling, the impacts of the development could be significantly worse than predicted.

The developer has already submitted a Travel Plan Framework in support of the development which is considered acceptable and the proposals in the Travel Plan will be refined as part of the reserved matters proposals. As well as the Travel Plan requirement conditions relating to dust management and the provision of electric vehicle charging points will also be included.

A condition has been requested relating to the installation of low emission boilers. This however is not considered an enforceable condition and in any event the boilers will have to comply with building regulations.

The Air Quality Assessment submitted takes into account the developments to the north and south of Chelford Road on the allocated site. Representations have pointed to other developments in the Macclesfield such as the new Kings School and the development of the former TA site stating they should also be considered in the submission. These sites are approximately 1 mile from the site and even further when measuring the road distance between them. There are plenty of alternative routes that traffic may divert onto between these sites and the Broken Cross roundabout so any traffic using Broken Cross will be very minor in comparison to the vehicle numbers that travel through Broken Cross on a daily basis. It must also be pointed out that developments are only required to mitigate against any impact they may cause. It is not reasonable in planning terms to expect a development to remedy any pre-existing issues. As the package of mitigation measures are forecast to result in an improvement in air quality they are considered acceptable.

To conclude it is therefore considered the proposal will not have a detrimental impact on the air quality of the area as any impacts will be mitigated against.

### **FLOOD RISK**

The site is classified as Very Low Risk (former EA Flood Zone 1), which is land that has a less than 0.1% chance of flooding (less than 1:1000). The Council's Flood Risk Team have considered the submitted Flood Risk Assessment and the further submitted information and have raised no objections to the proposals.

Conditions have been requested that requires the submission of a detailed strategy for surface water drainage, the development be carried out in accordance with the flood risk assessment and details of levels. These will be included on approval.

### **Environmental sustainability conclusions**

It is considered that the proposed development is environmentally sustainable. The proposed design of the site is acceptable, subject to conditions regarding environmental matters.

### **ECONOMIC SUSTAINABILITY**

#### Employment

The addition of 232 units within the town will undoubtedly boost the economy in the local area through the increased use of shops and services. Additional population can create more demand for local services, increasing the likelihood that they will be retained into the future and improvements and investment made.

The proposals will result in additional employment in the short term through the construction of the site along with an economic boost locally through the increase in population to this area of the town. It is considered that the proposals will make efficient use of the site which is part of a wider strategic allocation.

### **SECTION 106**

A section 106 agreement will accompany the application and is required to secure the following:

- Provision of 30% affordable units, of these dwellings 65% will be affordable rented and 35% intermediate housing.
- Educational contribution towards secondary and SEN provision of £1,158,541 based on 232 dwellings being built on site, the final contribution will be based on the formula stated in the report.
- Contribution towards ROS £1,000 per open market house.

- Contribution towards health provision, the final figure is dependent on the number and size of properties that come forward at reserved matters.
- Contribution towards indoor recreation of £28,500 based on 232 dwellings being built on site.
- Management Plan for the on-site public open space and LEAP
- Contribution for monitoring of Travel Plan £5,000

### **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) Fair and reasonably related in scale and kind to the development.

The provision of affordable housing, public open space, indoor and outdoor sport (financial) mitigation, and healthcare (financial) mitigation are 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.

A financial contribution towards the highway improvement works at Broken Cross roundabout is necessary to make the development acceptable in planning terms in order to mitigate for its impact on the highway network and will assist in air quality matters also.

The development would result in increased demand for school places at the primary and secondary schools 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 primary, secondary and SEN 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.

It is considered that the contributions required as part of the application are justified and meet the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in scale and kind of development. On this basis the S106 obligations comply with the CIL Regulations 2010.

### **COMMENT ON REPRESENTATIONS**

The majority of the points of objection have been addressed in the main body of the report or are issues that will be considered as part of the future reserved matters application.

A number of representations objected on the grounds the site is within the Green Belt and therefore should not be developed. However, on adoption of the Local Plan the site was removed from the Green Belt and is now allocated for residential use.

Other representations relate to the principle of residential use of the site but this matter has been addressed through the process of adopting the local plan.

### **CONCLUSION AND PLANNING BALANCE**

The site forms the majority of allocated site LPS16. The proposed development accords with the Local Plan policy relating to its allocation by providing housing and all the other policy requirements. Shortfalls in health and education provision are mitigated through financial contributions to improve existing facilities. The applicant is providing further financial contributions in order to make the development acceptable and is providing the full amount of affordable housing on site which is essential in order to make developments sustainable in the future.

It is considered that the proposals are environmental, socially and economically sustainable and accord with the development plan and the framework. The site is sustainably located within the town and the proposals represent an efficient use of the land.

The improvements to Broken Cross will be delivered either through a s278 agreement through planning condition or in the s106 agreement. These improvements will mitigate against the impact of the development on the capacity of this junction and also improve the air quality within the vicinity of the air quality management area.

Cheshire East is currently able to demonstrate a 5 year supply of housing however this proposal will make a valuable contribution in maintaining this position.

It is considered that the proposal represents sustainable development and accords with the development plan policies mentioned in the policies section of this report and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for approval.

### **RECOMMENDATION**

#### **Approve subject to a legal agreement to secure**

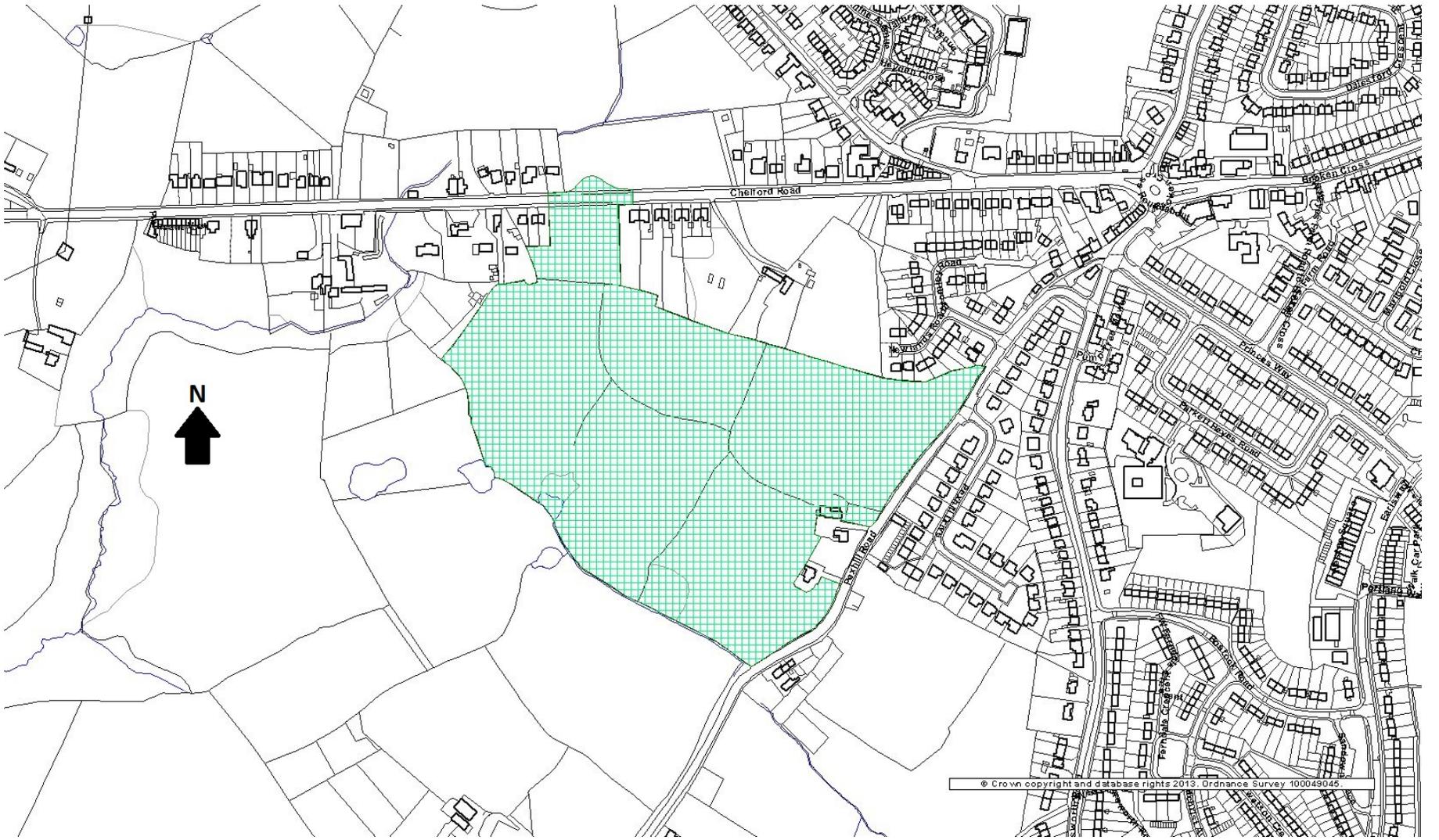
- Provision of 30% affordable units, of these dwellings 65% will be affordable rented and 35% intermediate housing.
- Educational contribution towards secondary and SEN provision of £1,158,541 based on 232 dwellings being built on site.
- Contribution towards ROS £1,000 per open market house.
- Contribution towards health provision, the final figure is dependent on the number and size of properties that come forward at reserved matters.
- Contribution towards indoor recreation of £28,500 based on 232 dwellings being built on site.
- Management Plan for the on-site public open space and LEAP
- Contribution for monitoring of Travel Plan £5,000

**And the following conditions**

- 1. Standard Outline Time limit – 3 years**
- 2. Approve reserved matters details**
- 3. Accordance with approved plans**
- 4. Details of surface water drainage to be submitted**
- 5. Reserved matters to include a signage scheme directing users to local cycle and footpath routes**
- 6. Submission and implementation of Travel Plan**
- 7. Reserved matters to be supported by detailed arboricultural impact assessment**
- 8. Implementation of site access prior to first occupation**
- 9. Reserved matters to be supported by detailed finished ground and floor levels**
- 10. Development to be carried out in accordance with submitted Flood Risk Assessment**
- 11. Submission of Construction and Environment Management Plan**
- 12. Reserved matters to be supported by Ecological Enhancement Strategy**
- 13. Safeguarding the ecological buffer to the Local Wildlife Site**
- 14. Boundary details as part of reserved matters submission**
- 15. Method Statement for Dust control**
- 16. Provision of Electric Vehicle Charging Points**
- 17. Standard contaminated land condition**
- 18. Any importation of soil for garden use to be tested**
- 19. Process for unexpected contamination**
- 20. Updated badger and bat surveys with reserved matters application**
- 21. Implement noise assessment recommendations**
- 22. Reserved matters to include landscaping scheme**
- 23. Noise Impact Assessment as part of reserved matters application.**
- 24. Details of materials to be submitted**
- 25. Details of play area and wider open space as part of reserved matters**
- 26. Retention of hedgerows**
- 27. Retention of veteran tree**
- 28. Bluebell Translocation Assessment**
- 29. Implement recommendations of archaeological assessment**
- 30. Submission of design code before submission of reserved matters.**
- 31. Implement Broken Cross highway improvements prior to first occupation of any dwelling on the site**
- 32. Implement zebra crossing on Gawsorth Road prior to first occupation of any dwelling on the site**
- 33. Internal access to be designed to a standard that can serve potential future development of the adjacent safeguarded land and provides a satisfactory internal road link.**
- 34. Detailed lighting scheme to be submitted in support any future reserved matters application**

*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 (Regulation) 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.*



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Application No: 17/4277M

Location: Land Between Chelford Road And Whirley Road, CHELFORD ROAD, HENBURY

Proposal: Outline application for the erection of up to 135 dwellings with access from Chelford Road and Whirley Road and associated open space

Applicant: Frederic Robinson Ltd

Expiry Date: 28-Nov-2017

## SUMMARY

Macclesfield is one of the principal towns and growth areas of the Borough where national and local plan policies support sustainable development. The proposal provides up to 135 dwellings on part of a site allocated for around 150 dwellings under Policy LPS 18 within the Cheshire East Local Plan Strategy (CELPS). Through the adoption of the CELPS, the site has been removed from the Green Belt and the principle of developing the site for housing is therefore acceptable. This proposal would bring economic and social benefits through the delivery of 135 no. residential units in a sustainable location.

Cheshire East is able to demonstrate a 5 year supply of housing, however, this proposal will make a valuable contribution in maintaining this position.

The proposal provides the required amount of affordable housing and the impact on local infrastructure including education and healthcare provision would be mitigated by financial contributions.

The development will not have a detrimental impact on the local highway network subject to the implementation of highway improvement scheme at Broken Cross roundabout / junction. With appropriate mitigation, the impact on local air quality (including cumulative impacts) will be acceptable also.

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

Subject to the submission of reserved matters, and based on the principles shown on the indicative layout, the proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants. Appropriate public open space including a play area would be provided on site and financial contributions would offset the impact on outdoor and indoor sports and recreation provision. The applicants have

demonstrated general compliance with national and local guidance in a range of areas including ecology, trees, landscape impact and noise.

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. In accordance with Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 11 of the Framework, the proposals should therefore be approved without delay.

### **SUMMARY RECOMMENDATION**

**Approve subject to conditions and a s106 agreement.**

### **PROPOSAL**

This application seeks outline planning permission with all matters reserved (except for means of access), for the erection of up to 135 dwellings with associated open space on land to the north of Chelford Road, Macclesfield. Vehicular access would be taken from Chelford Road and a pedestrian / cycle access would be provided off Whirley Road.

### **DESCRIPTION OF SITE AND CONTEXT**

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

### **RELEVANT HISTORY**

None

### **POLICIES**

#### **Development Plan**

Cheshire East Local Plan Strategy

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 18 Land between Chelford Road and Whirley Road, Macclesfield

## Macclesfield Borough Local Plan (saved policies)

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) 2018  
National Planning Practice Guidance  
Cheshire East Design Guide

## CONSULTATIONS

**ANSA (Greenspaces and CEC Leisure)** – No objection subject to onsite provision of Public Open Space (POS) and a Local Area of Play (LEAP) standard play area. There is a requirement to provide a financial contribution of £1,000 per open market family dwelling or £500 per 1 / 2 bed apartment towards Recreation and Outdoor Sport (ROS) and £24,050 towards Indoor Sport, but this will depend on the final housing numbers.

**Cheshire Wildlife Trust** – No objection provided that the marshy grassland in south eastern area of the site is respected and buffered or, any losses mitigated or compensated for. Himalayan Balsam should be removed. Measures to reduce indirect impact on wildlife should be used such as bat sensitive lighting and fencing to discourage pets.

**Education** – No objection subject to a financial contribution of £672,668 towards primary, secondary and SEN school places.

**Environmental Protection** – No objection subject to conditions / informatives relating to noise mitigation, electric vehicle infrastructure, dust control, contaminated land and construction hours.

**Flood Risk Manager** – No objection subject to conditions relating to surface water attenuation, restriction of surface water flow, submission of a detailed drainage design strategy and submission of details of finished ground and floor levels.

**Head of Strategic Infrastructure** – No objection subject to financial contributions towards a highway improvement scheme at Broken Cross.

**Housing Strategy & Needs Manager** – No objection subject to 30% of the units being provided as affordable with a tenure split of 65% / 35% between social / affordable rent and intermediate tenure.

**Manchester Airport** – No objection.

**Natural England** – No objection - the proposal is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.

**NHS Eastern Cheshire Clinical Commissioning Group** – Request a financial contribution of £136,080 to support the merger of two GP practices in Waters Green Medical Centre, Macclesfield.

**Public Rights of Way** – No objection subject to a condition requiring a signage scheme directing users to local cycle and footpath routes.

**United Utilities (UU)** – No objection subject to foul and surface water drainage being connected on separate systems and submission of a surface water drainage scheme. UU have also stated that there is a public sewer crossing the site which they will not permit building over unless the applicant diverts it at their own expense.

## VIEWS OF THE TOWN AND PARISH COUNCILS

**Macclesfield Town Council (MTC)** - Object on the grounds of:

- Site is Green Belt and exceptional circumstances haven't been demonstrated
- Significant impact on highways through traffic congestion requiring in depth traffic management assessment
- Impact on air quality
- Other sizeable sites within the 1 mile of the site have not been accounted for
- The cumulative impact of localised development in that area of Macclesfield
- That the impact on air quality will adversely affect the amenity of residents
- That an environmental impact assessment does not clearly demonstrate sustainability of the proposed development
- The development does not provide adequately for sustainable transport methods, such as cycle and pedestrian routes

MTC also asked that neighbours' comments are taken into consideration, and that if the development goes ahead infrastructure must be put in place to support the development and appropriate air quality measures as well as community infrastructure and cycling measures.

**Henbury Parish Council** – Detailed objections have been received from the Parish. This has included detailed traffic surveys and air quality reports submitted on behalf of the Parish. The main concerns are summarised below:

- The submitted air quality assessment does not consider the cumulative air quality impacts of proposed residential development. It recommends that further consideration be given to the application to allow for different AQ assessment methodology.
- Any applications are premature before any AQMA mitigation measures are known. Travel plan is based on soft initiatives and the ability to reduce flows is limited.
- Traffic counts – without an agreed survey base the assessments cannot be relied upon. Unless the surveys are considered reliable and representative of the existing situation, any assessment is also inaccurate.
- The applicants transport report draws incorrect conclusions and is based on flawed data. Queue lengths and vehicle flow counts are much higher than reported in applicant's TA.
- There is oversubscription at area schools with no spare places at – Fallibroome Academy and Macclesfield Academy. Proposed development would have detrimental impact on education provision. These schools are academies so the LEA cannot arrange their expansion. Approval without addressing this situation would be negligent.
- Proposed Green Belt boundary would be very weak, vulnerable to being merged into Macclesfield. Density of houses would allow for eventual development of more than the 150 allocated.
- Opposition to allocation during local plan production had little influence on inclusion of this site.
- Cumulative impact of other developments should be considered.

- Site is more environmentally valuable than surrounding farmland, it hosts/supports waterfowl, migratory birds, wildflowers, birds of prey, bats, great crested newts, and rare species as noted in Ecological Assessment.
- 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.
- No consideration of capacity of physical infrastructure or medical services.
- The submitted applications do not cover the whole site allocation
- Traffic on the Chelford Rd frequently queues past the proposed site access towards the Broken Cross roundabout. A report commissioned by the Parish Council shows that the traffic volume and congestion is far greater than indicated in the transport assessments for applications 17/4277M and 17/4034M.
- Pedestrian flow surveys were carried out when a number of year groups were on leave due to exams
- Traffic flows are inaccurate (and therefore the Air Quality modelling also) as they do not account for the new location for Kings School, or the developments lower down the A537 e.g. Bollin Meadow
- The overall expansion of Macclesfield in the local plan is for 4350 properties, despite the original requirement being under 2500
- The proposed access will require a new roundabout on the A537, within the extent of the queues frequently encountered in east-bound traffic at Broken Cross.
- This application must be assessed in combination with surrounding applications with regards to the impacts on local infrastructure (schools, health care, utility supply etc.)
- This proposal will adversely affect air quality around Broken Cross.
- The Council has failed to produce an Air Quality Action Plan and put in place appropriate monitoring
- The air quality reports are based on inconsistent, inaccurate data and poorly positioned monitoring tubes
- There will be an adverse impact on the health of walkers and cyclists who will be exposed to NO<sub>2</sub> levels that exceed limits, which the travel plans for these applications are promoting
- Will be very long waiting times of pedestrians which will be unsafe for school children
- The site is mostly marshy grassland on peat. It is part of the area named 'Longmoss', the name being indicative of the ground conditions. The proposal would have a significant impact on ecology and a nearby SBI and would be contrary to Local Plan Policy SE 3.
- There is oversubscription at area schools with no spare places at – Fallibroome Academy and Macclesfield Academy. Proposed development would have detrimental impact on education provision. These schools are academies so the LEA cannot arrange their expansion. Approval without addressing this situation would be negligent.
- Site lies in a critical drainage area and is susceptible to surface water flooding.
- This application does not represent sensitive development and has a negative impact on the local environment and transport infrastructure.

### **OTHER REPRESENTATIONS**

Representations have been received from over 121 properties over the two periods of consultation objecting to this application on the following grounds:

- The scheme is a poor quality design with insufficient space.
- It should reflect the character of the area
- Dwellings fronting onto Whirley Road should be in line and in keeping with existing properties, not off-set as proposed
- Overwhelming majority of proposed homes are not affordable
- Chelford Road and Whirley Road are already very congested, which the development would worsen.
- The development will add to the congestion in the area and should not be considered in isolation.
- The traffic survey doesn't reflect queueing experienced at Broken Cross Roundabout or other local roads, it will be gridlock
- Whirley Road is particularly dangerous to pedestrians and difficult for two cars to pass
- Major review of traffic in Macclesfield should be undertaken first.
- No need for emergency access off Whirley Road
- Increasing traffic and congestion would further worsen existing air pollution in the area, including at nearby schools.
- 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.
- Substantial landscaped boundaries between the site and neighbours are required, but have not been proposed.
- Damage/removal of historic hedgerows are unacceptable.
- Open space for recreation area to the western edge hardly qualifies as such due to path running through and tree barrier, should be used as a nature corridor.
- Site should be retained as Green Belt and not released for development. Contradicts purpose of Green Belt, preventing merging settlements and urban sprawl.
- Developing Green Belt will destroy character of Macclesfield
- The land is peat-based and subject to major flooding across the site.
- CE Preliminary Flood Risk Assessment notes that the site is a deep flooding risk.
- Major flooding occurs on the site so housing should not be built on it.
- Sewer system would not manage the increased loading from this and the other nearby housing sites being developed from the Prestbury Plant.
- No plans to mitigate impact of additional development, attenuation ponds will not be sufficient
- Surface water run off may result in contamination of the Ecology Area,
- TPO removals are unfounded and hedgerows will need to be removed.
- Trees planted by locals in 2013 are scheduled for removal which is worrying as they form a landscape feature of the site.
- Woodland should be retained in the development.
- Site should be removed from Local Plan allocation and placed into Green Belt.
- Brownfield land and derelict buildings and mills should be considered first.
- Impact on the nearby Cock Wood Local Wildlife Site
- Application will impact on newts, badgers and other wildlife

- Site is a useful buffer to and the watercourse alongside its south-eastern section feeds Cock Wood as Bag Brook.
- What ecological enhancement will the development bring?
- Local schools are full and at capacity
- Children will have to travel further leading to increased traffic
- Education places already in demand due to recently approved housing nearby this site.
- The impact on existing GP, dentist and other medical service levels
- Medical services oversubscribed.
- Loss of open space and green spaces, gardens are insufficient size
- Concerns about condition and capacity of drainage, water, electricity and broadband infrastructure.
- Comments raised in the application consultation have not be included or addressed
- Pedestrian and cycle environment unsafe around Broken Cross
- High number of errors, omissions and inaccuracies in submissions
- Pedestrian safety survey was undertaken when at least 3 school years weren't in at Fallibroome
- Houses unlikely to be low cost / affordable
- Conflicts with advice in the NPPF
- Pollutants from surface water will affect ancient woodland

### **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.

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.

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*". In light of LPS 18, which allocates this site for housing development, the principle of developing the site for around 150 dwellings is acceptable. Whilst this proposal does not include all of the land allocated under LPS 18, it is not a requirement that any applications submitted on allocated sites are done so in a single application. The important thing to note is that this proposal would not preclude the remaining part of the site allocation from being brought forward. In this regard, there is an application currently being considered on land to the south under planning ref; 18/0294M for another part of this allocated site. Each of the applications 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 in relation to LPS 18 is 165, which can be accommodated satisfactorily and is therefore in compliance with LPS 18.

As per para 11 of the Framework and CELPS Policy MP 1, there is a presumption in favour of sustainable development taking into account the three dimensions of sustainable development (social, economic and environmental) and compliance with the Development Plan in accordance with Sec.38 (6).

## **SOCIAL SUSTAINABILITY**

### **Housing Land Supply**

The Cheshire East Local Plan Strategy forms part of the statutory development plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This is the test that legislation prescribes should be employed on planning decision making. The 'presumption in favour of sustainable development' at paragraph 11 of the NPPF means: "approving development proposals that accord with an up to date development plan without delay"

The Cheshire East Local Plan Strategy is a recently adopted plan. Upon adoption, the Examining Inspector concluded that the Local Plan would produce a five year supply of

housing land, stating that *“I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years”*.

The Council can now demonstrate a 5 year supply of land for housing, but it is important to note that this proposal would deliver 135 no. dwellings on an allocated site within the adopted Local Plan within one of the Principal Towns in the Borough. The Council needs to keep the supply rolling and proposals that bring forward the Council's strategic vision through the development of the allocated sites such as this one will assist in relieving pressure on other edge of settlement sites and the countryside. As such, this is a key benefit of the scheme.

### **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 an outline application for around 135 dwellings, 41 of the units will be required to be affordable, depending on the final number of dwellings on the site. To satisfy the required tenure split, 26 of the units would need to be provided as social rented accommodation and 15 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 number on the Cheshire Homechoice waiting list that have expressed Macclesfield as their first choice is 1294. This can be broken down to 683 x 1 bedroom accommodation, 417 x 2 bedroom, 158 x 3 bedroom, 36 x 4+ bedroom dwellings, therefore a mix of 1, 2 and 3 bedroom general needs dwellings, and 1 bedroom Older Persons dwellings on this site would be acceptable.

The applicant has confirmed that the proposal will provide 30% of the site as Affordable Housing with the required tenure split. The precise number, size, location and type of units will be secured at Reserved Matters stage. On this basis, the Council's Housing Strategy and Needs Manager has no objection and the scheme is in compliance with Local Plan Policy SC 5 and criterion b of LPS 18.

### **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 135 dwellings, the Council's Children's Services have advised that a development of this size would generate:

- 25 primary children (135 x 0.19)
- 19 secondary children (135 x 0.15)
- 2 SEN children (135 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. The analysis undertaken has identified that there remains a shortfall in school places.

Special education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. Whilst it is acknowledged that this is an existing issue, the 2 children with special educational needs (SEN) expected from this development will exacerbate the shortfall.

To alleviate forecast pressures, the following contributions would therefore be required:

- $25 \times £11,919 \times 0.91 = £271,157$  (primary)
- $19 \times £17,959 \times 0.91 = £310,511$  (secondary)
- $2 \times £50,000 \times 0.91 = £91,000$  (SEN)
- Total education contribution: £672,668.00

The applicant has confirmed acceptance of this requirement and therefore this application is compliant with criterion 6 of LPS 18 in this regard.

### **Healthcare**

The NHS Eastern Cheshire Clinical Commissioning Group (CCG) has commented on the application. The NHS has noted that there are six NHS GP practices within Macclesfield, all located within one building at the Waters Green Medical Centre.

Based on the current local population, the Waters Green Medical Centre has sufficient capacity to manage currently registered patients. However, with the known planned housing developments, the local population is predicted to increase by approximately 19% over the next 10 years. In order to be able to continue to provide the current high level of primary care services to the local population, the six GP practices will be required to review their current model of working. A model of 'working at scale' will be required, in which the six GP practices work much more closely together to remove duplication and inefficiencies from the primary care system. This will result in at least two of the six GP practices physically merging, with the associated building costs of merging the two (or more) GP practice footprints into one.

To facilitate this, a financial contribution will be required as part of this application, which is based on a calculation consisting of occupancy x number of units in the development x £360. This is based on guidance provided to other CCG areas by NHS Property Services.

Where a planning application has not provided a breakdown of the dwelling unit sizes in the proposed development (as is the case with this outline application), it is proposed that the average occupancy of 2.8 persons is used in the initial health calculation until such time as

the size of the dwelling units are confirmed, at which point a revised and more accurate calculation can be confirmed.

For this planning application, the CCG has requested a financial contribution towards health infrastructure via Section 106 of £136,080 based on a calculation of 2.8 persons x 135 dwelling units x £360. This provides an indication of the contribution required to comply with criterion 6 of LPS 18 of the CELPS. However, a formula based approach could be utilised in the s106 in order to secure the appropriate contribution once the details of the dwellings / occupancy has been fully detailed at the reserved matters stage.

### **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 indicative site plan shows areas for some on site open space. At 65sqm per dwelling, the total amount of on-site open space required could be up to 8,775 square metres. The indicative masterplan for the site shows an on site open space provision of approximately 9216 square metres (excluding the wetland and pond areas), which would exceed the requirement. There would sufficient opportunity to locate a Local Area of Play (LEAP) standard play area on site. The necessary outdoor sports and indoor sports facilities would be provided by way of a financial contribution towards off site provision.

There is a requirement to provide Recreation and Outdoor Sport (ROS) in line with Policy SC2 of the Local Plan and the playing Pitch Strategy. In this instance the developer has opted to make a contribution rather than on-site provision. This contribution will equate to £1,000 per family dwelling or £500 per 1 / 2 bed apartment (excluding the affordable properties) with the final contribution determined upon the final number of properties on site.

With respect to indoor sports provision, CEC Leisure has confirmed that based on a development of 135 dwellings, this could equate to a population increase of 217 and 93 additional 'active' population (subject to detailed reserved matters). Based on an industry average of 25 users per piece of health and fitness equipment this equates to 3.7 stations (£6,500 per fitness station) which would require a financial contribution of £24,050.

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

## ENVIRONMENTAL SUSTAINABILITY

### 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). The Council's Environmental Protection Unit has considered these proposals in the context of each other. Whilst these three applications were initially considered as separate entities, it has been concluded that a more thorough approach would be to consider the three developments together and assess the impacts accordingly. It should also be noted that as part of the development proposals, a highway improvement scheme comprising of the redesign of the Broken Cross roundabout is also proposed. The highway improvement scheme would see the removal of the roundabout to be replaced with a traffic light system.

Air quality impacts have, therefore, been considered within the air quality assessment submitted in support of the applications. The report considers whether the developments will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS Roads to model NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> impacts from additional traffic associated with these developments and the cumulative impact of committed developments within the area. A number of modelled scenarios have been considered within the assessment. These were:

- 2017 verification
- 2020 – opening year do-minimum (predicted traffic flows should the proposals not proceed)
- 2020 – opening year do-something (predicted traffic flows should the proposals be completed)

As well as the standard detailed assessment, a sensitivity test was also conducted whereby the assumption is made that background concentrations will not decrease as predicted over the coming years. It is these figures that have been reviewed here as they represent a "worst case scenario" approach.

The assessment concludes that the impact of the future developments on the chosen receptors will **not be significant** with regards to NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations, with only one of the receptors experiencing a slight adverse effect for NO<sub>2</sub>. Many of the receptors are predicted to see an improvement in NO<sub>2</sub> concentrations due to the highway improvements proposed at Broken Cross. There are also no new exceedances predicted to occur as a result of the developments. However, several of the receptors are located within the nearby Broken Cross AQMA and it is the view of the Council's EPU that any increase in concentrations, no matter how small, within an AQMA is considered significant as it is directly converse to our local air quality management objectives, the NPPF and the Council's Air Quality Action Plan.

The Council's EPU has also queried the baseline figures within the submitted report. For some of the receptors given that a local diffusion tube monitoring site for 2016 showed significantly higher figures. In response, the applicant's consultant provided the following explanation:

- *“Finally regarding the difference between monitored diffusion tube concentrations and modelled concentrations at the receptor locations, it is important to note that differences between distance from the road, wind direction e.g. being upwind or downwind of the pollutant source, leeward or windward direction, angle from pollutant source, building effects (which are not included in the ADMS-Roads model), distance from queuing sections and other road sources will all greatly affect predicted concentrations. In addition, the monitored concentrations are subject to pollutant emissions from every road in the area and any other sources, whereas the modelled concentrations are predicted based on the roads included in the model, as detailed in our report. Also the monitored concentrations may be affected by unknown queuing/idling sources e.g. bus stops, any road works or other short term works in the area, parking in the vicinity etc. The purpose of the model verification process is to try and minimise these discrepancies between monitored and modelled concentrations. A thorough verification process has been undertaken using 4 / 5 diffusion tube locations and a sensitivity analysis has also been undertaken to consider a conservative scenario where background concentrations and emission factors may not decline from base year levels. All results show a slight/negligible impact which is considered to be ‘not significant’ and the proposals for the junction improvements actually show some pollutant concentrations decreasing slightly at receptors with the junction improvements in place.”*

The EPU considers these conclusions to be acceptable, especially when the uncertainty (roughly 20%) associated with diffusion tube monitoring is also factored in. However, there is a need for the Local Planning Authority to consider the cumulative impact of a number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Taking into account the uncertainties with modelling, the impacts of the development could be significantly worse than predicted.

Macclesfield has four Air Quality Management Areas, and, as such, the cumulative impact of developments in the town is likely to make the situation worse unless managed. Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. In this case, this will be achieved by conditions relating to travel planning, dust control and the provision of electric vehicle infrastructure.

Representations have pointed to other developments in the Macclesfield such as the new Kings School and the development of the former TA site stating they should also be considered in the submission. These sites are approximately 1 mile from the site and even further when measuring the road distance between them. There are plenty of alternative routes that traffic may divert onto between these sites and the Broken Cross roundabout so any traffic using Broken Cross will be very minor in comparison to the vehicle numbers that travel through Broken Cross on a daily basis. It must also be pointed out that developments are only required to mitigate against any impact they may cause themselves. It is not reasonable in planning terms to expect a development to remedy any pre-existing issues. As

the package of mitigation measures are forecast to mitigate the impact of the development, the proposal will not have a detrimental impact on the air quality. Subject to conditions, the proposal will comply with policy SE 12 of the CELPS.

### **Residential Amenity**

Saved policy DC38 of the Macclesfield Borough Local Plan (MBLP) states that new residential developments should generally achieve a distance of between 21 metres and 25 metres between principal windows and 14 metres between a principal window and a blank / flank 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.

The nearest existing residential properties are located to the north, east and south of the site. The properties to the south are those fronting Chelford Road, namely 93-105 (inclusive) and already benefit from long gardens allowing decent separation with the site boundary (a minimum of c25 metres). The properties to the north and east are those fronting Whirley Road. The indicative layout shows part of the development fronting Whirley Road and would sit alongside the existing properties (i.e. side to side). As such, the amenity afforded to existing properties would be respected by the proposed indicative layout.

It is important to note that the detailed layout and appearance of the scheme are reserved matters for consideration at a later stage. However, having regard to the indicative layout, it is considered that a scheme of this size could be accommodated on the site, whilst maintaining the required separation distances between neighbouring properties and the proposed dwellings, and between the new dwellings within the development itself. Sufficient private amenity space for each new dwelling could be secured at reserved matters stage. No significant amenity issues are raised at this stage.

### **Noise**

The application is supported by a noise impact assessment which details potential noise mitigation measures in order to ensure that occupants of the proposed dwellings are not adversely affected by current and future traffic noise in the vicinity of the site. Provided that the noise mitigation measures as detailed in the supporting noise impact assessment are applied in order to meet 'BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings and / the Guidance Document Calculation of Road Traffic Noise', it is considered that there should be no adverse impacts on health and quality of life resulting from road traffic at this location affecting future occupants.

As the detailed design and final layout of the site has not yet been confirmed; in order to ensure that future occupants of the development do not suffer a substantial loss of amenity due to noise, a noise impact assessment report will be required at the Reserved Matters stage, demonstrating that all the residential properties can achieve appropriate standards. Subject to this requirement it is considered that the proposal will comply with policy SE12 of the CELPS and DC14 of the MBLP relating to noise and soundproofing.

## Highways

The highways infrastructure requirements were considered during the allocation of this site under the Local Plan process and its subsequent adoption where the expectations for accessing the site were set out. It was envisaged that this site would provide a joint access with other Local Plan sites in the northwest of Macclesfield to form a link road between Chelford Road and Congleton Road. This submission does not conform to these requirements and has the principal access being from Chelford Road.

The principal access from Chelford Road would have a 5.5 metres wide carriageway and two 2.0 metre footways either side. It is also proposed to provide a ghost island right turn lane on Chelford Road. In regard to the visibility provided at the junction, the applicant has provided visibility splays consistent with the 30 mph speed limit now in place on this section of Chelford Road although the Council's Head of Strategic Infrastructure (HSI - Highways) notes that the actual visibility available from the access point is well in excess of the splays that are to be provided.

Initially, the application also proposed a secondary vehicular access proposed from Whirley Road to serve up to 31 units with no link internally between the two access points to allow through traffic. However, following discussions with the applicant, the application was revised to remove the access from Whirley Road and instead place a number of dwellings on the frontage of Whirley Road.

Whilst the expected access for this site was a new roundabout on Chelford Road that served this site as well as LPS 16, this application includes an alternative priority junction access from Chelford Road near to The Cock Public House. Whilst this proposal differs from the access strategy originally envisaged, the HSI has confirmed that the proposed access strategy meets the necessary technical standards and is therefore acceptable.

All three of the sites that are currently being considered by the Council have been subject to re-consultation as further highway information has been submitted that affects all three applications in relation to the off-site traffic impact at the Broken Cross roundabout. The applicants have submitted joint mitigation measures/financial contributions for all three applications. The applications are as follows:

**17/4034M Land south of Chelford Road** - This is an outline application for up to 232 dwellings. The access to the site is provided by a new roundabout on the A537 Chelford Road. The roundabout design also includes an access stub on the northern side of the roundabout that will serve this application (18/0294M) for 31 units, although there is no internal link provided to serve the 135 units in 17/4277M. A capacity assessment of the proposed new roundabout has been undertaken in 2022 with the development traffic added and it also includes likely future development on the safeguarded land indicated in the Local Plan. The results indicate that the roundabout operates well within its capacity.

**17/4277M Land between Chelford Road and Whirley Road** - This is an outline application for up to 135 dwellings and takes its principal access from Chelford Road. A revised indicative masterplan has been submitted that indicates one point of access from Chelford Road, no vehicular access to the site is provided to Whirley Road although a small number of units will

have frontage access onto Whirley Road. It should be noted that there is no road link provided between this site and the application for 135 units on the adjacent land.

**18/0294M Land north of Chelford Road** - This is an outline application for up to 31 dwellings with one point of access proposed from Chelford Road. There have been two forms of access submitted, a priority junction arrangement or a connection to a roundabout on Chelford Road. Whilst, both types of access are capable of working independently of each other, it is the preference of the Head of Strategic Infrastructure (HSI – Highways) that this site is accessed via a roundabout that includes the land south of Chelford Road.

### Combined Development Impact

As the principal impact of the development proposals is at the Broken Cross roundabout, a joint impact assessment of the junction has been submitted by the applicants of all three applications.

The current roundabout junction at Broken Cross has existing congestion problems with long queues forming in the peak hours particularly on the A537 Chelford Road approach. As the roundabout junction is currently operating over capacity, the addition of further development traffic would only extend the queues further and increase congestion, which is not acceptable. Due to the lack of land in public ownership at Broken Cross, it is not possible to enlarge the existing roundabout to cope with increased traffic flows.

The scope of the development impact has been agreed with the applicants and assessments are required for the proposed site access points and also at the Broken Cross junction where the sites have a direct traffic impact. The Kings School development has been included in the assessment as committed development as this scheme has a material impact at the Broken Cross junction. The former TA centre in Chester Road is not included in the assessment as the traffic generation is low and also once distributed on the network, the flows using Broken Cross are negligible.

Given the capacity problems with the existing roundabout, an improvement scheme has been submitted that removes the existing roundabout and replaces it with a traffic signal control junction. The junction would have two lanes on the A537 Chelford Road eastbound approach to the junction and a right turn flare on the westbound A537 approach. The junction would operate under MOVA traffic control system. As the junction would be signalised, pedestrian crossing facilities can be included and the existing crossing facilities can be removed. It is proposed to provide controlled pedestrian facilities on both the A537 Chelford Road arms of the junction.

To assess the effectiveness of the proposed signal junction and its ability to accommodate the proposed development traffic, a comparison between the operation of the existing roundabout and the traffic junction has been undertaken. The modelling of the signal junction using LINSIG software in 2022 using flows based on the average of the CBO traffic counts (November 2016) and DTPC traffic counts (September 2017) traffic surveys. The LINSIG model includes the development flows for all three sites, committed development and growth. The comparison of the queue lengths of the 2022 Linsig model and the existing roundabout has been shown in the Table below:

Table 1.0 Mean Maximum Peak Hour Queue Lengths – Existing junction (Ex) and Proposed Signal Junction (Prop)

		Fallibroome Rd		A537 Chelford Rd		Gawsworth Rd		A537 Chester Rd	
		Ex	Prop	Ex	Prop	Ex	Prop	Ex	Prop
AM	Peak Hour	16	29	77	35	31+	33	58	34
PM	Peak Hour	34+	14	72	26	19	35	47	19

The queue length figures show that overall the queue lengths are much reduced on the A537 arms of the junction although there are some increases on the other arms. It should be noted that the existing roundabout flows do not include traffic growth to 2022 and this would have the effect of increasing existing queue lengths should the junction remain as a roundabout.

The capacity assessment of the signal junction (Table 1.1) indicates that the introduction of the signal junction would still be operating over capacity in the peak hours and this is as a result of high traffic flows and the constrained nature of the junction preventing a larger junction being provided.

Table 1.1 LINSIG results 2022 Flows plus Development

	AM peak		PM peak	
	DOS	Q	DOS	Q
A537 East Left Ahead Right	94.6 %	34	84 %	19
	106.1 %		84 %	
Gawsworth Road Right Left Ahead	104.3 %	33	107.4 %	35
A537 West Left Ahead Right	99.7 %	35	78 %	26
	104.2 %		109.2 %	
Fallisbroome Rd Left Ahead Right	106.4 %	29	95.3 %	14

It is important to note that the proposed signal junction will not work within capacity and there will still be residual queues at the junction. However, in regards to these applications the signal scheme can accommodate the proposed development traffic without increasing the existing level of congestion and would reduce queue levels overall.

Broken Cross Junction

An improvement for the Broken Cross junction is included in the Local Plan as part of the development of LPS sites 16 and 18 where these sites are expected to contribute to improvements at this junction. Looking further ahead, the MMS (Macclesfield Movement Strategy) identifies key infrastructure requirements in Macclesfield to be delivered by the end of the plan period (2030). Broken Cross junction is one of the junctions to be improved and it is intended that a larger junction improvement than the current proposed traffic signal scheme

would be delivered by the Council by the end of the period. At the current time, however, this project is not yet underway.

It has been estimated that the traffic signal scheme proposed as part of these applications would cost £855,000 and highways have requested that this should be delivered prior to the occupation of the 100<sup>th</sup> unit across the two larger sites. In response to the highway comments the applicants have agreed to provide the improvement scheme prior to the first occupation of any of the units across the two larger sites.

Having regard to the concerns raised by residents and given that the proposed scheme will provide highways mitigation at an earlier stage, it is considered that this would serve as a wider planning benefit of the scheme.

Developments are required only to mitigate the effects of their own impact. The proposed traffic signal scheme meets this test and as such is considered an acceptable mitigation scheme. The highway improvement scheme would need to be fully funded by the applicants and secured by condition. It would be delivered through a S278 Agreement prior to the occupation of any of the units on the two larger sites (17/4277M and 17/4034M refer).

Policy LPS 18 does indicate that this site would be expected to contribute to off-site infrastructure and in this case, there would be a requirement for such in order to deliver the improvement scheme at Broken Cross. Conditions are also needed requiring the provision of a zebra crossing on Gawsorth Road, the construction of the approved access, submission of a construction Management Plan and a Travel Plan. Subject to this, the proposals are considered to be acceptable and would provide suitable mitigation against the impacts of the development proposed. The scheme is compliant with criterion '6' and 'a' of LPS 18.

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

Policy LPS 18 of the CELPS requires the creation of pedestrian and cycle links within the site to connect with existing residential areas and facilities. The proposal would provide cycle and pedestrian access directly off Chelford Road and Whirley Road which would connect with the existing residential areas to the north, south and east. Whilst the proposals will not directly affect a public right of way, the Council's Public Rights of Way Unit (PROW) has commented that the submission makes no comment on the *quality* of cycle linkages including off-road provision. However, further details as to the permeability of the site for pedestrians and cyclists and future adjoining sites, can be appropriately secured by condition and at the reserved matters stage.

The site access will connect with the existing footway network on Chelford Road that connects with Henbury and Broken Cross. As this is an outline application, the internal footways and cycle path connections are not to be determined at this stage and will be dealt with at reserved matters.

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.

With regard to the pedestrian and cycle connections with the adjoining residential areas, there is scope at the detailed reserved matters stage to ensure integration and connectivity with the existing housing development to the north and east. The indicative layout supports this concept and as such, the proposal at this stage is found to adhere to the justification to LPS 18.

### **Trees**

LPS 18 states that the development of the site will be achieved through; *'The incorporation of natural features such as trees, the existing pond and landform features into any development, and the creation of a readily recognisable green belt boundary, that will endure in the long term along the western edge by tree planting and landscaping along the existing hedge line'*.

The application is supported by an Arboricultural Impact Assessment and has identified 22 individual trees, 11 Groups of trees and 6 hedges of which 2 are High (A) category trees, 14 Moderate (B) category trees, 13 Low (C) category trees and 4 Poor (U) category. There are currently no specimens subject of Tree Preservation Orders within the application site.

The majority of tree cover within the site comprises of mainly hawthorn and elder and a community plantation of young native trees (G3) which includes a mature Oak (T7) in declining condition.

Representations from residents and a Parish Tree Warden have been received requesting that trees on the site be protected by a Tree Preservation Order (TPO) with specific focus on the community plantation. An Amenity Evaluation was undertaken in October 2017 to consider whether trees within the site were suitable for protection by a TPO. The evaluation concluded that whilst the mature trees on the site are clearly visible from a number of public vantage points, trees within the plantation were not significantly visible nor defined the landscape character. Two mature trees Oak (T8) and Ash (T14) are noted as significant landscape features, however, both contain arboricultural defects that preclude their protection by a TPO. Trees along the southern boundary of the site provide some degree of screening to the rear of properties on Chester Road, however, none are considered to be of significant arboricultural merit to justify protection.

Notwithstanding the above, the final layout design will need to take account of both above and below ground constraints of those trees identified for retention within and immediately offsite. In this regard, the final layout will need to have due regard to the shading and social proximity of retained trees and their relationship to development particularly along the southern boundary of the site and along the northern site boundary adjacent to no. 50 Whirley Road.

The Arboricultural Assessment identifies approximately 0.17ha of new Community Woodland shown on the Masterplan which is to be planted along the western boundary of the site as mitigation for the loss of the young planting. Further planting of large canopy species to mitigate the loss of the poor quality/dying Oak trees is also referred to in the Assessment. Subject to further details being provided in the landscape proposals in any subsequent reserved matters application, the Council's Senior Arboricultural Officer has confirmed that this would provide the mitigation and sustainable tree cover as stipulated by criterion 3 and 4 of the site allocation.

Any future reserved matters application shall be supported by an Arboricultural Impact Assessment and Tree Protection Plan which could be secured by condition.

### **Landscape**

As part of the application a Landscape and Visual Appraisal (LVA) has been submitted, based upon the recommendations and methodology in national guidelines for landscape and visual impact assessment. The LVA identifies that the landscape character as identified in the Cheshire Landscape Character Assessment is Type 17: Higher Farms and Woods, and specifically the Gawsworth Character area (HFW1) for the western part of the site and Urban for the eastern part. Whilst the Cheshire Landscape Character Assessment does not offer descriptions of urban areas, the Cheshire East Design Guide does, and in this case identifies that the settlement pattern for this part of Cheshire are the Silk, Cotton and Market Towns.

The LVA indicates that the development will involve the removal of the agricultural grassland that currently covers the site and concludes that the sensitivity of the site is medium, the magnitude of change will be high and the level of landscape effects for the agricultural land will be moderate to major; the effects for hedgerows/trees will be moderate to major, and the effects on the site will be major. The visual appraisal identifies the effects as being major from some viewpoints

A group of trees (G3) forms a belt across the central part of the site and is identified as being species rich and in good condition as well as exhibiting potential to form a valuable landscape and ecological feature within the site. The applicant has submitted a revised indicative layout / masterplan to show how 135 dwellings could be accommodated on the site whilst respecting existing landscape features such as hedgerows and trees.

The submission states that there are hedgerows and trees present on site and on the surrounding boundaries and that these will be predominantly retained, and that character areas will be created with a number of design proposals including a fragmented edge to the western edge, partly through the provision of a Public Open Space and Landscape Buffer and Ecology Enhancement Area. These also form part of the Landscape Vision for the scheme. Subject to this coming forward through to the reserved matters application/s, the landscape impact of the proposals is deemed to be acceptable.

### **Ecology**

The application has been supported by an ecological assessment dealing with the following species:

Great Crested Newts - The Council's Nature Conservation Officer (NCO) has confirmed that a small population of Great Crested Newts (GCN) has been recorded at two ponds adjacent to the proposed development. In the absence of mitigation, the Council's Nature Conservation Officer (NCO) has advised that the proposed development will result in a medium magnitude adverse impact on this population due to the loss of terrestrial habitat located in close proximity to the identified ponds and the risk of animals being injured or killed during the construction process.

To mitigate and compensate for the impacts of the proposed development, the applicant is proposing to enhance the retained on-site pond for amphibians, which would be set within an area of suitable terrestrial habitat. To mitigate the risk of newts being killed or injured, animals would be removed and excluded from the footprint of the proposed development using standard best practice methodologies under the terms of a Natural England licence. The NCO has advised that the proposed mitigation and compensation measures are acceptable and are likely to maintain the favourable conservation status of the GCN population affected by the proposed works. This is subject to a condition requiring any future reserved matters application to be supported by a detailed great crested newt mitigation strategy.

Ponds - The proposed development will result in the loss of an existing pond (not used by Great Crested Newts). The applicant is proposing to deepen and enhance the other retained pond on site and suggests that this be considered suitable compensation for the loss of the other pond. The NCO has advised that this is acceptable subject to a condition which requires the submission and implementation of a detailed design for the new pond and a detailed specification for the deepening and enhancement of the retained pond in support of any future reserved matters application.

Hedgerows - Hedgerows are a priority habitat and hence a material consideration. The proposed development is likely to result in the loss of defunct hedgerows from the interior of the site and also the loss of sections of hedgerow to facilitate the site access to the south and along the Whirley Road frontage. In order to minimise the loss of hedgerows associated with the proposed development, it is recommended that the hedgerow along Whirley Road be retained as far as is practicable. Detailed planting proposals should be provided at the reserved matters stage to compensate for any hedgerows losses.

Brown Hare and Polecat - These two priority species have been recorded within 1km of the application site. The proposed development may result in some localised impacts on these two species, but the habitats on site do not appear to be significantly important for them.

Hedgehog - Hedgehogs are a biodiversity action plan priority species. 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. As such, the reserved matters should ensure that there are *gaps for hedgehogs to incorporated into any garden or boundary fencing proposed to facilitate movement.*

Bats - A tree that would be lost as a result of the proposed development has the potential to support roosting bats. The said tree has been subject to a further bat survey. No evidence of roosting bats was recorded and therefore roosting bats are not likely to be affected by the proposed development. A condition should be attached which requires an updated survey to be undertaken in support of any future reserved matters application that would result in the loss of this tree. Also, to avoid any adverse impacts on bats resulting from any lighting associated with the development, a condition should be attached requiring any additional lighting to be agreed with the LPA and bat roosts could be incorporated into the development.

Nesting Birds - House Sparrow occurs in this locality. The provision of features suitable for this species as part of the development provides an opportunity to secure an enhancement for this species. This could be secured by condition.

## Habitat Regulations

It should be noted that since a European Protected Species (Great Crested Newts) has been recorded on site and is likely to be adversely affected by the proposed development, the local 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. The allocation of the site under LPS 18 will enable a sustainable and planned housing land release which will facilitate and assist the delivery of the Council's 5 year housing land supply. It is a requirement of the NPPF that LPAs maintain a 5 year housing land supply and therefore in this particular case, this is deemed to be of 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 proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the Great Crested Newt species. On this basis, it is considered that the proposal meets with the tests outlined in the Habitat Regulations. 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.

## Design

As this is an outline application with matters relating to layout, scale and appearance reserved for approval at a later stage, there is an indicative plan to show how a development of 135 houses could be accommodated on the site. The proposal would be served by a new access point taken from Chelford Road situated in between no.s 103 and 105. This would feed a primary access road running north to south which would then meet with a number of tertiary roads throughout the development.

The dwellings would be arranged around the internal road network with pockets of public open space to the south-east corner of the site and towards the northern and western boundaries. Towards the western boundary of the site, it would appear that the majority of properties would be arranged to front out over a proposed green corridor with footpaths. This green corridor would serve as a natural green buffer to the Green Belt to the west. Properties would likely back onto the southern boundary with the properties fronting Chelford Road. The access road would be overlooked by properties running parallel with the road with 2 units fronting Chelford Road itself. The indicative layout shows a general mix in the size of units.

The general principles and parameters shown on the illustrative plans shows a decent spread of development with well overlooked spaces. Provided that the parameters and principles are carried through to the reserved matters stage, the proposal would achieve a well designed

residential development which would accord with LPS 18 and the Cheshire East Design Guide..

### **Flooding 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 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 earlier concerns, further information and an updated FRA have been submitted by the applicant. 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 (SW) should be drained within site boundary and discharged at greenfield run-off rate without causing adverse flooding to existing or proposed properties. Subject to the proposed mitigation, and conditions, the proposed development will adequately mitigate the residual risk of flooding of surface water and will not increase the risk of flooding to neighbouring properties and is therefore acceptable.

Also of note is the presence of a sewer within the site which runs close to the northern boundary of the site. Criterion ‘c’ of LPS 18 requires that the development respects the line of the existing sewer. It is confirmed that the proposed indicative layout would respect the line of the existing sewer with no buildings situated over it. United Utilities have offered no objection to the application provided that the final layout does not include building over the sewer, or the sewer is diverted at the applicant’s expense.

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

### **Contaminated Land**

The submitted Phase I Preliminary Risk Assessment has been assessed by the Council's Environmental Protection Unit, who have no objection. Any risk from unidentified contamination can be dealt with by appropriate conditions. Consequently the proposal complies with policy DC63 of the MBLP and CELPS Policy SE12.

### **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Macclesfield including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

### **S106 HEADS OF TERMS**

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 £271,157 (primary) £310,511 (secondary) and £91,000 (Special Educational Needs) = total of £672,668**
- **Contribution of £5000 towards monitoring of Travel Plan**
- **NHS contributions of £136,080 towards merger of Practices in at Waters Green Medical Centre**
- **Public Open Space on site including provision of LEAP**
- **Management Plan for the on-site public open space and LEAP**
- **Contribution towards Recreation Open Space of £1,000 per open market family dwelling or £500 per 1 / 2 bed open market apartments**
- **Contribution towards indoor recreation of £24,050**

### **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, and healthcare (financial) mitigation are 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 school places at the primary and secondary schools 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 primary, secondary and SEN 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 around 135 dwellings on part of a site allocated within the CELPS for around 150 dwellings. 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.

In accordance with Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 11 of the Framework, the proposals should therefore be approved without delay. Accordingly a recommendation of approval is made subject to conditions and the prior completion of a s106 agreement.

### **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 £271,157 (primary) £310,511 (secondary) and £91,000 (Special Educational Needs) = total of £672,668**
- **Contribution of £5000 towards monitoring of Travel Plan**
- **NHS contributions of £136,080 towards merger of Practices in at Waters Green Medical Centre**
- **Public Open Space on site including provision of LEAP**
- **Management Plan for the on-site public open space and LEAP**
- **Contribution towards Recreation Open Space of £1,000 per open market family dwelling or £500 per 1 / 2 bed open market apartments**
- **Contribution towards indoor recreation of £24,050**

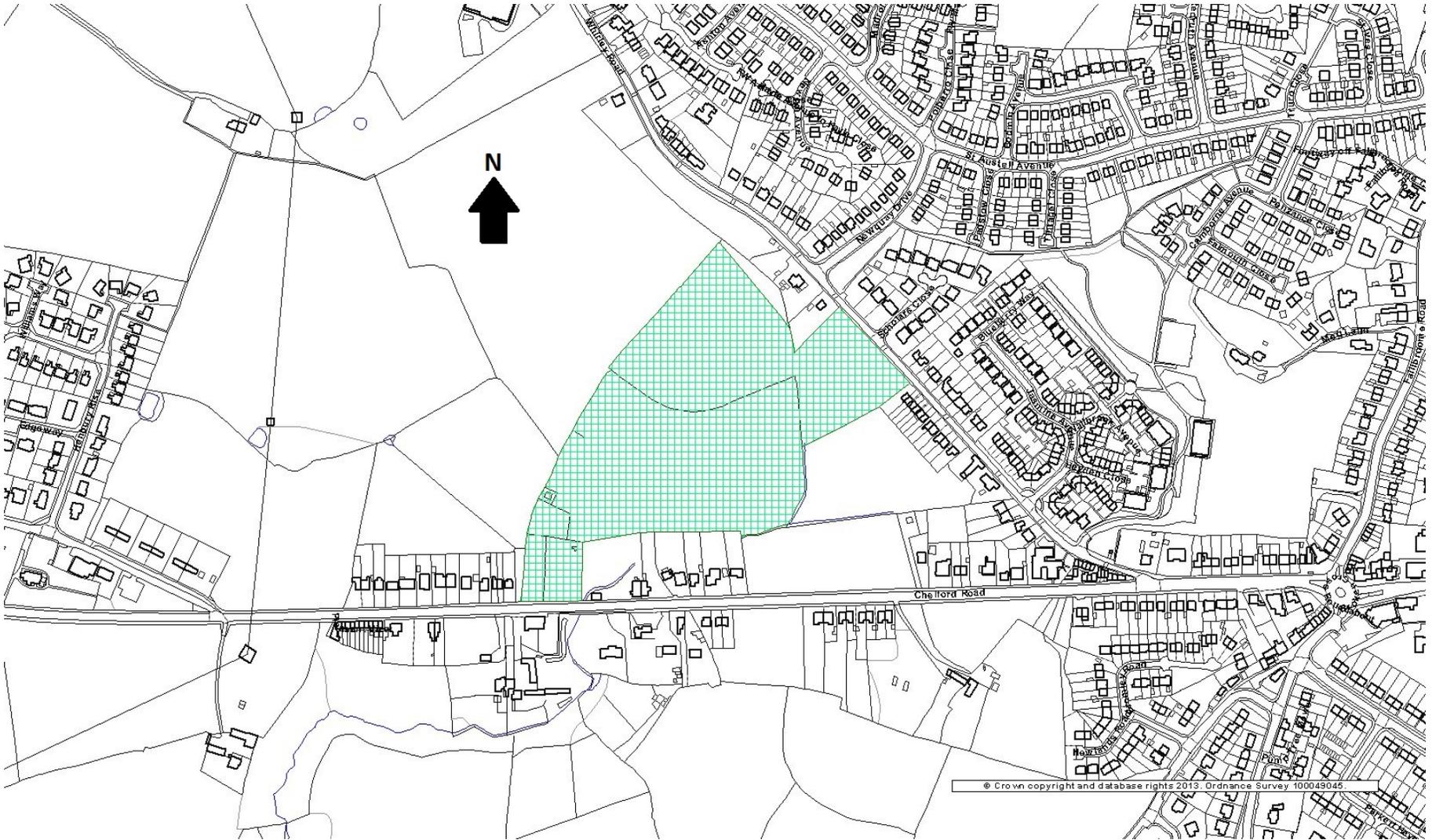
**And the following conditions:**

1. **Standard Outline Time limit – 3 years**
2. **Submission of Reserved Matters**
3. **Accordance with Approved Plans**
4. **Access to be constructed in accordance with approved plan prior to first occupation**
5. **The highway improvement scheme to be implemented via a S278 Agreement with the Highway Authority prior to first occupation**
6. **Access to be constructed in accordance with approved plan prior to first occupation**

7. either the priority junction site access or the roundabout access to Chelford Road via a S278 Agreement with the Highway Authority
8. Submission, approval and implementation of a Construction Management Plan
9. Final Travel Plan to be submitted. Approved and implemented
10. Zebra crossing on Gawsforth Road to be provided
11. Scheme of Piling works to be submitted, approved and implemented
12. Dust control scheme to be submitted, approved and implemented
13. Noise mitigation scheme to be submitted with reserved matters and to accord with submitted Acoustic Report
14. Travel Plan to be submitted, approved and implemented
15. Provision of electric vehicle infrastructure (charging points) at each property prior to first occupation
16. Submission of contaminated land survey
17. Remediation of contaminate land
18. Details of drainage strategy to be submitted
19. Development to be carried out in accordance with submitted Flood Risk Assessment
20. Scheme of foul and surface water drainage to be submitted
21. Submission of a detailed drainage strategy / design, associated management / maintenance plan
22. Reserved matters to be supported by detailed finished ground and floor levels
23. Reserved matters application to be supported by updated Bat Survey
24. Reserved matters application to be supported by a method statement for the management of invasive non-native plant species
25. Development to be carried out in accordance with in accordance with the recommendations of the submitted Ecological Report
26. Reserved matters application to be supported by a detailed great crested newt mitigation strategy
27. Reserved matters application to be supported a detailed design for the new pond and a detailed specification for the deepening and enhancement of the retained pond
28. Nesting Birds Survey to be carried if works are to be carried out during the bird breeding season
29. Proposals for the incorporation of features into the scheme suitable for use by roosting bats and nesting birds to be submitted
30. Reserved matters application to be supported by an Arboricultural Impact Assessment and Tree Protection Plan
31. Detailed lighting scheme to be submitted in support any future reserved matters application.
32. Reserved matters to include a signage scheme directing users to local cycle and footpath routes
33. Scheme for the provision of bat roosts to be incorporated into the development to be submitted, approved and implemented.

*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 (Regulation) 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.*



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Application No: 18/0294M

Location: Land North Of, CHELFORD ROAD, MACCLESFIELD

Proposal: Outline planning application (with all matters reserved except for access) for the erection of up to 31 dwellings.

Applicant: Mr Tom Loomes, Jones Homes (North West) Ltd

Expiry Date: 13-Mar-2018

## SUMMARY

Macclesfield is one of the principal towns and growth areas of the Borough. The proposal provides up to 31 dwellings on part of a site allocated for around 150 dwellings under Policy LPS 18 within the Cheshire East Local Plan Strategy (CELPS). Part of the remaining allocation is being considered under planning ref; 17/4277M which proposes the erection of up to 135 dwellings. Through the adoption of the CELPS, the site has been removed from the Green Belt and the principle of developing the site for housing is therefore acceptable. This proposal would bring economic and social benefits through the delivery of 31 no. residential units in a sustainable location.

Cheshire East is able to demonstrate a 5 year supply of housing, however, this proposal will make a valuable contribution in maintaining this position.

The proposal would provide the requisite level of affordable housing for a development of this size and the impact on education would be mitigated by financial contributions. The impact on biodiversity and ecology would be acceptable subject to some biodiversity offsetting and compensatory measures. The development will not have a detrimental impact on the local highway network owing to the modest scale of the proposals. The impact on local air quality (including cumulative impacts) is also acceptable.

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

Subject to the submission of reserved matters, and based on the principles shown on the indicative layout, the proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants. The application would offset the impact on outdoor and indoor sports and recreation provision through financial contributions. The applicants have demonstrated general compliance with national and local guidance in a range of other areas including trees, landscape impact and noise.

On this basis, the proposal is for sustainable development which is 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. In accordance with Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 11 of the Framework, the proposals should therefore be approved without delay.

### **SUMMARY RECOMMENDATION**

**Approve subject to conditions and a s106 agreement.**

### **PROPOSAL**

This application seeks outline planning permission with details of access and all other matters reserved for the erection of up to 31 dwellings with vehicular access from Chelford Road.

### **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. Surrounding uses include mainly residential and agricultural land. Whirley Primary School lies to the north-west. The site measures approximately 0.94 hectares in size and sits within a gap in the built up frontage of Chelford Road. The site forms part of an allocated site for housing development under Policy LPS 18 of the Cheshire East Local Plan Strategy (CELPS).

### **RELEVANT HISTORY**

23206P - 4 DETACHED BUNGALOWS (OUTLINE) – Refused 18-Jul-1980

56498P - NURSING HOME – Refused 16-Jan-1989

### **POLICIES**

#### **Development Plan**

#### Cheshire East Local Plan Strategy

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 18 Land between Chelford Road and Whirley Road, Macclesfield

### Macclesfield Borough Local Plan (saved policies)

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) 2018  
National Planning Practice Guidance  
Cheshire East Design Guide

### **CONSULTATIONS**

**ANSA (Greenspaces and CEC Leisure)** – No objection subject to onsite provision of Public Open Space (POS) and a Local Area of Play (LEAP) standard play area. There is a requirement to provide a financial contribution of £1,000 per open market family dwelling or £500 per 1 / 2 bed apartment towards Recreation and Outdoor Sport (ROS) and Indoor Sport,

but this will depend on the final housing numbers. Based on 31 dwellings, the financial contributions towards Indoor Sport would be £5460.

**Cheshire Wildlife Trust** – Objected on the basis that the proposal will result in a loss of habitat and therefore impact negatively on biodiversity.

**Education** – No objection subject to a financial contribution of £146,791 towards primary and secondary school places.

**Environmental Protection** – No objection subject to conditions / informatives relating to noise mitigation, electric vehicle infrastructure, low emission boilers, dust control, contaminated land and construction hours.

**Flood Risk Manager** – No objection subject to compliance with the recommendations made within the submitted Flood Risk Assessment & Drainage Strategy and conditions relating to finished floor levels to be 300mm above surrounding ground levels, discharge of surface water runoff to the drainage ditch along the northern boundary of the site at a maximum rate of 3 l/s, storage will be required to accommodate for the event of power or plant failure and storage will be provided for the 1 in 100-year plus 30% climate change event.

**Head of Strategic Infrastructure (Highways)** – No objection.

**Housing Strategy & Needs Manager** – No objection subject to 30% of the units being provided as affordable with a tenure split of 65% / 35% between intermediate tenure and social rent.

**NHS Eastern Cheshire Clinical Commissioning Group** – No objection. No financial contributions sought.

**Public Rights of Way** – No objection. The proposal does not directly affect a public right of way.

**United Utilities (UU)** – No objection subject to conditions. UU have also stated that there is a water main / trunk crossing the site which they will not permit building over unless the applicant diverts it at their own expense.

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

**Macclesfield Town Council (MTC)** - Object on the grounds of:

- Site is Green Belt and exceptional circumstances haven't been demonstrated
- Significant impact on highways through traffic congestion requiring in depth traffic management assessment
- Impact on air quality
- Other sizeable sites within the 1 mile of the site have not been accounted for
- The cumulative impact of localised development in that area of Macclesfield
- That the impact on air quality will adversely affect the amenity of residents
- That an environmental impact assessment does not clearly demonstrate sustainability of the proposed development

- The development does not provide adequately for sustainable transport methods, such as cycle and pedestrian routes

MTC also asked that neighbours' comments are taken into consideration, and that if the development goes ahead infrastructure must be put in place to support the development and appropriate air quality measures as well as community infrastructure and cycling measures.

**Henbury Parish Council** – Detailed objections have been received from the Parish. This has included detailed traffic surveys and air quality reports submitted on behalf of the Parish which have been considered by respective consultees. The main concerns are summarised below:

- The submitted applications do not cover the whole site allocation
- Traffic on the Chelford Rd frequently queues past the proposed site access towards the Broken Cross roundabout. A report commissioned by the Parish Council shows that the traffic volume and congestion is far greater than indicated in the transport assessments for applications 17/4277M and 17/4034M.
- Pedestrian flow surveys were carried out when a number of year groups were on leave due to exams
- Traffic flows are inaccurate (and therefore the Air Quality modelling also) as they do not account for the new location for Kings School, or the developments lower down the A537 e.g. Bollin Meadow
- The overall expansion of Macclesfield in the local plan is for 4350 properties, despite the original requirement being under 2500
- The proposed access will require a new roundabout on the A537, within the extent of the queues frequently encountered in east-bound traffic at Broken Cross.
- This application must be assessed in combination with surrounding applications with regards to the impacts on local infrastructure (schools, health care, utility supply etc.)
- This proposal will adversely affect air quality around Broken Cross.
- The Council has failed to produce an Air Quality Action Plan and put in place appropriate monitoring
- The air quality reports are based on inconsistent, inaccurate data and poorly positioned monitoring tubes
- There will be an adverse impact on the health of walkers and cyclists who will be exposed to NO<sub>2</sub> levels that exceed limits, which the travel plans for these applications are promoting
- Will be very long waiting times of pedestrians which will be unsafe for school children
- The site is mostly marshy grassland on peat. It is part of the area named 'Longmoss', the name being indicative of the ground conditions. The proposal would have a significant impact on ecology and a nearby SBI and would be contrary to Local Plan Policy SE 3.
- There is oversubscription at area schools with no spare places at – Fallibroome Academy and Macclesfield Academy. Proposed development would have detrimental impact on education provision. These schools are academies so the LEA cannot arrange their expansion. Approval without addressing this situation would be negligent.
- Site lies in a critical drainage area and is susceptible to surface water flooding.
- This application does not represent sensitive development and has a negative impact on the local environment and transport infrastructure.

## OTHER REPRESENTATIONS

Representations have been received from over 50 properties over the two periods of consultation objecting to this application on the following grounds:

- Intrusion into Green Belt
- Brownfield sites should be considered first
- Application needs to be considered alongside planning refs; 17/4034M and 17/4277M on air quality, traffic and congestion at broken cross roundabout, school places, doctors surgeries etc
- Applications should not be made on a piecemeal approach
- Impacts will be worse with other developments e.g. Bollin Meadow and Kings School sites
- Impact on Local Wildlife Site
- Trees have already been cleared from the site with survey works carried out afterwards
- Road congestion will be made worse
- Increase in pollution levels and impact on quality of life and health
- Road safety, lack of crossings, scarcity of speed cameras
- Impact on bats, nesting birds, owls, buzzards, moles, water voles, frogs and newts
- Site should be a designated and protected area of wetland
- Lack of consideration to parking and need for a second emergency access
- The site is susceptible to flooding and drainage problems
- Positioning of the proposed roundabout will cause accidents
- Proposed roundabout will increase emission from vehicles braking and speeding up and also vibration from heavier vehicles causing damage to properties
- Broken Cross area is already above the national guidelines for air pollution and further traffic using the area will only make this worse
- Application should not be approved until an Air Quality Action Plan is in place and measures such as electric charging points have not been proven to reduce pollution
- Application should be refused due to a lack of trust in CEC owing to previous falsified data and maladministration
- Affordable housing provision is not sufficient
- Many people objected to the allocation of this site during the local plan process
- Traffic surveys and assessments submitted for other developments in the area have been found to be inaccurate by other third party assessments
- Local schools have no capacity to accommodate more children and GP surgeries and hospital cannot cope with an increase in population
- Highway improvement works will not work
- How will farmers access their land
- Will erode the gaps between important rural settlements and lead to a loss of identity to villages such as Henbury
- Proposal with 17/4277M would exceed 150 houses
- Documents submitted on application not uploaded or removed
- There are proposals for 2.5 storey houses which are unacceptable given the mix of bungalows and 2 storey houses that border the site
- Surrounding junctions not been adequately assessed and will be over capacity

- Pedestrian and cycle environment unsafe around Broken Cross
- High number of errors, omissions and inaccuracies in submissions
- Pedestrian safety survey was undertaken when at least 3 school years weren't in at Fallibroome
- Houses unlikely to be low cost / affordable
- Conflicts with advice in the NPPF
- Pollutants from surface water will affect ancient woodland

**Macclesfield Civic Society** have also raised the following concerns:

- The delivery of a roundabout must be insisted on and should be linked into the development of the adjacent site (Robinsons) to provide alternative entrance/exit points for the combined developments
- This combined with the other application/s may result in an overprovision above the site allocation
- Proposal will need to provide full 30% affordable housing
- Some concern that the cumulative impact of the strategic allocations would impact upon the efficiency and safety of the road network as a whole
- Severe congestion already occurs at a number of critical points along the A537 (Broken Cross; Prestbury Road and Chester Road junctions; Cumberland Street and Hibel Road)
- Of paramount importance that the landscaped edge of the sites in this area which form the new boundary to the Green Belt is defined in such a way as to preclude further urban expansion
- Air Quality (AQ) - compliance with currently adopted air quality levels is insufficient given that the impact of increased traffic flows on the AQMA will only increase up to and beyond 2030 as a result of developments planned or foreseen in the adopted Local Plan Strategy
- Predicted levels of the measured pollutants will be worse than anticipated
- None of the AQ impacts appear to be mitigated and no suggestions are made such as encouraging modal shift to public transport or other traffic management measures to restrain traffic growth
- Transport Assessment - The Transport Assessments accept the prospect of increased flows along all approaches to the Broken Cross junction with or without the proposed developments but argue that the provision of traffic signals at the junction, together with two pedestrian priority crossings would not only accommodate such flows but also reduce queue lengths on all approaches to the junction. Despite considerable mathematical modelling it appears to the Society that such a conclusion is counter intuitive. With traffic signals there are periods where all approach roads would have standing traffic (with idling engines doing no good for pollution levels) and potentially conflicting right-turning movements.

### **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 part of a strategic site allocation 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.

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.

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*". In light of LPS 18, which allocates this site for housing development, the principle of developing the site for around 150 dwellings is acceptable. Whilst this proposal does not include all of the land allocated under LPS 18, it is not a requirement that any applications submitted on allocated sites are done so in a single application. The important thing to note is that this proposal would not preclude the remaining part of the site allocation from being brought forward. In this regard, there is an application currently being considered on land to the north and east under planning ref; 17/4277M for the larger part of this allocated site. The applications need to be considered on their merits. The total number of dwellings proposed by the two applications in relation to LPS 18 is 165, which can be accommodated satisfactorily and is therefore in compliance with LPS 18.

As per para 11 of the Framework and CELPS Policy MP 1, there is a presumption in favour of sustainable development taking into account the three dimensions of sustainable development (social, economic and environmental) and compliance with the Development Plan in accordance with Sec.38 (6).

### **SOCIAL SUSTAINABILITY**

#### **Housing Land Supply**

The Cheshire East Local Plan Strategy forms part of the statutory development plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This is the test that legislation prescribes should be employed on planning decision making. The 'presumption in favour of sustainable development' at paragraph 11 of the NPPF means: "approving development proposals that accord with an up to date development plan without delay"

The Council can now demonstrate a 5 year supply of land for housing, but it is important to note that this proposal would deliver 31 no dwellings on an allocated site within the adopted Local Plan within one of the Principal Towns in the Borough. The Council needs to keep the supply rolling and proposals that bring forward the Council's strategic vision through the development of the allocated sites such as this one will assist in relieving pressure on other edge of settlement sites and the countryside. As such, this is a key benefit of the scheme.

#### **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 an outline application for up to 31 dwellings, 9 of the units will be required to be affordable, depending on the final number of dwellings on the site. To satisfy the required tenure split, 6 of the units would need to be provided as social rented accommodation and 3 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 number on the Cheshire Homechoice waiting list that have expressed Macclesfield as their first choice is 1294. This can be broken down to 683 x 1 bedroom accommodation, 417 x 2 bedroom, 158 x 3 bedroom, 36 x 4+ bedroom dwellings, therefore a mix of 1, 2 and 3 bedroom general needs dwellings, and 1 bedroom Older Persons dwellings on this site would be acceptable.

The applicant has confirmed that the proposal will provide 30% of the site as Affordable Housing with the required tenure split. The precise number, size, location and type of units will be secured at Reserved Matters stage. On this basis, the Council's Housing Strategy and Needs Manager has no objection and the scheme is in compliance with Local Plan Policy SC 5 and criterion b of LPS 18.

### **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 31 dwellings, the Council's Children's Services have advised that a development of this size this would generate:

- 6 primary children (31 x 0.19)
- 5 secondary children (31 x 0.15)
- 0 SEN children (31 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. The analysis undertaken has identified that there remains a shortfall in school places.

To alleviate forecast pressures, the following contributions would therefore be required:

- 6 x £11,919 x 0.91 = £65,078 (primary)
- 5 x £17,959 x 0.91 = £81,713 (secondary)
- Total education contribution: £146,791

The applicant has confirmed acceptance of this requirement and therefore this application is compliant with criterion 6 of LPS 18 in this regard.

### **Healthcare**

The NHS Eastern Cheshire Clinical Commissioning Group (CCG) has commented on the application and has confirmed that they would not be seeking any financial contributions towards healthcare from this small scale 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. The indicative site plan shows an area for some on site open space measuring approximately 1192 square metres in area. At 65sqm per dwelling, the total amount of open space required could be up to 2,015sqm on site. Whilst there would appear to be a shortfall in provision, this is only a small scale site and in any event it is considered that the proposed provision would be commensurate with the size and scale of the development proposed.

There is a requirement for outdoor and indoor sport in Line with CELPS Policies SC 1 and SC 2. The necessary outdoor sports and indoor sports facilities would be provided by way of a financial contribution towards off site provision. This Recreation and Outdoor Sport (ROS) provision would be met through a financial contribution of £1,000 per open market family dwelling or £500 per 1 / 2 bed apartment.

The development will increase the need for local indoor leisure provision and as such a financial contribution should be sought towards Macclesfield Leisure Centre (less than 1 mile distance from the site). A contribution of £5460 towards fitness equipment would be required.

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

## **ENVIRONMENTAL SUSTAINABILITY**

### **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.

As this proposal is only for 31 units, there is no technical requirement for the application to be supported by an air quality impact assessment. However, owing to the potential cumulative impacts of this proposal coupled with the other applications in the vicinity currently under consideration by the Council, the applicant has submitted an air quality report which the council's Environmental Protection Unit has considered.

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). The Council's Environmental Protection Unit has considered these proposals in the context of each other. Whilst these three applications were initially considered as separate entities, it has been concluded that a more thorough approach would be to consider the three developments together and assess the impacts accordingly. It should also be noted that as part of the development proposals, a highway improvement scheme comprising of the redesign of the Broken Cross roundabout is also proposed. The highway improvement scheme would see the removal of the roundabout to be replaced with a traffic light system.

Air quality impacts have, therefore, been considered within the air quality assessment submitted in support of the applications. The report considers whether the developments will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS Roads to model NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> impacts from additional traffic associated with these developments and the cumulative impact of committed developments within the area. A number of modelled scenarios have been considered within the assessment. These were:

- 2017 verification
- 2020 – opening year do-minimum (predicted traffic flows should the proposals not proceed)
- 2020 – opening year do-something (predicted traffic flows should the proposals be completed)

As well as the standard detailed assessment, a sensitivity test was also conducted whereby the assumption is made that background concentrations will not decrease as predicted over the coming years. It is these figures that have been reviewed here as they represent a “worst case scenario” approach.

The assessment concludes that the impact of the future developments on the chosen receptors will ***not be significant*** with regards to NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations, with only one of the receptors experiencing a slight adverse effect for NO<sub>2</sub>. Many of the receptors are predicted to see an improvement in NO<sub>2</sub> concentrations due to the highway improvements proposed at Broken Cross. There are also no new exceedances predicted to occur as a result of the developments. However, several of the receptors are located within the nearby Broken Cross AQMA and it is the view of the Council’s EPU that any increase in concentrations, no matter how small, within an AQMA is considered significant as it is directly converse to our local air quality management objectives, the NPPF and the Council’s Air Quality Action Plan.

The Coucil’s EPU has also queried the baseline figures within the submitted report. for some of the receptors given that a local diffusion tube monitoring site for 2016 showed significantly higher figures. In response, the applicant’s consultant provided the following explanation:

- *“Finally regarding the difference between monitored diffusion tube concentrations and modelled concentrations at the receptor locations, it is important to note that differences between distance from the road, wind direction e.g. being upwind or downwind of the pollutant source, leeward or windward direction, angle from pollutant source, building effects (which are not included in the ADMS-Roads model), distance from queuing sections and other road sources will all greatly affect predicted concentrations. In addition, the monitored concentrations are subject to pollutant emissions from every road in the area and any other sources, whereas the modelled concentrations are predicted based on the roads included in the model, as detailed in our report. Also the monitored concentrations may be affected by unknown queuing/idling sources e.g. bus stops, any road works or other short term works in the area, parking in the vicinity etc. The purpose of the model verification process is to try and minimise these discrepancies between monitored and modelled concentrations. A thorough verification process has been undertaken using 4 / 5 diffusion tube locations and a sensitivity analysis has also been undertaken to consider a conservative*

*scenario where background concentrations and emission factors may not decline from base year levels. All results show a slight/negligible impact which is considered to be 'not significant' and the proposals for the junction improvements actually show some pollutant concentrations decreasing slightly at receptors with the junction improvements in place."*

The EPU considers these conclusions to be acceptable, especially when the uncertainty (roughly 20%) associated with diffusion tube monitoring is also factored in. However, there is a need for the Local Planning Authority to consider the cumulative impact of a number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Taking into account the uncertainties with modelling, the impacts of the development could be significantly worse than predicted.

Macclesfield has four Air Quality Management Areas, and, as such, the cumulative impact of developments in the town is likely to make the situation worse unless managed. Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. In the case of this scheme, such measures will include the provision of electric vehicle charging infrastructure and the submission of a Travel Information Pack and could be secured by way of conditions. The use of low emission boilers is also recommended by the Council's EPU, however, it is not considered that the implementation of such would be enforceable.

### **Residential Amenity**

Saved policy DC38 of the Macclesfield Borough Local Plan (MBLP) states that new residential developments should generally achieve a distance of between 21 metres and 25 metres between principal windows and 14 metres between a principal window and a blank / flank 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.

The site is situated within a gap between no. 67 and no 93 Chelford Road. The gap measures approximately 154 metres in width. It is important to note that the detailed layout and appearance of the scheme are reserved matters for consideration at a later stage. However, having regard to the indicative layout, it is considered that a scheme of this size could be accommodated on the site, whilst maintaining the required separation distances between neighbouring properties and the proposed dwellings, and between the new dwellings within the development itself. Sufficient private amenity space for each new dwelling could be secured at reserved matters stage. No significant amenity issues are raised at this stage.

### **Noise**

The application is supported by a noise impact assessment which details potential noise mitigation measures in order to ensure that occupants of the proposed dwellings are not adversely affected by current and future traffic noise in the vicinity of the site. Provided that the noise mitigation measures as detailed in the supporting noise impact assessment are applied in order to meet 'BS8233:2014 Guidance on Sound Insulation and Noise Reduction

for Buildings and / the Guidance Document Calculation of Road Traffic Noise', it is considered that there should be no adverse impacts on health and quality of life of the future occupants resulting from road traffic noise at this location.

As the detailed design and final layout of the site has not yet been confirmed; in order to ensure that future occupants of the development do not suffer a substantial loss of amenity due to noise, a detailed noise impact assessment report will be required at the Reserved Matters stage, demonstrating that all the residential properties can achieve appropriate standards. Subject to this requirement it is considered that the proposal will comply with policy SE12 of the CELPS and DC14 of the MBLP relating to noise and soundproofing.

### Highways

The highways infrastructure requirements were considered during the allocation of this site under the Local Plan process and its subsequent adoption where the expectations for accessing the site were set out. It was envisaged that this site would provide a joint access with other Local Plan sites in the northwest of Macclesfield to form a link road between Chelford Road and Congleton Road. This submission does not conform to these requirements and has the principal access being from Chelford Road. Nonetheless, the proposed access would provide the potential to link in with the vehicular access serving the adjoining site to the south of this application currently being considered under planning ref; 17/4034M on LPS16.

The proposed access would be taken directly off Chelford Road. The Head of Strategic Infrastructure (HSI – Highways) has confirmed that the design of the proposed access is satisfactory to serve the level of development proposed and no objections are raised. However, whilst this scheme is modest in size and impact, this scheme also needs to be considered in the context of all three applications currently under consideration

All three of the sites that are currently being considered by the Council have been subject to re-consultation as further highway information has been submitted that affects all three applications in relation to the off-site traffic impact at the Broken Cross roundabout. The applicants have submitted joint mitigation measures/financial contributions for all three applications. The three applications are as follows:

**17/4034M Land south of Chelford Road** - This is an outline application for up to 232 dwellings. The access to the site is provided by a new roundabout on the A537 Chelford Road, that incorporates pedestrian crossing points. The roundabout design also includes an access stub on the northern side of the roundabout that will serve this application (18/0294M) for 31 units, although there is no internal link provided to serve the 135 units in 17/4277M. A capacity assessment of the proposed new roundabout has been undertaken in 2022 with the development traffic added and it also includes likely future development on the safeguarded land indicated in the Local Plan. The results indicate that the roundabout operates well within its capacity.

**17/4277M Land between Chelford Road and Whirley Road** - This is an outline application for up to 135 dwellings and takes its principal access from Chelford Road.

**18/0294M Land north of Chelford Road** - There have been two forms of access submitted, a priority junction arrangement or a connection to a roundabout on Chelford Road. Whilst, both types of access are capable of working independently of each other, it is the preference of the Head of Strategic Infrastructure (HSI – Highways) that this site is accessed via a roundabout that includes the land south of Chelford Road.

### Combined Development Impact

As the principal impact of the development proposals is at the Broken Cross roundabout, a joint impact assessment of the junction has been submitted by the applicants of all three applications.

The current roundabout junction at Broken Cross has existing congestion problems with long queues forming in the peak hours particularly on the A537 Chelford Road approach. As the roundabout junction is currently operating over capacity, the addition of further development traffic would only extend the queues further and increase congestion, which is not acceptable. Due to the lack of land in public ownership at Broken Cross, it is not possible to enlarge the existing roundabout to cope with increased traffic flows.

The scope of the development impact has been agreed with the applicants and assessments are required for the proposed site access points and also at the Broken Cross junction where the sites have a direct traffic impact. The Kings School development has been included in the assessment as committed development as this scheme has a material impact at the Broken Cross junction. The former TA centre in Chester Road is not included in the assessment as the traffic generation is low and also once distributed on the network, the flows using Broken Cross are negligible.

Given the capacity problems with the existing roundabout, an improvement scheme has been submitted that removes the existing roundabout and replaces it with a traffic signal control junction. The junction would have two lanes on the A537 Chelford Road eastbound approach to the junction and a right turn flare on the westbound A537 approach. The junction would operate under MOVA traffic control system. As the junction would be signalised, pedestrian crossing facilities can be included and the existing crossing facilities can be removed. It is proposed to provide controlled pedestrian facilities on both the A537 Chelford Road arms of the junction.

To assess the effectiveness of the proposed signal junction and its ability to accommodate the proposed development traffic, a comparison between the operation of the existing roundabout and the traffic junction has been undertaken. The modelling of the signal junction using LINSIG software in 2022 using flows based on the average of the CBO traffic counts (November 2016) and DTPC traffic counts (September 2017) traffic surveys. The LINSIG model includes the development flows for all three sites, committed development and growth.

The comparison of the queue lengths of the 2022 Linsig model and the existing roundabout has been shown in the Table below:

Table 1.0 Mean Maximum Peak Hour Queue Lengths – Existing junction (Ex) and Proposed Signal Junction (Prop)

		Fallibroome Rd		A537 Chelford Rd		Gawsworth Rd		A537 Chester Rd	
		Ex	Prop	Ex	Prop	Ex	Prop	Ex	Prop
AM Hour	Peak	16	29	77	35	31+	33	58	34
PM Hour	Peak	34+	14	72	26	19	35	47	19

The queue length figures show that overall the queue lengths are much reduced on the A537 arms of the junction although there are some increases on the other arms. It should be noted that the existing roundabout flows do not include traffic growth to 2022 and this would have the effect of increasing existing queue lengths should the junction remain as a roundabout.

The capacity assessment of the signal junction (Table 1.1) indicates that the introduction of the signal junction would still be operating over capacity in the peak hours and this is as a result of high traffic flows and the constrained nature of the junction preventing a larger junction being provided.

Table 1.1 LINSIG results 2022 Flows plus Development

	AM peak		PM peak	
	DOS	Q	DOS	Q
A537 East Left Ahead Right	94.6 %	34	84 %	19
	106.1 %		84 %	
Gawsworth Road Right Left Ahead	104.3 %	33	107.4 %	35
A537 West Left Ahead Right	99.7 %	35	78 %	26
	104.2 %		109.2 %	
Fallisbroome Rd Left Ahead Right	106.4 %	29	95.3 %	14

It is important to note that the proposed signal junction will not work within capacity and there will still be residual queues at the junction. However, in regards to these applications the signal scheme can accommodate the proposed development traffic without increasing the existing level of congestion and would reduce queue levels overall.

Broken Cross Junction

An improvement for the Broken Cross junction is included in the Local Plan as part of the development of LPS sites 16 and 18 where these sites are expected to contribute to improvements at this junction. The MMS (Macclesfield Movement Strategy) identifies key infrastructure requirements in Macclesfield to be delivered by the end of the plan period (2030). Broken Cross junction is one of the junctions to be improved and it is intended that a larger junction improvement than the current proposed traffic signal scheme would be delivered by the Council by the end of the period.

The highway improvement would need to be fully funded by the applicants and secured by condition, but this would only be for the two larger sites currently being considered under

applications 17/4277M and 17/4034M. It would be delivered by the applicants through a S278 Agreement on the two larger sites. This site is excluded due to its minor highway impact. Whilst Policy LPS 18 does indicate that this site would be expected to contribute to off-site infrastructure, this proposal is not of a size that would warrant or justify a financial contribution to mitigate against the impacts of the proposed development on the Broken Cross roundabout and junctions. This scheme is found to be acceptable in highways terms.

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

Policy LPS 18 of the CELPS requires the creation of pedestrian and cycle links within the site to connect with existing residential areas and facilities. The proposal would provide cycle and pedestrian access directly off Chelford Road which would connect with the existing residential areas to the south and east. The Council's Public Rights of Way Unit (PROW) have offered no objection to the proposals.

The site access will connect with the existing footway network on Chelford Road that connects with Henbury and Broken Cross. As this is an outline application, the internal footways and cycle path connections are not to be determined at this stage and will be dealt with under the reserved matters.

There are existing bus stops on Chelford Road and Whirley Road that provide bus services to the local area. In addition to the bus stop, 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.

### **Trees**

The application is supported by a Tree Survey report and associated documents. The site has been subject of extensive tree felling which has resulted in the removal of all the trees located within the main developable central core of the site leaving only scattered individual specimens and hedges around the periphery of the site.

Implementation of the access appears to require the removal of one of two early mature Ash (T10) trees located on the Chelford Road frontage along with a section of mature hedgerow (H12). The Ash is a poor low value specimen which contributes little to the Chelford Road street scene or the surrounding area. The hedge cannot be considered under the 1997 Hedgerow Regulations as it does not grow next to common land, protected land or land used for agriculture, forestry or the breeding or keeping of horses etc. None of the remaining trees which form part of the site or are immediately adjacent to the proposed development are considered to be of significant high amenity to warrant formal protection.

Should the application proceed to reserved matters, a detailed arboricultural impact assessment will be required in order to ascertain if T11 can be retained within the proposed road configuration, and the spatial and social proximity of the proposed plots are sustainable in respect of the off site trees. This could be secured by way of a condition. Subject to this, the Council's Senior Arboricultural Officer has no objection.

## Landscape

The landscape character as identified in the Cheshire Landscape Character Assessment is 'Type 17: Higher Farms and Woods', and specifically the 'Gawsworth Character area (HFW1)' for this site is 'Urban'. Whilst the Cheshire Landscape Character Assessment does not offer descriptions of urban areas, the Cheshire East Design Guide does, and in this case identifies that the settlement pattern for this part of Cheshire are the Silk, Cotton and Market Towns.

Given that this proposal would be largely situated in-between the built up frontage to Chelford Road, with the area of land directly to the north remaining undeveloped, the landscape impacts arising from this particular proposal would not be significant adverse. Subject to the submission of appropriate details of landscaping at reserved matters stage, the landscape impact of the proposals is deemed to be acceptable.

## Ecology

The application has been supported by an ecological assessment dealing with the following species:

Great Crested Newts - The Council's Nature Conservation Officer (NCO) has confirmed that there is a risk that the proposed development may have an adverse impact upon great crested newts (GCN), which are known to occur within adjacent water bodies ~210m to the north. The GCN ponds in question are subject to a mitigation strategy designed for the proposed development of land north of the site. Therefore it is considered that the risks could potentially be mitigated against by the implementation of reasonable avoidance measures. The NCO has recommended that this could be secured through the submission of an appropriate method statement.

Grassland and Woodland habitats - The submitted Ecological Assessment observes that the area of marshy grassland on site is likely to qualify as Section 41 habitat of Principal Importance (NERC Act, 2006). The habitat also meets Local Wildlife Site selection criteria and accounts for around 60% of the site. In addition, an area of woodland on site is likely to qualify as S41 habitat 'Lowland mixed deciduous woodland'. Habitats of these types received protection through the Local Plan. The Council's NCO and the Cheshire Wildlife Trust have advised that the loss of habitat will result in a notable loss of biodiversity on the site.

In order to offset this loss, the applicant has confirmed within a Biodiversity Offsetting Report that these losses will be compensated for through a commuted sum of £34,500. The monies would be spent on the restoration of Kerridge Hill Nature Reserve and Swettenham Valley Nature Reserve. The funds will be used to protect, enhance and create priority grassland on the two sites by way of improving grazing infrastructure, scrub removal, invasive species control and sowing locally sourced wildflower seed. The Council's NCO has confirmed that such mitigation would satisfactorily address the impact and this would need to be included within any s106 heads of terms.

Bats - All of the trees affected by this proposal were assessed during Ecological Assessment and were deemed to offer negligible potential for roosting bats. However, bats were recorded foraging on the site and the boundaries offer connective commuting habitat. Such features could be safeguarded at reserved matters stage with appropriate landscaping and retention of

hedgerows. Bat roosts can be incorporated into the development and their provision can be required by condition.

Schedule 9 Species - The applicant should be aware that Himalayan Balsam is present on the proposed development site. Under the terms of the Wildlife and Countryside act 1981, it is an offence to cause this species to grow in the wild. Disturbance of soil on the site may result in increased growth of Himalayan Balsam on the site. If the applicant intends to move any soil or waste off site, under the terms of the Environmental Protection Act 1990 any part of the plant or any material contaminated with the species must be disposed of at a landfill site licensed to accept it and the operator should be made aware of the nature of the waste. A condition can be attached requiring the submission of a scheme to deal with this invasive species.

### **Habitat Regulations**

It should be noted that since a European Protected Species (Great Crested Newts) has been recorded near to the site, and is likely to be adversely affected by the proposed development, the Local 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. The allocation of the site under LPS 18 will enable a sustainable and planned housing land release which will facilitate and assist the delivery of the Council's 5 year housing land supply. It is a requirement of NPPF that LPAs maintain a 5 year housing land supply and therefore in this particular case, this is deemed to be of 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, subject to biodiversity offsetting, proposed mitigation/compensation could maintain the favourable conservation status of the Great Crested Newt species. Subject to this, it is considered that the proposal meets with the tests outlined in the Habitat Regulations and would accord with MBLP Policies NE11, NE17 and CELPS Policy SE 3.

### **Design**

As this is an outline application with matters relating to layout, scale and appearance reserved for approval at a later stage, there is an indicative plan to show how a development of 31 houses could be accommodated on the site. The proposal would be served by a new access point taken from Chelford Road situated towards the far south-western corner of the site to link in with the potential future roundabout which would also serve the development of the adjacent strategic site allocation LPS 16 to the south. The proposed access would travel northwards into the site with units indicated either side of the access then the internal road would turn 90-degress running west to east with units arranged in a linear form to the north

and block form to the south. The far south-eastern corner of the site would be given over to open space and an attenuation pond.

The general arrangement of the dwellings appears acceptable and would allow for main views to terminate on active frontages. The general spacing and layout shown for illustrative purpose demonstrates that the site could accommodate a scheme of 31 dwellings without appearing cramped and out of keeping with the surrounding built form. Accordingly, a suitably well designed scheme could be secured at reserved matters stage which would align with the principles of LPS 18 and Cheshire East's Design Guide.

### **Flooding and Drainage**

A Flood Risk Assessment (FRA) has been submitted. The site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less. However, it is important to note that land to the north 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 submitted FRA confirms that any risk of flooding can be adequately mitigated by raising the finished flood levels 300mm above surrounding ground levels and through site levelling / raising (to eliminate topographical low points). Coupled with this, the use of a sustainable drainage system, the use of impermeable surfacing and surface water attenuation (including features such as ponds, basins or a below ground tanks) to the north east of the site would ensure that the proposed development will adequately mitigate the residual risk of flooding from surface water and will not increase the risk of flooding to neighbouring properties.

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

### **Contaminated Land**

The submitted Phase I Preliminary Risk Assessment has been assessed by the Council's Environmental Protection Unit, who have no objection. Any risk from unidentified contamination can be dealt with by appropriate conditions. Consequently the proposal complies with policy DC63 of the MBLP and CELPS Policy SE12.

### **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Macclesfield including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

### **S106 HEADS OF TERMS**

A s106 agreement is currently being negotiated to secure:

- **Affordable Housing comprising 30% (65% of which will be for social rent and 35% for shared ownership / intermediate tenure)**
- **Education contributions of £65,078 (primary) £81,713 (secondary) = total of £146,791**
- **Public Open Space on site**
- **Management Plan for the on-site public open space**
- **Contribution towards Recreation Open Space of £1,000 per open market family dwelling or £500 per 1 / 2 bed open market apartments**
- **Contribution towards indoor recreation of £5460**
- **Contribution towards biodiversity offsetting of £34,500**

### **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) and healthcare (financial) mitigation are 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 school places at the primary and secondary schools 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 primary and secondary school education is required based upon the number of units applied for.

The partial loss of an existing area of marshy grassland on site will result in a loss of biodiversity and accordingly, this needs to be mitigated for by way of a biodiversity offsetting payment which would be used to improve biodiversity in the locality of the site.

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 around 31 dwellings on part of a site allocated within the CELPS for around 150 dwellings. 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.

In accordance with Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 11 of the Framework, the proposals should therefore be approved without delay. Accordingly a recommendation of approval is made subject to conditions and the prior completion of a s106 agreement.

## **RECOMMENDATION**

**APPROVE** subject to conditions and a S106 Agreement making provision for:

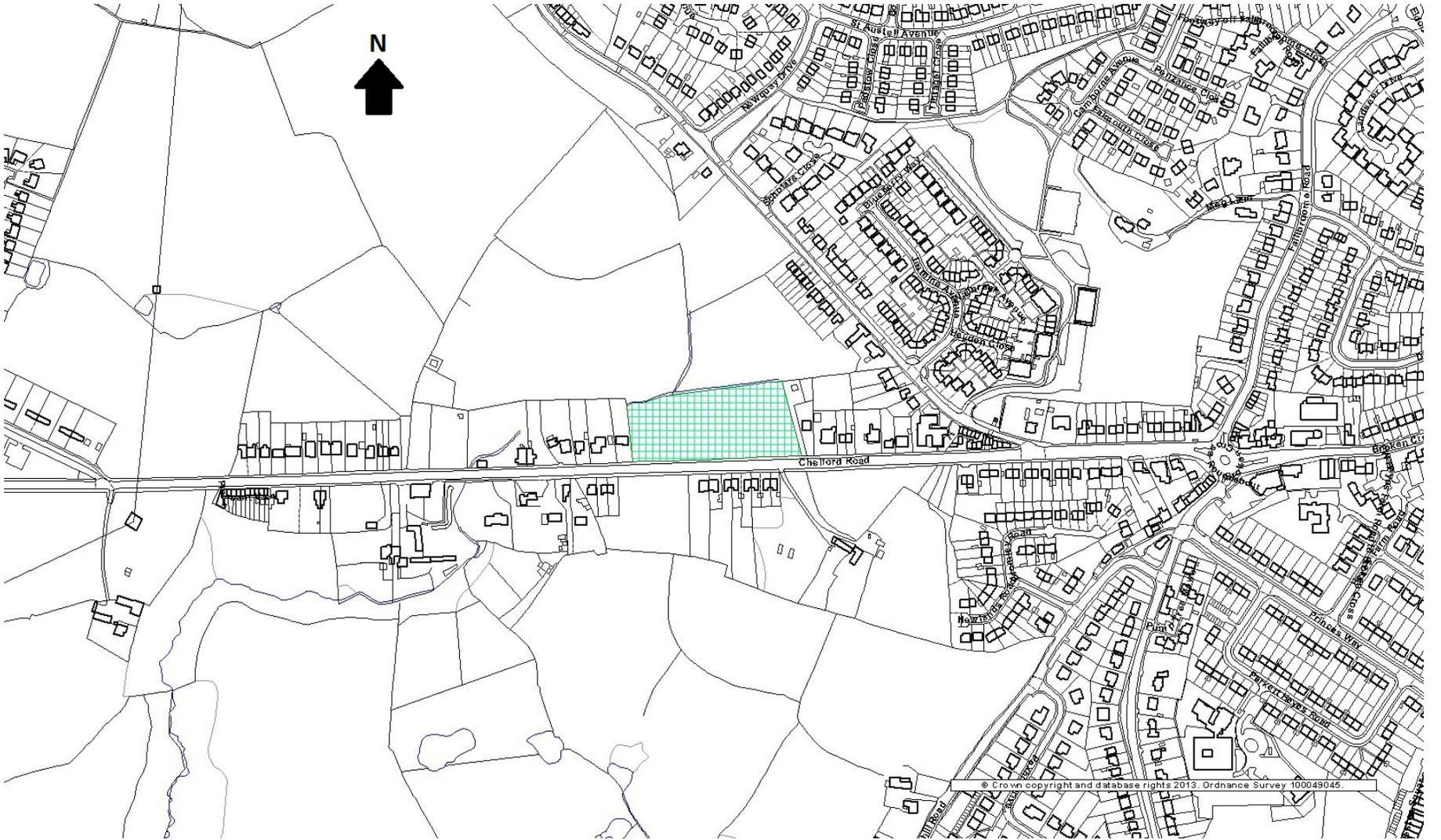
- **Affordable Housing comprising 30% (65% of which will be for social rent and 35% for shared ownership / intermediate tenure) - (No more than 80% open market occupied prior to affordable provision)**
- **Education contributions of £65,078 (primary) £81,713 (secondary) = total of £146,791**
- **Public Open Space on site**
- **Management Plan for the on-site public open space**
- **Contribution towards Recreation Open Space of £1,000 per open market family dwelling or £500 per 1 / 2 bed open market apartments**
- **Contribution towards indoor recreation of £5460**
- **Contribution towards biodiversity offsetting of £34,500 (on commencement) to be spent on the restoration of Kerridge Hill Nature Reserve and Swettenham Valley Nature Reserve**

**And the following conditions:**

1. **Standard Outline Time limit – 3 years**
2. **Submission of Reserved Matters**
3. **Accordance with Approved Plans**
4. **Access to be constructed in accordance with approved plan prior to first occupation comprising either the priority junction site access or the roundabout access to Chelford Road via a S278 Agreement with the Highway Authority**
5. **Submission, approval and implementation of a Construction Management Plan**
6. **Scheme of Piling works to be submitted, approved and implemented**
7. **Dust control scheme to be submitted, approved and implemented**
8. **Noise mitigation scheme to be submitted with reserved matters and to accord with submitted Acoustic Report**
9. **Travel Plan to be submitted, approved and implemented**
10. **Provision of electric vehicle infrastructure (charging points) at each property prior to first occupation**
11. **Submission of contaminated land survey**
12. **Remediation of contaminated land**
13. **Details of drainage strategy to be submitted**
14. **Development to be carried out in accordance with submitted Flood Risk Assessment**
15. **Scheme of foul and surface water drainage to be submitted**

16. **Landscaping scheme submitted with reserved matters to show retention, replacement and mitigation of hedgerows and a native composition of new hedgerow sections**
17. **Reserved matters application to be supported by a method statement for the removal and management of invasive non-native plant species (Himalayan Balsam)**
18. **Development to be carried out in accordance with the recommendations of the submitted Ecological Report**
19. **Reserved matters application to be supported by a detailed great crested newt mitigation strategy / method statement**
20. **Nesting Birds Survey to be carried if works are to be carried out during the bird breeding season**
21. **Proposals for the incorporation of features into the scheme suitable for use by roosting bats and nesting birds to be submitted**
22. **Reserved matters application to be supported by an Arboricultural Impact Assessment and Tree Protection Plan**
23. **Detailed lighting scheme to be submitted in support any future reserved matters application.**
24. **Travel Information pack to be submitted, approved and implemented**
25. **Scheme for the provision of bat roosts to be incorporated into the development to be submitted, approved and implemented.**

*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 (Regulation) 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.*



Application No: 18/2213M

Location: THE MARL FIELD, ARLEY HALL, ARLEY PARK, ARLEY, CW9 6LZ

Proposal: New memorial walled garden, including ancillary landscaping, car park area and reception facilities.

Applicant: Ninian MacGregor, The Walled Garden Company

Expiry Date: 15-Aug-2018

### Summary

This application proposes a large walled memorial garden and associated landscaping across a development area of 4.85 hectares within grade II\* registered park and gardens and within the setting of numerous listed buildings. 4 quadrants would be provided within the garden (Spring, Summer, Winter, Autumn) which would be open to the public throughout the year. Each quadrant would be phased in over time. Formally laid footpaths would connect the gardens internally and externally towards the chapel and Arley Hall. Parking would be provided to the north east corner, accessed from Back Lane.

The proposal is identified as inappropriate development in the Green Belt, and one which would have a significant impact on its openness. Whilst the Gardens Trust have raised no objection and Historic England have supported the scheme, the Council's specialist officers in terms of heritage and landscape have identified some harm with the proposals namely through the loss of the open field in the setting of the Arley Estate and wider landscape. These concerns are recognised, and alongside the Green Belt harm there is significant weight against the development.

There are, however, considerations in favour of the proposal of considerable weight. The proposal will contribute to the wider benefit of the Arley Hall Estate, assisting in the preservation of nationally important heritage assets. If approved, financial contributions to the Arley Estate which would be tied to repairs in historic fabric of certain heritage assets including Arley Hall and Aesops Cottage. There are also tourism benefits due to the popularity of Arley Hall and its associated grounds, which is one of the finest collections of heritage assets in Cheshire East, and its attractiveness locally, regionally and nationally. The income from this development would also help the owners to sustain the estate as a collective which is of high importance due to the greater value of the estate as a cohesive unit. The ecological value of the site would be greater as a result of the proposal and the historic Lime avenue would be restored. All of these elements would be linked to protecting the heritage value of the estate and would provide public benefits through the accessibility of the gardens from the wider Arley grounds.

Whilst this application is very finely balanced, it is considered that the above benefits in combination do clearly outweigh the harm associated with this development. It is considered that very special circumstances in the Green Belt exist. The proposal would therefore comply with paragraphs 143/144 of the NPPF (2012). Subject to conditions and the completion of a s106 legal agreement it is recommended that planning permission be granted.

**RECOMMENDATION**

**APPROVE subject to conditions and the completion of a S.106 agreement.**

**REASON FOR REFERRAL**

This application is referred to Strategic Planning Board as the site area for the development is greater than 4 hectares.

**PROPOSAL**

This application seeks planning permission for the development of a walled memorial garden adjacent to Arley Hall.

<b>Development details</b>	<b>Proposed</b>
<i>Site Area</i>	4.85 hectares
<i>Wall height</i>	3.46m
<i>Wall length(perimeter)</i>	540m
<i>Area of walled gardens</i>	1.74 hectares
<i>Parking spaces</i>	22 (inc. 4 disabled)

A new walled garden at Arley will be designed as a memorial garden where cremated remains will be kept in niches within the wall. The gardens will enable quiet contemplation for visitors and will also extend the experience of the existing gardens at Arley.

The design statement comments that the site has been chosen because of proximity to Arley Hall and “the negligible impacts on heritage assets, nature conservation interests, archaeology and trees.” (p. 11)

The site area of the gardens would be 4.1 acres. (1.71ha), contained by brick walls and divided into four seasonal gardens. The walls would be 3.46 metres high (with +/- 200mm variation) but because of site levels and proximity to the listed buildings, the south western corner would be dug 750mm into the existing ground levels (and raised by 200mm at the south east corner). Consequently, at its closest point to the listed buildings at the south western corner, the wall would be 2.7m high externally. At pre-application the height was proposed at 4m but has been reduced in response to comments received.

The wall design seeks to replicate that of the 18<sup>th</sup> century walled gardens, using traditional 65mm bricks, lime mortar, laid in garden wall bond. Stone copings are proposed as are details and features of the historic walled gardens, including buttressing piers at 8 metre centres, and gates and piers to reflect those in the historic walls.

In addition to the walled garden, a simple timber reception building is proposed along with vehicular access and parking for 22 cars. A bothy like structure is to be built onto the wall on the northern side to house a composting toilet and storage for plant and equipment. It is noted that the application form indicates 20 spaces, however a car park plan has been submitted indicating 22 spaces (including 4 disabled).

The gardens are to be designed by Tom Stuart-Smith, an eminent landscape architect and garden designer. The intention for the garden is “to be a place that is both serene, contemplative and quietly ceremonial” (Design statement p 16).

The outline design of the 4 seasonal gardens is set out in the Design Statement and the final garden design is indicative but the intention is that 2 gardens would include pavilions, whilst there would be a range of planting and water features of varying types. In each garden the wall would be largely screened by hedging set in from the wall to create spaces with simple seating but private from the main garden.

Four points of access are proposed into the gardens – two from the grove to the south, one from the east (car park) and one from the west, potentially from the reinstated Lime Avenue (the illustrative plan also shows a further access from the south west corner linking to the Avenue).

Around the outside of the wall, landscaping in the form of shrubs, trees and climbers is proposed to soften the external appearance of the walled garden.

Full consultation has been carried out on the plans submitted as part of this application. It is understood that the applicants have also undertaken a public consultation process prior to this applications submission.

### **SITE DESCRIPTION**

The site comprises an informal grassed field, remnants of a lime avenue, and a small field-gated access to the north east corner along the Back Lane boundary. The field is identified as ‘The Marl Field’, situated North East of Arley Hall (the main focus of the Arley Estate). A mature native species hedge forms the boundary treatment between Back Lane and the Marl Field which is mostly substantial although gaps do exist. A mature hedge intersects the site (east to west) to the southern aspect (south of the identified Marl Field) with some informal footpaths beyond which provide access towards ‘The Grove’ woodland. Dairy Wood exists to the east which provides screening of the field from Home Farm. Land levels are relatively consistent across the site although gentle undulations are noted including down towards Back Lane.

The site is contained within grade II\* registered park and gardens and the site within the setting of numerous listed buildings. Arley Hall and Park is one of the finest collections of heritage assets in Cheshire East. The grade II\* registered park and garden, 19<sup>th</sup> century Arley Hall grade II\* and the Salvin designed 19<sup>th</sup> century Chapel also grade II\* lie at the heart of the estate, complimented by a number of other heritage assets, including the 16<sup>th</sup> century cruck barn (grade I) and the grade II, mid-19<sup>th</sup> century walled gardens.

The quality of the registered historic park and gardens is acknowledged on account of its exceptional design quality and intactness as a designed landscape dating mainly from the mid-18<sup>th</sup> century with a number of mid-19<sup>th</sup> century adaptations and important subsequent

additions and developments. It is associated with a number of eminent architects and landscape designers including Emes and Nesfield.

The Planning Statement indicates that the site is currently in occasional grazing use. It is noted that the application site is situated just outside of the Arley Conservation Area which exists to the south of the Marl Field

### **RELEVANT SITE HISTORY**

None relevant.

### **LOCAL AND NATIONAL POLICY**

#### **Macclesfield Borough Local Plan (MBLP) (2004)**

BE15 (Listed Buildings)  
DC3 (Design & Amenity – Amenity)  
DC6 (Circulation and Access)  
DC8 (Landscaping)  
DC9 (Tree Protection)  
DC35 (Materials and Finishes)  
DC37 (Landscaping)  
DC38 (Space, Light and Privacy)  
GC1 (Green Belt)  
NE3 (Landscape Conservation)  
NE11 (Nature Conservation)  
RT8 (Access to Countryside)  
RT13 (Tourism)

#### **Cheshire East Local Plan Strategy (CELPS) (2010-2030)**

EG1 (Economic Prosperity)  
EG2 (Rural Economy)  
EG4 (Tourism)  
IN1 (Infrastructure)  
PG1 (Overall Development Strategy)  
PG3 (Green Belt)  
SC3 (Health and Wellbeing)  
SD1 (Sustainable Development in Cheshire East)  
SD2 (Sustainable Development Principles)  
SE1 (Design)  
SE2 (Efficient Use of Land)  
SE3 (Biodiversity and Geodiversity)  
SE4 (The Landscape)  
SE5 (Trees, Hedgerows and Woodland)  
SE7 (The Historic Environment)  
SE9 (Energy Efficient Development)

SE12 (Pollution, Land Contamination and Land Instability)  
SE13 (Flood Risk and Water Management)

## **National Policy**

The National Planning Policy Framework (NPPF) (2018) establishes a presumption in favour of sustainable development. Of particular relevance are the following sections and paragraphs:

Section 13: Protecting Green Belt land

Section 16: Conserving and enhancing the historic environment

The National Planning Practice Guidance (NPPG) (as updated online)

## **Supplementary Planning Documents**

Cheshire East Borough Design Guide (adopted 2017)

## **CONSULTATIONS (External)**

### **Historic England: Supportive**

The creation of a new memorial garden is a sensitive way to diversify, would be a use consistent with the assets conservation and history, and could sustain and enhance the significance of the heritage asset.

### **The Gardens Trust: Supportive**

The trust supports the need to financially sustain the estate and following consideration of the visual assessment and photomontages, raise no objection to the development. It is, however, recommended that the indicative tree planting is included in Phase 1 of the development. This would be crucial in reducing the visual impact, particularly in the later phases.

### **Aston by Budworth Parish Council: Supportive**

“Aston by Budworth have no objection and support the above application”

## **REPRESENTATIONS**

30x letters of representation received including a letter of support from the Tatton MP (Esther McVey). The representations are summarised as follows:

### **Support: 29x letters:**

- Enhancement to Cheshire and Arley Hall
- High quality gardens
- Scheme of high importance
- Walled gardens at Arley Hall internationally renown
- Scheme will provide comfort to bereaved families and individuals

- Imaginative
- Contribution of Tom Stuart-Smith (Award winning gardener)
- Arley Hall requires diversification
- The scheme will complement the existing hall
- Ensures the survival of Arley Hall
- Beautify gardens
- Employment benefits
- Tourism benefits
- Local support
- Self funding required and other funding options could be less sensitive
- Horticultural interest
- Enhancement of field which is currently out of view
- No visual harm
- Maintain historic buildings
- Well received public consultation
- Historic England support
- Boost to the community
- Local / national importance
- This scheme is preferable to holding larger short term events which can cause environmental issues (congestion, noise)
- Limited impact on the Green Belt
- Reduces possibility of Arley Estate breaking up.

### **Comment: 1 x letters:**

- Sceptical of the commercial viability
- Many in the area support the application but would not use it
- No advantage to area tourism
- The estate needs money to prevent the estate properties becoming dilapidated so any imitative however unlikely to succeed must be viewed positively.

## **APPRAISAL**

### **Key Issues**

- Green Belt
- Landscape
- Heritage
- Tourism
- Very special circumstances
- Sustainability

### **Green Belt**

The site is contained within the Green Belt designation as outlined in the Macclesfield Borough Local Plan (2004). The Green Belt is afforded strong protection both locally (policy PG3 of the CELPS) and nationally through the NPPF. The most essential characteristics of the Green Belt is their openness and permanence with the thrust of planning policy to prevent urban sprawl by keeping land permanently open. New building in the Green Belt is

inappropriate development unless it meets one of the exceptions listed in paragraph 145 of the NPPF. The most relevant exception to this application is the following:

- “The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation cemeteries and burial grounds and allotments; as long as the facilities preserves the openness of the Green Belt and do not conflict with the purposes of including land within it.” (Para. 145, NPPF)

The facility and use itself, a walled memorial garden, is not necessarily inappropriate development in the Green Belt, but the caveat that it must preserve openness is crucial. The construction of 3.46m high brick walls for a perimeter of 540m cannot be considered to preserve the openness of the Green Belt. Openness is defined as “the absence of built development”. There is no built development on this field, and the proposal which would be prominent within the landscape would not preserve the Green Belts’ openness in this rural context. There would also be encroachment into the countryside, contrary to one of the purposes of including land in the Green Belt, The proposed development is therefore considered to be inappropriate development in the Green Belt.

The preceding paragraphs outline that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances” (para. 143). “Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. (para. 144).

The inappropriateness alone is harmful to the Green Belt which attracts substantial weight in decision making. Further to this, the built wall itself would have a significantly harmful impact on the openness of the green belt which is a fundamental characteristic, and would result in encroachment into the countryside. These matters carry significant weight against the proposal. As explored in later sections, there is also considered to be landscape harm and some heritage harm which in accordance with para. 144 contributes to the harmful aspect of this development alongside the Green Belt harm. A section on very special circumstances, set out later in the report considers whether or not there are considerations in favour that clearly outweigh the harm to the Green Belt and the additional harm identified.

### **Landscape impact**

This proposal is for a new memorial walled garden within the Marl Field, which lies to the north east of Arley Hall. The proposed walled garden will cover an area of 1.68 hectares (4.1 acres) with walls 3.5m in height, with up to +/-200mm variations to allow for topography. The walled garden would be constructed from red brick and buff/pink sandstone and internally divided into four gardens. Associated with the walled garden is a car park for 22 cars, as well as a new access onto Back Lane, a reception building at the car park and a composting toilet and plant on the north wall of the walled garden.

The application includes a Landscape and Visual Assessment, this identifies the baseline landscape character information at the national level, NCA 61: Shropshire, Cheshire and Staffordshire Plain, and the district level, Cheshire Landscape Character Assessment Lower Farms and woods, specifically LFW3 Arley, as well as the local character of the Marl Field.

The Assessment includes an assessment of the sensitivity of landscape receptors to change resulting from the development of the walled garden. These are the National Character Area – minimal effect; District Character – minor effect; Cheshire Green belt – will not compromise; Arley Conservation Area – minor effect; Designated Assets – high. But while the assessment states that the designated assets (Registered Park and Garden of Special Historic Interest (Grade II\*) has a high sensitivity, (Sensitivity – High, Condition- High, Value – High), caveats this assessment with the opinion that the proposals will result in the loss of a small parcel of agricultural land which is more closely associated with Home Farm and is therefore of medium sensitivity, good condition and moderate to high value, resulting in a moderate to minor effect upon landscape character. Part of the justification for this is that the marl Field has agricultural value, but is not locally distinctive when compared to similar fields within the local landscape, and that when considered in isolation, the field does not have a remarkable sense of place or has an easily recognisable character’.

While the assessment identifies that the *‘Registered Park and Garden of Special Historic Interest designation washes over the site for (ibid) memorial walled garden. This is a landscape of high significance and Marl Field provides the agricultural setting to the more formal designed landscape surrounding Arley Hall’*(p.19), and that the *‘Marl Field was never intended to be part of the designed landscape, as it was hidden from view behind designed planting. Marl Field has a stronger association with Home Farm and its location, to the east of the Dairy suggests that it was a working field, supporting a dairy herd’*, it seeks to undervalue the sensitivity and designation that washes over the application site. The Marl Field has been part of the designated Registered Park and Garden of Special Historic Interest since 10 June 1985. It is also considered that the location of Dairy Wood and the historic location of the double lime avenue to the west of the Marl Field, and The Grove to the east, would provide a much closer relationship between Arley Hall and the Marl Field than the relationship between Home Farm and the Marl Field, as suggested in the assessment. Dairy Wood also provides a strong and effective visual barrier that prevents views of Home Farm.

The assessment identifies the visual baseline and identifies 6 viewpoints from a number of locations along Bridleway 27 Aston by Budworth (VP 1), Bridleway 1 Aston by Budworth (VP2), Footpath 36 Aston by Budworth (VP3), FP6 Aston by Budworth (VP4), Bridleway 1 Aston by Budworth/Back Lane and VP6 looking in a north easterly direction from within the Registered Park and Garden. Commentary including the visual receptor sensitivity is given for each. It is considered that the sensitivity for each of the viewpoints has been undervalued and that in reality the visual sensitivity of each of the 6 receptors chosen would be far more sensitive than the assessment indicates.

The submitted Heritage Assessment and Landscape and Visual Assessment both identify that the Arley Park is a designated Grade II\* registered landscape, with the surviving landscape at Arley dating from the mid 18<sup>th</sup> to the mid 19<sup>th</sup> centuries and that *‘the landscape is of high national significance on account of its exceptional quality, the assemble of design features, the extent and degree of survival, the association with nationally significant architects (Latham, Salvin & Street) and landscape designers Emes and Nesfield’*. The Historic England description of Arley notes *‘The park, gently rolling in generally fairly level countryside, is bounded to the north by Back lane, but otherwise its boundaries follow field and wood edges’*. This latter description clearly indicates that the Marl Field was considered to be part of the park and that Back Lane, to the north, forms the boundary.

As part of the proposals it is intended to reinstate the double lime avenue with appropriate lime species or cultivars in the same positions as they were planted in the mid 18<sup>th</sup> century. The Heritage Assessment indicates that the double avenue is highly significant because of its design integrity with the east terrace, but that this is restricted to the avenue itself and perhaps some open field each side, as 'breathing space' for the avenue, with glimpsed views under the tree canopies (4.2.4). But while the Landscape and Visual Assessment states that the memorial garden will be located to the north east of the Marl Field, the Heritage Assessment causes some concern when it states, '*The proposed development site itself therefore can only be afforded a medium significance within the registered landscape (assuming the proposed development stays clear of the double lime avenue)*' (4.2.4).

While it may not be part of the Arley Conservation Area, nor are other extensive parts of the Arley Park. The Landscape Quality and Significance of a Grade II\* site on the English Heritage Register of Parks and Gardens indicates that the park must be considered to be both of national importance and of exceptional historic interest and it is quite clear from the English Heritage citation that the whole of Arley Park, including the application site is deemed worthy of being considered Grade II\*, yet the Landscape and Visual Assessment has undervalued the sensitivity of both the landscape and visual receptors and questioned the inclusion of the site within the designation. The Landscape Officer considers that the proposed development would be at complete variance with the landform, scale and pattern of the landscape, that it would permanently degrade, diminish and destroy the integrity of valued characteristics and their setting and that it would cause a high quality landscape to be permanently changed and its quality diminished.

The landscape impact as considered by the Council's Landscape Officer raises conflict with policy SE4 of the CELPS.

Conditions can be applied that would mitigate some of the landscape impact in the long term, but overall it is considered that the proposal will result in a harm to the landscape contrary to Local plan policy.

### **Heritage assessment**

#### Summary of main issues

1. Consideration of impact upon heritage assets:
  - the setting of listed buildings
  - the Registered Historic Park and Garden
  - the character and setting of the Arley Conservation Area
- 2 Weighing heritage impact balanced against the public benefit arising from the development and how that is secured

#### The site and its context

The quality of the registered historic park and gardens is acknowledged on account of its exceptional design quality and intactness as a designed landscape dating mainly from the mid-18<sup>th</sup> century with a number of mid-19<sup>th</sup> century adaptations and important subsequent additions and developments. It is associated with a number of eminent architects and landscape designers including Emes and Nesfield.

The history of the park and gardens is set out in detail in the Heritage Statement; consequently there is no need to repeat that here, other than to stress the continued importance of the formal gardens to Arley, both as a visitor attractor but also in terms of the setting for this fine collection of historic buildings and as a centrepiece of the wider historic park.

The application site itself is located north east of the Hall (c. 150m) and Chapel (c. 100m) on land known in recent history as the Marl Field. Previously this has been known as the Nearer Marl Field (the Warburton Plan of 1744) and more latterly as Part of the Big Marl Field (1786 Plan), The Tithe Map and apportionment of 1846 continues to show this as Big Marl Field.

In all of these cases the derivation of the field name is not certain as to whether it was reference to soil conditioned land or as an area used to produce material for brick. However, it is evident from the various historic maps that this field was never intended to be formalised as gardens or parkland. Indeed, successive plans by Emmes and Nesfield sought to enclose the formal gardens from the Marl Field by the planting of the Grove, some dense planting in the SW corner of the Marl Field itself and more latterly, dense coniferous planting along the boundary between the house and the Marl Field (which is probably the Yew hedge present today).

The only designed landscape incursion into the Large Marl Field was the planting of a double avenue of Lime trees across the western section in the mid 19<sup>th</sup> century, stopping at an opening in the boundary on Back Lane, whilst a track was created further west, creating a pathway link to the new east terrace to the Hall from Back Lane. It is concurred with the heritage assessment that the Avenue is likely to have been a planned feature to capture a northerly view away from the eastern terrace rather than a formal walk or ride (however, there would have been incidental benefit and views from the avenue, over the marl field, for those walking up the avenue on foot). Today only modest remnants of the Lime Avenue remain with the stone lined Ha-ha at the edge of the Avenue with Back Lane.

The design and arrangement of the new house in the mid 19<sup>th</sup> century reinforced the exclusion of the application site from the formally laid out park/garden with its main orientation to the south, east and west toward the main areas of formally planned gardens and the more open, parkland approach from the south.

Back Lane was included on the 1786 Emes Plan and was constructed by the time of the Tithe map in 1846. Subsequently, in the latter 19<sup>th</sup> century the Grove was further extended to enclose the eastern boundary of the Marl Field up to Back Lane. Secondary aspects and views from Back Lane across the application site toward the Hall were created at that time, but intervening landscape now partly screens and reduces that visual association.

Inter-visibility between the site and the Hall and gardens has been reduced by the Yew Hedge, the densely planted edge of the Grove and other mature trees located between the chapel and the Yew Hedge. One element of the designed landscape within the historic park that shares a more direct relationship with the site is the northern Lime Avenue, which although severely diminished as a landscape feature, does benefit from the incidental views and openness derived from the relationship with the open character of the Marl Field.

Consequently, although it is generally agreed with the conclusions reached in the heritage assessment that the Marl Field (the site) holds less significance than other designed parts of the designated park and garden, the Marl Field does still hold a degree of significance in

terms of the setting of the Park and Garden and indeed in the setting of the listed buildings and the conservation area, contributing toward the openness of the setting north of the Hall and in intermittent southward views from Back Lane and in its relationship with the remnant North Avenue. The heritage assessment does not fully consider this or apply sufficient weight, particularly in relation to the incidental views across the land from Back Lane.

### Evaluation of proposal

Firstly, it is stressed that there is support for the general proposition for diversification to enable the estate to better sustain itself. The financial information submitted highlights the precarious state of the Estate's finances for the following year and the forthcoming costs in relation to various heritage assets on the Estate. It also highlights potential alternative scenarios in terms of ways of sustaining the Estate, including enabling development and potentially selling off elements of the estate, both of which could be severely detrimental to the integrity and character of the Estate (including built heritage impacts).

As a general concept, the walled memorial garden is a form of diversification that fits with spirit and heritage of Arley, provided that a suitable location and scale of development can be achieved. However, where there will be detrimental impacts upon heritage assets or their settings, it is important in policy terms that the harm should be weighed against the public benefit. Consequently, it is important that a proportion of those benefits arising from the proposal directly benefiting the historic fabric of the estate to help sustain its significance.

The application contends that there will be little to no harm arising from the proposal. But it is considered that the impacts have not been fully considered. Although the Marl field is not a formal component of the historic park and garden, it has always been part of it, falling within the scheduled area. Its contribution is the open character to the northern edge of the historic park and garden, enabling glimpsed, sporadic views of Arley Hall from Back Lane and an open context for the Lime Avenue. This has been the situation for several hundred years.

Consequently, whilst the conclusions in the heritage statement and design statement are noted, it is considered that the impact upon the historic environment arising from the proposal is more significant than suggested. In heritage terms, there is insufficient consideration of the impact of the proposal on the open character of the Marl Field and incidental views from Back Lane toward Arley Hall across the site. The impact of the proximity of the walled garden to the Lime Avenue has also been down played. The Council would therefore disagree with the conclusions at 5.3 of the Heritage Statement that the proposal "*would at worst be minor*" and would be mitigated by proposed landscaping. The impact in heritage terms would be greater than minor, and the proposed mitigation landscaping would take time to establish, hence, there will be a greater degree of harm arising from the development than is being suggested.

Whether the development of the gardens will eventually enhance the landscape to such a degree that it would become positive in heritage terms, as alluded to in the submission, is difficult to determine, but in any event, that would take a considerable period of time to come to fruition.

Since the pre-application discussion, the area of the walled garden has more than doubled and now encroaches into the western half of the Marl Field, much closer toward the Lime Avenue. This will also make the site more noticeable in oblique views for the area of garden/park north west of the Chapel, albeit still substantially screened by the Yew hedge.

Utilising the site levels to reduce the perceived height of the south western section of the wall will help to mitigate some of its impact.

The originally proposed, smaller, walled garden would have had a more modest impact than this proposal, both in terms of views from Back Lane and proximity to the Lime Avenue. The impact of the submitted proposal will be mitigated to a degree by planting on the outside of the wall but, as with the other walled gardens, it would still appear as an imposing built feature where once there was open ground and it would take a good number of years for this landscaping to mature.

Change within an asset’s setting or within the formal boundary of an historic landscape does not necessarily result in harm but, in this case, the proposal would lead to a degree of harmful impact, which is exacerbated by the scale of the proposal. Nevertheless, having regard to the significance of the Marl Field, that of the park in its entirety and the contribution this land makes to the setting of Arley Hall and Chapel and the Arley Conservation Area, the impact of the proposal would amount to less than substantial harm, and, the impact of that would lessen over time as the landscape around the walled garden matured. It would result however, in a permanent change in the openness of the Marl Field.

If the scheme were to be reduced to a scale closer to the original proposal however, then the impact on the historic park and setting of listed buildings would obviously be reduced, and where a negligible to neutral impact would be likely in the longer term.

Whilst it is acknowledged that the proposal would continue a long standing tradition of walled gardens at Arley, with the consequent overarching benefit derived from that, it is considered that to better balance against the level of harm arising from the larger walled garden proposed, then a more tangible and definitive conservation benefit than is presently proposed needs to be secured.

The document entitled “Note on Investment Required in Historic Assets at Arley” outlines the required costs to prevent estate heritage assets deteriorating, which amounts to nearly 1.5 million pounds (extracted below).

<b>Heritage Asset</b>	<b>Investment Required</b>
Aesop’s Cottages	£170,000
The Firs	£1,000,000
New Farm	£175,000
Walled Garden Walls	£150,000 (additional to £100,000 already spent)
<b>Total</b>	<b>£1,495,000</b>

The Note also stresses that this isn’t a comprehensive list and does not include window repairs. The accompanying heritage statement also makes reference to the potential for refurbishment of the east terrace and formal east garden although this isn’t listed in the Note.

It also states: *“The Estate is open, if essential, to directly linking some of the investment in the historic fabric to the grant of planning consent, however, it is our view (and as Historic England has not requested this) that to do so would unnecessarily complicate the application and could delay the development such that it might not proceed at all. Further it is not essential in order for the development to be taken forward for approval”*

The applicant has now tabled a draft Heads of Terms for consideration which outlines a commitment to undertake the package of conservation repairs for Aesops Cottage and window repairs to the hall, to be undertaken within 3 and 5 years of the commencement of the walled garden. Also stated is a commitment of at least £100,000 to be spent by the landowners on suitable estate conservation works (to be approved in writing by the LPA) prior to commencement of the 4<sup>th</sup> quadrant. The heads of terms are in the form of Unilateral Undertaking on behalf of the estate, which requires scrutiny in legal terms to ensure it appropriately secures the specified public benefit.

With the benefit of such a legal agreement, and this being considered legally sound, it is considered that there would be sufficient public benefit to justify the less than substantial harm to the heritage asset.

Materials have been provided to the Local Authority including replicating the surface of the existing gravel paths through the site. Within the gardens themselves, Yorkstone paving will be incorporated which is considered appropriate within the gardens. These surfaces will be conditioned in accordance with the details submitted.

Information has been provided regarding Oak cladding to the building with slate/tiled roofing which is likely to be acceptable. Details have also been submitted regarding the car parking surface (hot rolled asphalt, and Staffordshire Pink with limestone), reinstatement of the lime avenue, and landscaping around the gardens and Back Lane boundary. A response is awaited from the Conservation Officer regarding these details and it is expected that this can be provided as an update to members prior to committee.

### Views of Historic England

Historic England recognise the outstanding national interest of Arley Hall and the associated collection of heritage assets. The need for Arley Estate to diversify is recognised with income required to adapt to current markets and provide the necessary income to finance such resource-hungry complexes. It is naturally desirable that historic entities remain as cohesive units as their combined value is often much greater than the sum of their parts.

Historic England do consider that the creation of a memorial garden is a sensitive way to diversify, which could sustain and enhance the significance of the heritage asset. This alone attracts strong weight in favour of the application, and doesn't take into account the financial contributions towards historic fabric of the estate, secured through negotiations with the applicants.

Gardens of high quality have been continuously added to the grounds by members of this same family. The current application would continue this tradition and whilst located some distance from the existing focus of the formal pleasure gardens to the west, the context of the agricultural Marl Field is considered appropriate for the next phase in the expansion of Arley's gardens. Historic England raise no objection to the development, outlining that the proposal would be in a use consistent with the assets conservation, and would make a contribution to the local character, in accordance with paragraph 185 of the NPPF.

### Views of the Gardens Trust

The Gardens Trust have also commented on the proposal. Their position is that the proposals would make a positive asset to the estate and local economy, and the need to financially sustain the estate is recognised. Whilst a statement of support from this statutory

consultee is not clear, the Gardens Trust have confirmed that they have no objection to the development subject to indicative tree planning being included in phase 1 of the development. This will be strictly conditioned that the external landscaping of the site (reinstatement of the lime avenue, and gapping up of the Back Lane boundary) shall be carried out concurrently with the commencement of the construction of the walled garden. External landscaping around each quadrant shall be carried out within the first available planting season following the construction of each quadrant.

### Conclusions on heritage matters

In general terms there is support for the principle of finding a means to secure a more sustainable and diverse financial base for the management of the estate, based on the financial information it has provided. There is also support in general terms for a new walled garden in a location and of a scale that will help to sustain investment into the estate and more specifically into its historic fabric.

However, it is considered by the Councils Conservation Officer that the heritage impacts of the increased scale of the proposal at the Marl Field have been underestimated or downplayed in the supporting assessments. The impact on the setting of heritage assets and upon the remnant Lime Avenue is greater as a consequence of the increase in coverage. The mitigating external landscape will take a significant period of time to mature and therefore reduce the visual impact. Furthermore, the longstanding openness of the Marl Field will irrevocably be altered compromising the informal open setting to this side of Arley Hall and the Chapel. This does cause some less than substantial harm to the registered park and gardens in the setting of listed buildings.

To ensure compliance with paragraph 196 (NPPF), there needs to be direct and tangible public benefit in the form of investment into the historic fabric of the Arley estate to outweigh the harm to heritage interests.

The provisions set out in the Draft Heads of Terms for the Legal Agreement submitted recently by Rural Solutions are considered acceptable in principle. The aims of such an agreement are to secure benefits to the historic fabric of the estate.

Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. It is considered that this test is met through the benefits to the direct and ongoing preservation of the wider Arley Hall Estate.

### **Tourism and Local Economy**

Cheshire East's visitor economy is worth £895m per year; employing almost over 11,500 fte's. It is an important economic sector that contributes to jobs, growth and prosperity, both in its own right and in its contribution to Cheshire East's 'Quality of Place'. The ambition is focussed around continuing to maximise growth of the visitor economy, whilst ensuring greater prosperity across the widest number of communities that will lead to greater wellbeing for both residents and visitors. Tourism can be a force for good both in economic terms but also as an essential contributor to the excellent quality of life and place Cheshire East offers. This is a key factor not only in decisions to visit but also in decisions to settle and to invest.

A construction and economic survey has been submitted with the application. This suggests that the construction of the walled gardens in total would equate to 4 x £1.8m (£7.38m total). Local firms would be used in the construction and material supply process.

The Planning Statement suggests the scheme could benefit the local, regional and national economy by approximately £21m. It is unclear how this figure has been arrived at, and would likely depend on the success of the gardens and whether all 4 quadrants are eventually implemented.

Whilst there would be only 1 job generated as part of this application, it is understood that the development would secure existing jobs within the estate. The increase in local spending power, construction benefits and maintenance of a high quality memorial garden, would all result in moderate economic benefits. Any increase in visitors to Arley Hall would also likely provide some economic benefits (retail, restaurant, accommodation) to local and regional centres including Knutsford and Northwich.

A key priority set out within the Cheshire East Council Visitor Economy Strategy is to *'Encourage investment in quality tourism product and services in Cheshire East to the benefit of jobs and economic growth'*

This proposal aligns well with the objectives of the Strategy.

The proposed memorial walled garden at Arley Hall will be designed by Tom Stuart-Smith. He is an award winning garden designer involved in prestigious projects nationally and internationally.

The applicant contends that the fact that Tom Stuart-Smith will be designing the walled garden at Arley Hall will add another dimension to the development. It is argued that this will raise the profile nationally of Arley Hall and has the capability to attract visitors from far afield; thus adding to the visitor economy of Cheshire East.

Policy EG4 of the CELPS seeks to protect and enhance the unique features of Cheshire East that attract visitors to the rear. The development of this walled garden in its own right would encourage visitors due to the quality of the development and the associated landscape design by Tom Stuart-Smith. The fact that this development is in such close proximity to Arley Hall which is a significant tourism attraction within Cheshire East would likely strengthen the appeal of Arley Estate as a place to visit. The gardens would be well connected to the estate through a number of laid footpaths and it is expected that paying visitors to the estate may be attracted further by the walled gardens. As noted by the Conservation Officer, there may be other methods to diversify on the estate to provide the required funding, including approaches which may be more harmful including for example residential development. This approach whilst presenting green belt and landscape issues, does at least secure the enhancement of the tourism aspect in a historic environment. It should also be noted that since 2009, visitor numbers to Cheshire East have increased by 35.8% and the associated economic activity by 64.6%. This development is considered likely to support this positive trend, specifically in rural tourism.

Further to this, financial contributions are required for the repairs to Arley Hall's windows, Aesops Cottage, and a further heritage project (to be agreed prior to commencement of the 3<sup>rd</sup> quadrant). These contributions will allow important repairs to be carried out to the historic fabric of the estate, which will help to secure the outstanding national and historic interest in the estate. Such improvements are closely related to the attractiveness of the Arley Estate as a place to visit and will help to secure its strong attraction to tourists both within Cheshire East and further afield.

Whilst there are considered to be tourism benefits, it is difficult to quantify. It is considered that some weight can be given to the potential direct tourism benefits as the proposal may improve the visitor experience of a trip to Arley Hall. Noting the limited uplift in highway movements arising from the proposed development, however, it is considered that this should be given no more than modest weight in the planning balance. It is considered, however, that the main benefits are in helping to sustain an existing important visitor attraction in Cheshire East and this is given significant weight in the planning balance.

The proposal would accord with CELPS policy EG4 and paragraph 83 of the NPPF.

### **Residential amenity**

The walled garden would occupy a fairly isolated parcel of land within the Marl Field. Whilst screening would be provided around the perimeter, the 3.5m (approximate height) walls would likely still be visible from a number of residential properties. These include some to the south west, and Home Farm to the west. Whilst the wall would be visible, at 3.5m, it would not be overbearing nor would the development cause issues relating to losses in privacy or losses of light.

Whilst the field would be intensified in its use, the nature of the development is not likely to be particularly noise generative. The development would provide a place of memorial and visitors would likely be expected to refrain from making excessive noise. Nonetheless, the walls would provide some acoustic mitigation.

The development does not cause any significant amenity issues. The proposal would accord with policy DC3 of the Macclesfield Borough Local Plan (2004).

### **Highways**

#### *Access*

The application proposes a new vehicular and pedestrian access to the site which leads off Back Lane, a private route within the Arley Estate. Visibility splays indicate that an appropriate splay of 43m is demonstrated within the submitted plans as being achievable, 2.4m back from the road edge onto the 30mph single-track lane. The application has identified that several passing bays are provided along the length of Back Lane which will allow passing vehicles to manoeuvre.

The site is connected to the wider area via footways and existing Public Rights of Way. The applicant also outlines that pedestrian and cycle access will be accommodated via a new formalised vehicular access which leads south from Back Lane into the on-site car park.

## *Parking*

This proposed development falls under land use class Sui Generis Parking standards, and therefore there is no defined local parking standard for the proposed land use.

Notwithstanding this, the application indicates that 22 car parking spaces will be provided which will include designated disabled space. This is considered acceptable for the scale and nature of the proposed development, particularly noting the existing arrangements for accessing Arley Hall.

## *Network Capacity*

The process undertaken for trip generation of the proposed development is reasonable. The applicant has indicated that the maximum number of additional daily trips to returning visitors would be five two-way trips per day. This would not have a material impact on the local highway network.

No objection has been received from the Councils Highways Officer whom is satisfied that the development would be acceptable in relation to highway safety, parking and trip generation. The proposal would thus accord with policies CO1, CO2 and Appendix 2 (CELPS, 2010-2030) and T5 (MBLP, 2004).

## **Flooding issues**

The site is located within EA Flood Zone 1 meaning there is a “low probability of flooding”. Adequate drainage could be achieved on-site and areas of permeable surfacing can be ensured via landscaping condition. It is not expected that the development would significantly increase surface water flooding in this location. The proposals comply with SE13 (CELPS).

The Councils Flood Risk Officers have been consulted who have raised no objections. As an informative to any decision notice, the applicants will be made aware that if any alterations to ordinary watercourses are proposed, the applicant will be required to obtain formal consent under the Land Drainage Act 1991 from Cheshire East Council as Lead Local Flood Authority.

## **Ecology and Nature Conservation**

The Councils Nature Conservation Officer has commented on the proposals raising no objection to the works. A nesting bird and hedgehog strategy has been submitted which has been considered acceptable. A condition attached to any grant of permission will secure its implementation. A condition will also be attached which seeks to safeguard nesting birds. This will require the developer to carry out a detailed survey to check for nesting birds prior to the removal of any vegetation or the demolition or conversion of buildings between 1<sup>st</sup> March and 31<sup>st</sup> August in any given year. Where nests are found, a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting must be confirmed by a suitably qualified person and a report submitted for approval by the LPA before any works continue within the exclusions zone.

Subject to the above conditions, the proposal would accord with policy NE11 (MBLP, 2004).

An Ecological calculations survey has also been submitted (Biodiversity Offsetting, ref. AWG/4788). Using DEFRA Matrics calculations, this identified a +200% enhancement for newly created habitat, and +199% for habitat connectivity as a result of the development. This supports a clear ecological benefit with the application.

### **Arboricultural impacts**

The Councils Arboricultural Officer has considered that the trees which are to be removed (Low Value – Category C, and 4 x Moderate Value – Category B) are not worthy of formal protection under a Tree Preservation Order. The retained trees can be protected in accordance with current best practice. It is noted that some of the trees to the northern side will require pruning, but these are not indicated for removal and again, are not worthy of formal protection. One protected tree, identified as an aging Sycamore, exists to the northern side of the western boundary which is not outlined for removal.

The landscaping scheme, which will be conditioned, will ensure that adequate planting remains, or is established, to the front of the site to help integrate the development into the wider sylvan character of Victoria Road. Arboricultural conditions recommended are for the development to be carried out in accordance with the Arboricultural Development Statement (29<sup>th</sup> March 2018). Subject to this condition, the development would accord with policy DC9 (MBLP, 2004).

### **Environmental Health**

Environmental Protection Officers have assessed the proposal. No issues are raised in respect of air quality, noise, contaminated land or construction matters.

### **Very Special Circumstances (VSC)**

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances” (para. 143).

“Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”. (para. 144).

Substantial weight is given to the harm as a result of inappropriateness. Significant weight is also given to the harm to the Green Belt as a result of the encroachment into the countryside and the reduction in openness of the site. Additional harm has also been identified through the harm to a designated landscape, in particular with visual harm in the short to medium term. Associated with this is the harm to the heritage asset, as the affected landscape forms part of the setting of Arley Hall, designated as part of the registered park and garden. This harm to heritage and landscape is also attributed significant weight.

Set against this harm is the wider benefit to the Arley Hall Estate. The development would greatly assist the safeguarding of the historic fabric and significance of Arley Estate, one of the finest collections of heritage assets in Cheshire East, whilst enhancing the experience to an existing well visited attraction in the Borough. The former lime avenue would also be

reinstated back to its former status and external landscaping would be conditioned to visually mitigate the presence of the wall. Whilst the development is harmful due to the aspects identified, the development will generate income to support Arley Hall through a project that is in keeping with the history of Estate through the creation of a new formal garden. The support and comments of Historic England are considered particularly important in this respect. The Gardens Trust similarly do not object and there is overwhelming support in the local community for this project. These factors all add to the weight given to the wider public benefits of this project. It is considered that very substantial weight can be applied to the considerations in favour of this development.

On balance, it is considered that the considerations in favour clearly outweigh the harm by inappropriateness and the other harm identified. As such it is considered that the very special circumstances required to justify this development in the Green Belt do exist.

In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 the proposal should be determined in accordance with the Development Plan unless other material considerations indicate otherwise. As set out in the report the proposal raises some conflict with policies relating to the landscape and Green Belt (notably policy PG3 and SE4 of the CELPS). For the reasons given, very special circumstances are considered to exist and there are material considerations that warrant a departure from Development Plan policy. The development is considered to constitute sustainable development as defined in the NPPF.

### **Section 106**

A section 106 agreement will accompany the application and is required to secure the following:

- Aesop's Cottage to be renovated in accordance with the 'Timber Frame Condition Survey Report (Appendix 2) within 3 years of commencement of development.
- The Arley Hall Window repairs detailed in Strutt & Parker's 'Arley Hall Window Schedule' (Appendix 1) shall be completed within 5 years of commencement of development.
- Prior to the commencement of development of the third and fourth quadrant of the walled memorial gardens, a programme of conservation works for the Arley Hall estate to the value of at least £100,000, in addition to the conservation projects referred to above, shall be submitted to and approved in writing by the LPA. The programme of works shall be implemented in accordance within the agreed timetable.

### **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) Fair and reasonably related in scale and kind to the development.

The funding of these projects is necessary to make the development acceptable in policy terms. As outlined in this report, there is both Green Belt harm, landscape harm and some heritage harm. Only with the above projects secured through funding, would very special circumstances be demonstrated which would outweigh the above harm.

Specifically, these projects would benefit the historic fabric of the estate and secure some significant repairs which help to support the maintenance and longevity of the estate. The contributions here would uphold the significance of some of these assets through substantiated works of which two (Aesops Cottage, and Arley Hall window repairs) are more pressing. The Local Planning Authority would reserve the right to approve any project for the other £100,000 at the time of the development of the 3<sup>rd</sup> garden.

### **Summary and Planning Balance**

This application proposes a large walled memorial garden and associated landscaping across a development area of 4.85 hectares within grade II\* registered park and gardens and within the setting of numerous listed buildings. 4 quadrants would be provided within the garden (Spring, Summer, Winter, Autumn) which would be open to the public throughout the year. Each quadrant would be phased in over time. Formally laid footpaths would connect the gardens internally and externally towards the chapel and Arley Hall. Parking would be provided to the north east corner, accessed from Back Lane.

The proposal is identified as inappropriate development in the Green Belt, and one which would have a significant impact on its openness. Whilst the Gardens Trust have raised no objection and Historic England have supported the scheme, the Council's specialist officers in terms of heritage and landscape have identified some harm with the proposals namely through the loss of the open field in the setting of the Arley Estate and wider landscape. These concerns are recognised, and alongside the Green Belt harm there is significant weight against the development.

There are, however, considerations in favour of the proposal of considerable weight. The proposal will contribute to the wider benefit of the Arley Hall Estate, assisting in the preservation of nationally important heritage assets. If approved, financial contributions to the Arley Estate which would be tied to repairs in historic fabric of certain heritage assets including Arley Hall and Aesops Cottage. There are also tourism benefits due to the popularity of Arley Hall and its associated grounds, which is one of the finest collections of heritage assets in Cheshire East, and its attractiveness locally, regionally and nationally. The income from this development would also help the owners to sustain the estate as a collective which is of high importance due to the greater value of the estate as a cohesive unit. The ecological value of the site would be greater as a result of the proposal and the historic Lime avenue would be restored. All of these elements would be linked to protecting the heritage value of the estate and would provide public benefits through the accessibility of the gardens from the wider Arley grounds.

Whilst this application is very finely balanced, it is considered that the above benefits in combination do clearly outweigh the harm associated with this development. It is considered that very special circumstances in the Green Belt exist. The proposal would therefore comply with paragraphs 143/144 of the NPPF (2012). Subject to conditions and the completion of a s106 legal agreement it is recommended that planning permission be granted

Members may note that should the Council move to approve the application, then a referral to the Secretary of State would be required as required under the Town and Country Planning Direction 2009. This is due to the significant impact on openness of the Green Belt by reason of the proposal's scale and location.

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*In the event of any changes being needed to the wording of the Committee's decision (such as to debate, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Enforcement Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.*

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### Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. The development shall be carried out in accordance with the submitted plans and submitted statements
2. Development to commence within 3 years
3. The development shall be carried out in strict accordance with the submitted materials
4. Landscaping implementation (carried out within the first available planing season) from the commencement of works including the reinstatement of the lime avenue, gapping up of Back Lane boundary, and external landscaping around each developed garden.
5. Prior to the construction of any of the structures within the gardens, elevations and details of materials shall be submitted to the LPA and approved in writing
6. Prior to the removal of vegetation between 1st March and 31st March in any year, a detailed survey shall be carried out to check for nesting birds.
- 7.
8. Car park and access provided prior to first use of any one of the quadrants of the walled garden
9. Footpaths to be laid prior to first use of any of the quadrants of the walled garden.

