

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 NO2 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:

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

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 NO₂, PM₁₀ and PM_{2.5} 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 NO₂, PM₁₀ and PM_{2.5} concentrations, with only one of the receptors experiencing a slight adverse effect for NO₂. Many of the receptors are predicted to see an improvement in NO₂ 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 100th 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 Gawsorth 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 Gawsorth 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.

