

# Northern Planning Committee

## Agenda

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**Date:** Wednesday, 11th April, 2018  
**Time:** 10.00 am  
**Venue:** The Capesthorpe 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 Northern Planning Committee 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 and Overview and Scrutiny meetings are audio recorded and the recordings will be 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.

3. **Minutes of the Previous Meeting** (Pages 3 - 6)

To approve the Minutes of the meeting held on 14 March 2018 as a correct record.

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**Please Contact:** Sarah Baxter 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

#### 4. **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 Planning Committee
- 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 planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **17/5004M-The construction of 3no. new town houses on the land to the rear of nos 2 & 4 London Road South, 2 & 4, London Road South, Poynton for Mr Rob North, Istari Limited (Pages 7 - 16)**

To consider the above application.

6. **18/0171M-Demolition of all existing structures and buildings, remediation of the site and the erection of a residential led mixed use development comprising 89 no residential dwellings (use class C3) and 140 sq m (1,500 sq ft) of business floorspace (use class B1) together with landscaping, access points from Dixon Drive, car parking, an acoustic fence and associated infrastructure, Land At Former Chelford Agricultural Centre, Dixon Drive, Chelford for Mr Andrew Taylor, David Wilson Homes North West (Pages 17 - 42)**

To consider the above application.

7. **15/1683M-Development of 30 new houses including 9 affordable houses, landscaping, landscape buffer zone, flood mitigation and ground works, roads, associated highways and infrastructure, Land opposite, Lowerhouse Mill, Albert Road, Bollington for Johnson Mulk, Prospect GB (Pages 43 - 74)**

To consider the above application.

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 14th March, 2018 at The Capesthorne Room - Town  
Hall, Macclesfield SK10 1EA

### **PRESENT**

Councillor G M Walton (Chairman)

Councillors B Burkhill (Substitute), E Brooks, T Dean, L Durham, S Edgar (Substitute), P Findlow, H Gaddum, S Gardiner (Substitute), A Harewood, N Mannion and J Nicholas (Substitute)

### **OFFICERS IN ATTENDANCE**

Mrs E Hood (Arboricultural Officer), Mrs N Folan (Planning Solicitor), Mr P Hurdus (Principal Development Manager) Mr L Todd (Work Experience Student) and Mr P Wakefield (Principal Planning Officer)

### **90 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors C Andrew, C Browne, M Warren and G Williams.

### **91 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of applications 16/6225M and 17/2061M, Councillor E Brooks declared she lived on Adlington Road, however she was not impacted by either of the developments.

### **92 MINUTES OF THE PREVIOUS MEETING**

#### **RESOLVED**

That the minutes of the meeting held on 14 February 2017 be approved as a correct record and signed by the Chairman.

### **93 PUBLIC SPEAKING**

#### **RESOLVED**

That the public speaking procedure be noted.

### **94 WITHDRAWN-15/1683M-DEVELOPMENT OF 30 NEW HOUSES INCLUDING 9 AFFORDABLE HOUSES, LANDSCAPING, LANDSCAPE BUFFER ZONE, FLOOD MITIGATION AND GROUND WORKS, ROADS, ASSOCIATED HIGHWAYS AND INFRASTRUCTURE, LAND OPPOSITE**

**LOWERHOUSE MILL, ALBERT ROAD, BOLLINGTON FOR JOHNSON  
MULK, PROSPECT GB**

This item was withdrawn prior to the meeting.

**95 16/6225M-DEMOLITION OF EXISTING BUILDING AND ERECTION OF  
A NEW BUILDING COMPRISING 14 NO. APARTMENTS, HILLSIDE  
RESIDENTIAL HOME, 21, ADLINGTON ROAD, WILMSLOW FOR  
JONES HOMES NORTH WEST LTD**

Consideration was given to the above application.

(Councillor T Fox, the Ward Councillor, Town Councillor David Pincombe, representing Wilmslow Town Council and Jonathan Vose, an objector attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reasons:-

1. The proposed development by virtue of its size and siting would result in the direct loss of an existing tree which is the subject of the Macclesfield Borough Council (Wilmslow – Hillside 21 Adlington Road) Tree Preservation Order 1996. The loss of this tree is considered unacceptable because of the impact upon the general amenity and character of the area in which the application site is located and would be contrary to policy SE5 of the Cheshire East Local Plan and saved policy DC9 of the Macclesfield Borough Local Plan.

2. The proposed development by virtue of its size and siting would result in a threat to the continued well being of existing trees which are the subject of the Macclesfield Borough Council (Wilmslow – Hillside 21 Adlington Road) Tree Preservation Order 1996. The loss of these trees is considered unacceptable because of the impact upon the general amenity and character of the area in which the application site is located and would be contrary to policy SE5 of the Cheshire East Local Plan and saved policy DC9 of the Macclesfield Borough Local Plan.

3. The proposed three storey structure represents an overdevelopment of the site and is out of scale with the surrounding built environment. Whilst the quality of design has improved, it does not reflect the local character and detailing that is found in the neighbouring properties. The scale of the development is such that it fails to recognise the character of the wider area by not providing sufficient amenity space, which is exacerbated by the extensive areas of car parking. The proposal would be contrary to policies SE1 and SD2 of the Cheshire East Local Plan and The Three Wilmslow Parks SPG.

4. The relationship of the proposed building to the adjoining property at Lindfield would lead to an unacceptable impact in terms of loss of light

and a loss of privacy due to the increase in mass and overlooking windows overlooking this property contrary to saved policies DC3 and DC38 of the Macclesfield Borough Local Plan and guidance within the Cheshire East Design Guide.

In order to give proper effect to the Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice.

In addition the Committee requested that the Strategic Planning Board look at the lack of appropriate policies within the Local Plan addressing the issue of loss of care homes as a result of housing developments.

**96 17/2061M-DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 7 NEW DWELLINGS, ROSEGARTH, 51, ADLINGTON ROAD, WILMSLOW FOR MR & MRS WILMAN**

Consideration was given to the above application.

(Councillor T Fox, the Ward Councillor, Town Councillor David Pincombe, representing Wilmslow Town Council and Kath Ludlam, representing the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reasons:-

- (1) The proposed access would result in the direct loss of an existing tree which is the subject of the Macclesfield Borough Council (Wilmslow Park No. 2 Wilmslow) Tree Preservation Order 1974. The loss of this tree is considered unacceptable because of the impact upon the general amenity and character of the area in which the application site is located and would be contrary to policy SE5 of the Cheshire East Local Plan and saved policy DC9 of the Macclesfield Borough Local Plan.
- (2) Over development of the site that is out of character with the immediately adjoining area and detached character of Adlington road and a failure to recognise the layout and design in the area of large houses fronting Adlington Road in their own grounds.

In order to give proper effect to the Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice.

(The meeting adjourned for a short break. Prior to consideration of the following item, Councillor H Gaddum left the meeting and did not return).

97 **CHESHIRE EAST BOROUGH COUNCIL (PICKMERE - THE ELMS, PARK LANE) TREE PRESERVATION ORDER 2017**

(During consideration of the item, Councillor B Burkhill left the meeting and did not return).

Consideration was given to the above Order.

**RESOLVED**

That the Cheshire East Borough Council (Pickmere – The Elms, Park Lane) Tree Preservation Order 2017 be confirmed without modification.

The meeting commenced at 10.00 am and concluded at 12.50 pm

Councillor G M Walton (Chairman)

Application No: 17/5004M

Location: 2 & 4, LONDON ROAD SOUTH, POYNTON, CHESHIRE, SK12 1NJ

Proposal: The construction of 3no. new town houses on the land to the rear of nos 2 & 4 London Road South

Applicant: Mr Rob North, Istari Limited

Expiry Date: 18-Jan-2018

### **SUMMARY**

This application seeks full planning permission for the erection of 3 dwellings houses to the rear of 2 and 4 London Road South. The site is located in a predominantly residential area in the centre of Poynton.

It is considered that the proposal is environmentally, socially and economically sustainable and accords with the development plan and the framework. The site is located sustainably within the town boundary of Poynton and the proposal represents an efficient use of land,

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 outlined in the report and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for approval

**RECOMMENDATION: Approve, subject to conditions**

### **REASON FOR REPORT**

The application is to be presented at Northern Planning Committee as it has been 'called-in' to committee at the request of Cllr Beanland. This is due to concern regarding "*insufficient and inappropriate notice given to all affected parties, particularly the vicarage which bounds the site on two sides; It has an overbearing nature on neighbouring properties*".

### **SURROUNDING DEVELOPMENT**

The application site lies in a predominantly residential area close to the centre of Poynton, south of the roundabout junction of London Road South, Park Lane and Chester Road. The site currently contains a pair of semi detached dwellings (2 and 4 London Road South) which have large rear gardens and each house has its own separate vehicular access.

Residential properties on Abbey Court lies to the south of the site, St Georges Church Hall and the locally listed alms houses on Fountain Close lie to the north of the site and the graveyard associated with St Georges to the west of the site.

### **DETAILS OF PROPOSAL**

This application seeks approval for the erection of 3 terraced dwellings, which would be oriented northeast to southwest, in the rear garden area of 2 and 4 London Road South. The original submission proposed 4 dwellings but the proposal has been reduced to 3, thereby allowing the development to be moved northwards away from the shared boundary with the dwellings on Abbey Court. It is proposed to access the proposed dwellings by using the existing access of no 4 London Road South. The existing access to no 2 would be used for access to the 2 existing dwellings. Two parking spaces each would be allocated to the existing houses and 2 spaces are proposed for each of the three new dwellings, plus a turning area.

The proposed dwellings would be 10m high to the roof ridge and would be 2 .5 storeys. The orientation of the windows would be northwest to southeast. Each unit would contain 4 bedrooms and with kitchen/dining room ground floor with living room at first floor. The front elevation would have dormer style windows in the roof space and the rear elevation would have second floor windows at eaves height.

They would be constructed of brick, natural slate roof, UPVC windows, Art stone heads and cills, hardwood doors and the rear elevation would contain some timber cladding.

### **APPLICANTS SUBMISSION**

The applicant has provided the following information in support of the application

- Landscaping layout
- 3D massing diagram
- Vehicle tracking plans
- Ecology report
- Arboricultural report
- Comments on the locally listed buildings

### **RELEVANT PLANNING HISTORY**

No relevant history



## **CONSULTATIONS**

Two rounds of consultation were undertaken

### **Original submission (4 dwellings)**

**Poynton Town Council** - Object to the proposal on the basis of;

- It being backland development
- Cramped development
- Inadequate space around dwellings
- It being unneighbourly
- There being a threat to trees and their contribution to amenity
- The developer having cleared trees from the site already
- Inadequate visibility
- Additional vehicular turning movements
- Inadequate turning facilities
- Inadequate service provision
- Access road being exceptionally close to no 4 London Road South
- Inadequate parking provision
- Detracting from St Georges Church which is a listed building

### **Amended submission (3 dwellings)**

Poynton Town council object on the same grounds as above

**Strategic Infrastructure Manager** - No objection subject to clarification regarding the swept path of refuse vehicles.

**Environmental Health** - No objection subject to conditions relating to the construction phase of development, electric vehicle infrastructure, contaminated land.

## **REPRESENTATIONS**

Letters of representation have been received from 27 properties, over both rounds of consultation all of which object.

### **Original submission (4 dwellings)**

In summary they relate to;

- An existing tree which overhangs a neighbouring property
- Site preparations having already started
- Impact upon privacy
- Insufficient parking spaces/potential to prevent access for services
- Impact upon amenity through additional activity

- Impact on the long term life of existing trees and hedgerows
- Difficulties for bin collection due to width of access
- Inadequate access and visibility on to London Road South
- The development would be overbearing
- Increase in congestion on London Road South
- Overlooking
- Overshadowing
- No public engagement prior to submission of the application
- Close proximity of dwellings to 7 Abbey Court, which sit slightly lower than the application site
- Height of dwellings taller than average 2 storey dwellings
- Reduction in amount of daylight currently received by 7 Abbey Court
- Does not comply with plan policy
- A report was submitted regarding protective measures for the removal of trees however the trees have already been cleared
- Inaccurate plans
- Already a sufficient supply of housing in the Local Plan Strategy
- Window in gable end of proposed property resulting in loss of privacy
- Cramming/over development
- There should be a "green" barrier between the development and Abbey Court
- Effect upon the market value of adjacent houses
- Concerns about protection of trees and the wild life within them
- Suggested hours of construction

### **Amended submission (3 Dwellings)**

Many of the previous comments were repeated but some additional comments included the following;

- Inadequate service provision
- Additional turning movements onto London Road South
- Inadequate turning within the site
- Inadequate width of access road
- Loss of trees
- In accuracy in plans
- Bus stop adjacent to site and double island within 50 yds which would exacerbate highway safety risk
- Loss of view of the St Georges Church
- Difficulties for service vehicles accessing the site and queries regarding the information submitted
- Proposal not reduced in height
- Potential for further loss of trees between 2 London Road South and the rear of 5/6 Fountain Close, should a new fence be erected
- Loss of light to church hall and car park exacerbated by a blanket tree protection order on all of the trees along the western side of the car park and hall and proposed building site

- Potential for complaints from new householders regarding the noise and activity at the church hall
- Would the development put the TPO at risk and who would the onus fall upon for future maintenance
- The 3D computer drawing being misleading showing trees along the boundary with church hall car park which do not exist

### **POLICIES**

Cheshire East Local Plan Strategy – Adopted July 2017

Policy MP1 - Presumption in favour of Sustainable development  
Policy SD1 - Sustainable development in Cheshire East  
Policy SD2 - Sustainable development principles  
Policy SE1 – Design  
Policy SE2 - Efficient use of land  
Policy SE5 - Trees Hedgerows and woodlands  
Policy PG1 - Overall development strategy  
Policy PG2 - Settlement hierarchy  
Policy SE7 - The historic environment

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

Macclesfield Borough Local Plan - saved policies

Policy DC3 – Protection of the amenities of nearby residential properties  
Policy DC6 - Circulation and access  
Policy DC8 - Landscaping  
Policy DC9 - Tree protection  
Policy DC38 - Space light and privacy  
Policy DC41 - Infill housing development

### **Other Material Considerations**

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)  
Heritage assets and HOU1 location of future development for housing  
Cheshire East Borough Design Guide Supplementary Planning Document

Poynton Neighbourhood Plan relevant draft policies include Policies EGB24  
At the Regulation 14 – Pre-submission Consultation stage

### **OFFICER APPRAISAL**

## **Principle of development**

The principle of erecting dwellings in this location is acceptable provided all detailed matters have been fully addressed

Policy SD 1 states that development should wherever possible contribute to creating a strong, responsive and competitive economy, prioritise investment and growth within the Principal Towns and Key Service Centres, contribute to the creation of sustainable communities, ensure that development is accessible by public transport, walking and cycling, provide a locally distinct, high quality, sustainable, well designed and durable environment, support the achievement of vibrant and prosperous town and village centres, make efficient use of land, protect the best and most versatile agricultural land and make best use of previously developed land where possible and prioritise the most accessible and sustainable locations.

Policy PG 2 states that Key Service Centres such as Poynton will accommodate development of a scale, location and nature that recognises and reinforces the distinctiveness of each individual town will be supported to maintain their vitality and viability.

## **Impact on residential amenity**

Policy DC38 recommends that distances of 21 metres front to front and 25 metres back to back are achieved between facing habitable windows of residential properties. The distance between the rear habitable room windows of the existing properties (2 and 4 London Road South) and the front windows of the proposed new dwellings would be 26.8 metres and is therefore considered acceptable. To the rear of the site, the nearest properties are over 50 metres away.

Policy DC38 recommends 14 metres between habitable rooms and non habitable rooms. The first two floors of No 7 Abbey Court are closer to the boundary than their second floors. The distance between the gable end of the new dwellings and the closet part of no 7 Abbey Court is 14.4 metres. No 9 Abbey Court has a ground floor conservatory which would be 13.2metres away from the gable end of the new dwellings 17metres at the first floor and above. It is considered that based upon the distances listed in saved policy DC38 and advice in the Cheshire East Design Guide the proposal will retain adequate spacing to the existing dwellings.

Although there is a glazed design feature on the gable end of the nearest proposed dwelling facing towards Abbey Court, this would be obscurely glazed and would not introduce overlooking.

The proposed dwellings would be at a 45 degree angle to 5 and 6 Fountain Close and separated by existing landscaping within the curtilage of the neighbouring properties. Additional planting is also proposed as part of the application, and at their closest points the proposed dwellings will be 14.5 from the south west corner of 6 Fountain Close.

Therefore it is considered that the proposal complies with saved policies DC3 and DC38 of the Macclesfield Local Plan.

## Highways

Each dwelling would have two parking spaces which accords with the guideline parking standards set out in the CELPS which states that dwellings with more than 3 bedrooms in key service centres should each have 2 parking spaces.

The existing houses currently each have separate access. It is proposed to reuse the northern access, for turning and car parking spaces for no 2 and 4 London Road South. The Southern access is proposed to be used for access to the proposed new development.

Some queries have been raised by the Strategic Infrastructure Manager regarding the tracking layouts for a refuse vehicle. Further details will be provided as an update.

## Infill development

Infill housing can be considered to be acceptable provided existing levels of privacy is maintained and there is no significant overshadowing and parking standards are met. These matters have been addressed above. Proposed garden spaces would reflect adjacent properties and in respect of harm to amenity for adjacent neighbours resulting from increased activity, it is considered the introduction of 3 dwellings in this location would not cause further harm, due to the significant activity of this stretch of London Road South. Nor would the development result in a substandard outlook with sufficient land surrounding the dwellings to accommodate appropriate landscaping. Land to the north of the site is a graveyard associated with St Georges Church, and provides an open outlook for the new dwellings.

It is therefore considered that the proposed development would accord with saved policy DC41 of MBLP.

## Design/Character

The design of the dwelling at 2.5 storeys high of brick construction with detailing such as stone heads and cills and timber cladding on the rear is considered to be acceptable in this location. The existing dwellings adjacent to the site are predominantly of red brick construction. Nos 2 and 4 although semi-detached are large buildings with steep roofs and are taller than the adjacent neighbours on London Road South. The steep grey slate roofs reflect the adjacent church hall and the adjacent alms houses.

The dwellings on Abbey Court are three storeys buildings. Some of these dwellings have dormers serving the second floor rooms; some have gable elevations to accommodate the second floor.

It is considered that the proposed dwelling reflects design and character of the area and the adjacent existing buildings and therefore accords with Policy SE1 and SD2 of the CELPS

## Historic environment

5 and 6 Fountain Court (Alms houses) which lie to the north of no 2 London Road South and locally listed buildings and as such are non designated heritage assets.. The nearest of the

proposed new houses would be 14.5m away and there are mature trees close to the shared boundary within the curtilage of the adjacent properties.

When viewed from London Road South, the development site is well screened and the proposed dwellings would not be immediately visible in relation to the alms houses. There may be glimpses of them when looking down the drive way of no 2 but they will not appear prominent in the street scene and would be visually subservient both to the alms houses and 2 and 4 London Road South. The conservation officer has raised some concerns about the impact of the proposed development on the setting of the alms houses. However there is a clearly defined boundary and a distinct change in character between the alms houses and no 2 and 4 London Road South. As the new dwellings would be set much further back into the site away from the road frontage where the character of the alms houses is most apparent, it is considered that the proposed dwellings would not harm the setting of these buildings and would comply with Policy SE7 of CELPS.

### **Ecology**

Bats and birds are known to occur in this locality therefore a condition requiring the incorporation of features suitable for roosting bats and breeding birds within the development is recommended to safeguard protected species. No further ecological issues are raised, and the proposal is considered to comply with policy SE3 of CELPS

### **Trees and landscaping**

All but one tree (T10) identified for removal within the submitted Tree Protection Plan have been felled as part of pre-determination works. The site is not subject to a Tree Preservation Order and is located outside any Conservation Area

The proposed site plan depicts the retention of a Deodar Cedar which remains on site. It is an early mature specimen with significant growth potential, and likely to dominate the rear garden areas associated with the off site properties on Abbey Court, therefore its loss would also be acceptable.

Some of the trees located off site to the north are protected as part of the Macclesfield Rural District Council (Chester Road/London Road) Tree Preservation Order 1971. Conditions would be required for no dig construction regarding some of the parking bays.

No significant post development issues are anticipated in terms of off site protected trees in terms of light attenuation or nuisance.

A landscaping plan has been submitted to show the introduction of new landscaping along the shared boundary with properties on Abbey Court.

Therefore it is considered that the proposal complies with saved policies DC8 and DC9 of MBLP and policy SE5 of CELPS

### **Economic sustainability**

The proposal contributes would contribute to the economic well being of Poynton, as the new residential occupants would add to the vitality and viability of the local shops and restaurants in the town centre, which is within very easy walking distance of the site.

### CONCLUSION

Whilst the concerns raised by interested parties are acknowledged, the amended scheme is now considered to be of appropriate proportions to the site and highways matters are being addressed. Subject to confirmation from the Strategic Infrastructure Manager that the tracking details for refuse vehicles are acceptable, the proposal complies with the requirements of the development plan. In such circumstances policy MP1 of the CELPS (and paragraph 14 of the NPPF) states that *“Planning applications that accord with the policies in the Development Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.”* Accordingly the application is recommended for approval subject to conditions.

*In order to give proper effect to the Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice*

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Landscaping completed in accordance with submitted plan
5. Landscaping to be implemented within the first planting season of occupation of dwellings
6. Tree protection
7. Tree pruning / felling specification
8. Construction hours of operation - Piling
9. Electric Vehicle Infrastructure
10. Contamination - suitability of soil and verification
11. Contamination - works shall cease if contamination found during construction
12. No dig construction for driveway and hardsurfacing areas near root protection areas for Chester Road/London Road TPO 1971







Application No: 18/0171M

Location: Land At Former Chelford Agricultural Centre, DIXON DRIVE, CHELFORD SK11 9AX

Proposal: Demolition of all existing structures and buildings, remediation of the site and the erection of a residential led mixed use development comprising 89 no residential dwellings (use class C3) and 140 sq m (1,500 sq ft) of business floorspace (use class B1) together with landscaping, access points from Dixon Drive, car parking, an acoustic fence and associated infrastructure.

Applicant: Mr Andrew Taylor, David Wilson Homes North West

Expiry Date: 13-Apr-2018

## **SUMMARY**

Chelford Village is Local Service Centre where local plan policies support sustainable development appropriate to the scale and context of the village. The proposal will provide market and affordable housing adjoining an existing settlement where there is existing infrastructure and amenities. This proposal would bring economic, environmental and social benefits through the delivery of 89 no. residential units with some small employment floor-space in a sustainable location, investment in the area and by bringing a vacant brownfield site into viable use.

The principle of developing the site (which is allocated for employment purposes and a public car park for Chelford Cattle Market) is acceptable given that housing and office floor-space will have a more positive impact on the local area than industrial type development and car parking is no longer required for the market.

National Planning Guidance encourages the redevelopment of brownfield land such as this, by offering a Vacant Building Credit, which is offset against affordable housing. Using the calculation guidance from the Ministry of Housing, Communities & Local Government, it is confirmed that this proposal would allocate 5 dwellings to be affordable, which is acceptable.

In highways terms, the impact from a residential / office scheme would be less than that of the previous use or potential industrial uses and local junctions have been shown to be suitable to accommodate the likely traffic movements generated by the proposal. Adequate parking would be provided.

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 public open space, healthcare and subject to satisfactory negotiations, education through the provision of financial contributions. The applicants have demonstrated general compliance with national and local guidance in a range of areas including ecology, flood risk, noise and air quality.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits. The proposal is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy and the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF. The application is therefore recommended for approval subject to the imposition of appropriate conditions and the necessary Section 106 obligation.

## **SUMMARY RECOMMENDATION**

Approve subject to conditions and S106 Agreement

## DESCRIPTION OF SITE AND CONTEXT

The site is located in the village of Chelford. The site is bounded by the A537 (Knutsford Road) to the south, the Manchester to Crewe main railway line to the east, and residential development (on Dixon Drive and Chapel Croft) to the west and north. The site excludes a rectangular parcel situated midway along the site frontage which is currently owned by Cheshire East Council.

The site formerly hosted a livestock, horticultural and machinery auctioneering business. The previous occupiers vacated the site in April of 2017 and the site has remained vacant since then.

The site measures approximately 2.7 hectares in size, is generally flat in terms of its topography and is broadly rectangular in shape save for the council owned parcel of land which the site envelopes. The southern (Knutsford Road) part of the site accommodates some large portal style buildings. The former Chelford Agricultural Centre administration building is located to the west of the site (off Dixon Drive). To the north and east of this building there are large sheds, constructed from concrete block and corrugated iron with sheet metal and fibre cement roofs. The northern portion of the site comprises a large area of hardstanding which was used as car parking for visitors to the markets and traders. This area is accessed from two points on Dixon Drive. There are a number of trees around the perimeter of the site.

Within the Macclesfield Borough Local Plan (2004), the northern most part of the site is allocated under MBLP Policy T13 as a public car park and the southern most portion of the site is allocated as an 'existing employment area'.

## DETAILS OF PROPOSAL

This application seeks full planning permission for the demolition of all existing structures and buildings, remediation of the site and the erection of a residential led mixed use development comprising 89 no residential dwellings (use class C3) and 140 sq m (1,500 sq ft) of business floorspace (use class B1) together with landscaping, access points from Dixon Drive, car parking, an acoustic fence and associated infrastructure.

## RELEVANT HISTORY

There is an extensive history for the site relating to the former use of the site as an auctioneers market, which are not relevant to this application. The only application of relevance is:

10/3448M - OUTLINE PLANNING APPLICATION FOR THE ERECTION OF A MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL, COMMUNITY AND EMPLOYMENT USES SET IN HIGH QUALITY LANDSCAPING AND ATTRACTIVE NEW PUBLIC REALM – Resolved to approve but decision never issued

## 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  
EG3 Employment Land  
CO1 Sustainable travel and transport  
CO3 Digital connections  
CO4 Travel plans and transport assessments

Macclesfield Borough Local Plan (saved policies)

RT5 (Open Space Standards)  
RT6 (Recreation/Open Space Provision)  
H9 (Occupation of Affordable Housing)  
E1 (Retention of Employment Land)  
DC3 (Amenity)  
DC6 (Circulation and Access)  
DC8 (Landscape)  
DC9 (Tree Protection)  
DC17 (Water Resources)  
DC20 (Contamination of Watercourses)  
DC35 (Materials)  
DC36 (Road Layouts and Circulation)  
DC37 (Landscaping)  
DC38 (Space, Light and Privacy),  
DC40 (Children's Play Provision and Amenity Space)  
DC63 (Contaminated Land)  
NE17 (Nature Conservation in Major Developments)  
T13 (Existing Public Car Parks)

## **Other Material Considerations**

National Planning Policy Framework (The Framework)

National Planning Practice Guidance

Cheshire East Design Guide

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

**ANSA and CEC Leisure** – No objection subject to financial contributions of:

- £267,000 and £1194 towards off site open space
- £84,000 and £1194 towards Recreation and Outdoor Sport (ROS)
- £13,000 towards indoor sport and recreation

**Cheshire Archaeology Planning Advisory Service** - No objection subject to a condition requiring the submission of a programme of archaeological mitigation.

**Education** – Object in the absence of a financial contribution of £431,496 towards primary, secondary and SEN school places.

**Environmental Protection** – No objections subject to conditions and informatives relating to electric vehicle infrastructure, a travel plan, dust control and contaminated land.

**Flood Risk Manager** – No objection subject to conditions requiring the submission of a scheme of surface water drainage.

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

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

**Network Rail** – No objection subject to access being maintained for the operation of the adjoining railway lines.

**NHS Eastern Cheshire Clinical Commissioning Group** – Request financial contribution of £10,000 to re-tarmac the Chelford Surgery car park.

**Public Rights of Way** – No objections – the proposal does not directly affect a definitive public right of way.

**United Utilities** – No objection subject to foul and surface water drainage being connected on separate systems and submission of a surface water drainage scheme.

## **VIEWS OF THE CHEFLORD PARISH COUNCIL**

The Parish Council make the following observations:

Infrastructure, Access and Parking:

- While Transport Survey concludes that the development would not seriously impact on infrastructure, they are unconvinced that the junction with Knutsford Road will not require improvement.
- Hopeful that other traffic mitigation measure will be included for the emerging junction on Dixon Drive.
- Mini Roundabout would serve to alleviate problems as well as acting as a traffic calming measure to reduce the dangers of fast moving traffic through the village.

### Design:

- Poorly designed proposed new buildings with little creative thinking and little real distinction in both design and materials.
- Whole design and layout is unimaginative and lacking character and would not blend in with the surroundings
- Apartment and office building containing Chichester and Cherwell, building looks out of place in terms of scale and design.
- Office block unlikely to be filled and in terms of design looks like it will be converted into residential use.
- They previously sought a two storey block rather than three storeys which appears large and out of place.
- Coal House, unclear whether this will be saved.

### S106:

- Statement provided needs clarification.
- Monies fall short of those expected based on contributions made elsewhere.
- Confused at destination for monies to be directed to indoor sports?
- Parish Council should be consulted before decision on s106 is made.

### Landscaping and Open Space:

- Removal of large, old barns and buildings will remove poor vista, but proposed building facades are very dull and do not reflect the range of existing buildings in the Parish.
- Unclear arrangements in regards to maintenance of brick wall and acoustic fencing.

### Affordable Housing Contribution:

- Further reflection required on number of dwellings proposed, which they feel is too low.

### Other:

- Many typographical and spelling errors and inaccuracies in the Design and Access Statement. There is no village shop or bank in the village and there hasn't been for 2 years. Generally poorly presented.
- Dimensions lacking on drawings provided.
- Unclear disposal of Cheshire East land in association with the site.

## OTHER REPRESENTATIONS

Local Residents – 9 Wheat Moss, 31 Elmstead Road, 2 and 3 Station Road , 18 Astle Court, 31 Elmstead Road, - object to the proposals on the following grounds:

### Infrastructure, Access and Parking

- Previous plans included alterations to the road layout where access is gained to A537 Knutsford Road. This application does not include this, meaning access has to be from Elmstead Road and Dixon Drive. Improved access is required by means of something like mini roundabout on Knutsford Road.
- Elmstead Road access is unsuitable as it would increase traffic.
- Increase in parked cars on highway where yellow lines have recently been removed.
- Increase vehicles will effect existing levels of highway safety.
- Negative impact on the Station Road, Dixon Drive, Cricketers Green and main road junction, which is already complicated with no mitigation proposed.
- Recently installed pedestrian crossing has not helped road safety for pedestrians particularly those most vulnerable and increased traffic flow from the development would not help this.
- Bollards that stopped flow into old market should be removed as they prevent access particularly for the emergency services.

### Land Contamination, pollution and air quality

- Increase in homes and vehicles in the area will negatively effect land contamination, pollution and air quality.

### Affordable dwellings

- Only 5 affordable dwellings is a disgrace.
- Affordable housing should only be 2/3 bedroom houses or apartments.
- Area already has houses with high prices and this development would exclude those most vulnerable.
- Affordable dwellings are not spread across the development.

### B1 Employment space

- Is there a need for office space in this immediate area?
- Office space looks like it would just end up as apartments.

### S106

- Agreement seems very low in amounts contributed with no neighbour consultation about local needs.

### Landscaping and Open Space

- Lack of green space and landscaping within the master plan
- Landscaping not in keeping with main Dixon Drive estate.

### Trees

- Unclear which trees will be removed as a result of the development and which do not appear to have any replacements.

### Design

- 3 storey industrial building looks out of keeping.

Damage to property and disturbance from development:

- Neighbours on Station Road may have properties damaged and suffer from noise and vibration disturbance as a result of demolition of the sheds on site, pile foundations and general construction of dwellings etc.

Local Residents – 122 Dixon Drive, 57 Orme Crescent and 29 Chapel Croft – Made the following observations:

- Foul water and drainage issues exist on one end of Dixon Drive.
- Speeds of traffic survey only refer to Market side of Dixon Drive while other end regularly has speeding drivers.
- May be issues for those turning right at a particularly difficult junction.
- Issues for cyclists due to bends in roads.
- Concerned about lack of affordable housing.
- Vacant building credit is no more than a device to avoid making a positive contribution to meeting affordable housing needs in rural Cheshire East.
- Spatial arrangement of building plots is poor and unattractive for future residents.
- First and second floors of houses backing onto railway will be overlooked by train passengers.
- Streetscape to Dixon Drive is unclear and lack of detailed landscaping plans

### **OFFICER APPRAISAL**

#### **Principle of Development**

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*”.

Chelford is identified as a Local Service Centre in Cheshire East where CELPS Policy PG 2 states that ‘small scale development will be supported to meet the needs and priorities of such settlements where they contribute to the creation and maintenance of sustainable communities’. In this case, the provision of 89 no. units would be of an acceptable scale relative to the existing settlement of Chelford. And would deliver housing within a relative sustainable location.

In terms of other designations, the southern part of the site falls within an existing employment area in the Local Plan, where MBLP Policy E1 and CELPS Policy EG 3 are relevant.

CELPS Policy EG 3 seeks to retain employment land for employment purposes. However, EG 3 also accepts that it may not be possible to retain land for employment purposes where they are causing ‘significant nuisance or environmental problems or are no longer suitable or viable for employment uses’. This aligns with Paragraph 22 of The Framework states that:



*“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”*

The site is of poor environmental quality and heavy employment uses are not ideal in this location given the current access and parking arrangements, the predominantly residential nature of the area and the fact that the site previously provided a low level of employment for the size of the site. The following serve as significant constraints to the future use as an employment site for heavy industrial uses:

- The site is located within Chelford Village and is adjacent to a residential area.
- The existing buildings on site are largely designed for the previous market business and are generally in poor condition and unlikely to be suitable for modern business requirements.
- The previous use attracted a large number of visitors causing congestion and parking problems when the market was operating.
- Although the site is classified as an existing employment site, it is noted that the existing use does not fall into the B1, B2 or B8 use classes and is in fact a Sui Generis use. The previous use supported only 25 full-time equivalent jobs. The proposal is a predominantly residential scheme, but it does also include provision 140 sq. m of B1 offices. The employment element of the proposals would be able to support similar level of full-time equivalent jobs.
- The small scale offices are considered to be appropriate in a rural location such as Chelford and are likely to provide future employment opportunities for local people.

In this case, the site has already been accepted as being suitable for residential purposes owing to a previous resolution to grant planning permission for residential development on the site (albeit an element of employment floorspace was included much like this application). It is considered that the site is unsuited to industrial uses. The site has remained vacant for a year and therefore its redevelopment would serve as an efficient use of brownfield land within a sustainable location. This proposal will bring direct and indirect benefits to both the local economy, the village and the community through the delivery of housing.

The northern part of the site is allocated as a public car park (which served the previous market business) and therefore, policy T13 is relevant. A proposal for a residential-led mixed use scheme on this site therefore constitutes a departure from the Development Plan. However, although Policy T13 requires that existing public car parks “*will normally be retained for car parking*”, in this case, the car park existed to serve the former market business which no longer occupies the site. The need for the parking is therefore now redundant and therefore there its retention is not justified.

Having regard to the above, the general principle of the development is found to be 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 (economic, social and environmental) and compliance with the Development Plan.

### **SOCIAL SUSTAINABILITY**

#### **Housing Land Supply**

On 27 July 2017, the Council adopted the Cheshire East Local Plan Strategy. This followed an extensive public examination led by an independent and senior Planning Inspector.

The Inspector's Report on the Local Plan was published on 20 June 2017 and signalled the Inspector's agreement to the Plans policies and proposals. The Local Plan Inspector confirmed that, on adoption, the Council was able to demonstrate a 5 year supply of housing land. In his Report he concluded:

*"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 Inspector's conclusion that the Council had a 5 year supply of deliverable housing land was based on the housing land supply position as at 31 March 2016.

Following the adoption of the Local Plan Strategy, the Council released its annual Housing Monitoring Update, in August 2017. It sets out the housing land supply as at 31 March 2017 and identified a deliverable housing land supply of 5.45 years.

On 8 November 2017, an appeal against the decision of the Council to refuse outline planning permission for up to 400 homes at White Moss Quarry, Alsager (WMQ) was dismissed due to the scheme's conflict with the Local Plan settlement hierarchy and its spatial distribution of development.

However, in his decision letter, the WMQ Inspector did not come to a clear conclusion whether Cheshire East had a five year supply of deliverable housing land. His view was that it was either slightly above or slightly below the required 5 years (4.96 to 5.07 years). In this context, the Inspector engaged the 'tilted balance' set out in the 4<sup>th</sup> Bullet point of paragraph 14 of the National Planning Policy Framework (NPPF). This introduces a presumption that planning permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

On 4 January 2018, an appeal against the non-determination of an outline planning permission for up to 100 homes at Park Road, Willaston was dismissed due to conflict with Local Plan policies that sought to protect designated Green Gap, open countryside and rural character. The Inspector also took the view that the housing land supply was either marginally above or below the required 5 years (4.93 to 5.01 years). On this basis, he adopted a 'precautionary approach' and assumed a worst case position in similarly engaging the 'tilted balance' under paragraph 14 of the Framework.

The Council is continuing to update its evidence regarding housing land supply to ensure that decisions are taken in the light of the most robust evidence available and taking account of recent case law. The Council believes it can demonstrate a five year supply.

For the purpose of determining current planning applications, it is therefore the Council's position that there is a five year supply of deliverable housing land.

Whilst the Council can now demonstrate a 5 year supply of land for housing, it is important to note that this proposal would deliver 89 no. dwellings within one of the Borough's Local Service Centres. It is important to keep the supply rolling and proposals to redevelop redundant brownfield 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**

The Interim Planning Statement on Affordable Housing (IPS) and Policy SC5 in the Local Plan Strategy outline that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all sites of 15 dwellings or more or than 0.4 hectare in size. Thus, a scheme of 89 units would normally be expected to provide 27 no. affordable units. The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives.

The Strategic Housing Market Assessment (SHMA) 2013 shows that the majority of the demand in the Sub Area of Mobberley, Chelford and Alderley Edge per year until and including 2018 is for 16 x 1 bedroom, 17 x 2 bedroom, 11 x 3 bedroom and 13 x 4 bedroom dwellings for general needs. The SHMA is also showing for 9 x 1 bedroom and 22 x 2 bedroom dwellings for older persons. These can be via Flats, Cottage Style Flats and Bungalows.

The current number of those on the Cheshire Homechoice waiting list with Chelford as their first choice is 16. This can be broken down to 9 x 1 bedroom, 4 x 2 bedroom and 3 x 3 bedroom dwellings. On this site a mix of 1, 2, 3 and 4 bedroom general needs dwellings with 1 and 2 bedroom older person's dwellings would be acceptable.

This application is the subject of Vacant Building Credit, which is national policy to bring brownfield sites with vacant buildings back into lawful use. The NPPG provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

Using the calculation guidance from the Ministry of Housing, Communities & Local Government, it is confirmed that this proposal would allocate only 5 dwellings to be affordable. These Affordable dwellings are all to be 2 bedroom dwellings. The evidenced need for affordable housing is showing a need for 1, 2, 3 and 4 dwellings. As this proposal

would be providing 5 x 2 bed affordable units, this would satisfy some of the evidenced need. On this basis, the Council's Head of Strategic Housing has offered no objection to the proposals.

As such, the scheme is found to be acceptable in this regard and is supported by the Council's Strategic Housing Section.

### Education

In the case of the current proposal for 89 dwellings, the Council's Children's Services have advised that a development of this size this would generate:

- 16 primary children (89 x 0.19)
- 13 secondary children (98 x 0.15)
- 1 SEN children (89 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.

Due to recently approved development in the locality, Children's Services is currently in the process of implementing an expansion project at Chelford Primary. The project is for 1 additional class-base, therefore the remainder of the funds required for this project will be supported by the request of a primary contribution.

With respect to secondary school places, there is no available secondary school provision within 3 miles of the proposed development. In such cases, the criterion then falls to the catchment / closest school. On this basis Holmes Chapel and Wilmslow High have been assessed. Holmes Chapel is the historical catchment school. In line with The Council's admission oversubscription criteria, the nearest school on straight distance is Wilmslow High. The assessment shows that both schools combined creates a shortfall of -289 pupils for 2023, and the 13 pupils expected from the proposed development further exacerbate this shortfall. Children's Services are currently liaising with Wilmslow High School in regard to expansion proposals and it would be likely this scheme would need to contribute towards this.

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 1 child with special educational needs (SEN) expected from this development will exacerbate the shortfall.

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

- 16 x £11,919 x 0.91 = £173,541 (primary)
- 13 x £17,959 x 0.91 = £212,455 (secondary)
- 5 x £50,000 x 0.91 = £45,500 (SEN)
- Total education contribution: £431,496

Without a secured contribution of £431,496, Children's Services would raise an objection to this application. This position is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 16 primary children, 13 secondary children and 1 SEN child would not have a school place. Whilst the applicant has confirmed acceptance of the primary school provision, they have disputed the secondary and SEN requirement and this is the subject of ongoing discussions. The outcome of these discussions will be reported by way of an update.

### **Healthcare**

The NHS Eastern Cheshire Clinical Commissioning Group (CCG) has commented that Chelford Surgery operates from leased premises in the centre of the village of Chelford, with medical services having been provided from this location since 1983. In 2016 the building was extended to facilitate future growth. The one need identified for the GP practice is work on the surgery car park (re-tarmacking is required).

Normally, the Section 106 funding for planning applications under consideration in Eastern Cheshire 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. For the planning application in question, this would equate to a maximum contribution to health infrastructure of £91,072 based on the above calculation and the details provided within the planning application, i.e. 6 x 2 bed units, 46 x 3 bed units, 32 x 4 bed units. However, the only need identified for the local health facility is the re-tarmacking of the Chelford Surgery car park and the NHS has confirmed that this would cost significantly less than the above calculated funding. Accordingly, the CCG has requested a financial contribution towards health infrastructure of £10,000 to carry out the resurfacing of the car park. Subject to this, the scheme is found to be acceptable in terms of its impact on health infrastructure.

### **Public Open Space**

Policies RT5 and DC40 of the MBLP set out the amenity open space requirements for housing development (per dwelling). The proposals would place a greater burden on open space and recreational facilities in the area and accordingly, the applicants would be expected to make a financial contribution towards the Borough Council's sports, recreational and open space facilities in lieu of on-site provision. The Macclesfield S106 Supplementary Planning Guidance on S106 Agreements provides the formulae for calculating off site financial contributions.

A commuted sum for the provision of off site open space based on 89 residential units would be £267,000. Based on 139.3m<sup>2</sup> of B1 business floor space the commuted sum is £1194.

There is a requirement for outdoor and indoor sport in Line with CELPS Policies SC 1 and SC 2. A contribution of £84,000 (total reduction of £15,000) for off site Recreation and Outdoor Sport (ROS) is required. Based on 139.3m<sup>2</sup> class B1 business floor space the sum is £1194.

The POS contribution will be directed towards improvements, enhancements and additions at Mere Court play area and open space, Chelford Village Hall site and Dixon Drive amenity green spaces.

Mere Court – improvements including (but not restricted to) play opportunities, path works, interpretation, pond enhancement, tree planting, restoration of historical features, creation of informal activity areas and better connectivity with the school.

Dixon Drive – improved accessibility and linkage to other open spaces including footpaths, seating, interpretation and signage

Chelford Village Hall – Substantial improvements to formal and informal play facilities and improved amenity spaces

Footpath link from the Village Hall to Chelford's centre – to improve access to the Village Hall site via a traffic free route.

The ROS contribution will be directed to the Village Hall site including (but not restricted to) the provision of sports facilities and supporting changing and pavilion facilities.

Although Chelford Village Hall does not have a designated indoor fitness facility, based on an industry average of 25 users per piece of health and fitness equipment the number of new active residents equates to an additional two stations (6,500 per station). A request is therefore made for a contribution to indoor sport and recreation to the value of £13,000

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**

### **Design, Character and Appearance**

Whilst the redevelopment of this vacant site, comprising the demolition of existing buildings would be an immediate betterment on the wider views to the development from existing built form and nearby infrastructure, the buildings that replace them need to be high quality with an architectural design style, material palette, layout and landscaping treatments that are reflective of local area characteristics to strengthen and raise the standard of design and character in the area.

Between them, the NPPF and Local Plan Policies SD1, SD2, SC4, SC5, SE1, SE4 and CO1 from the CELPS and DC8, DC35, DC36 and DC37 of the MBLP seek that all development should be: locally distinctive; high quality; sustainable; well-designed and durable responding to the heights, scale, form and grouping, materials, massing, green infrastructure and relationship to existing built form in the immediate as well as wider areas. Good connections through infrastructure and access from the site into the wider area and landscaping/topographical themes through street hierarchy and landscaping is also expected from new development.

The Cheshire East Residential Design Guide Volume 1 2017 considers Chelford to be a larger nucleated village that has undergone modern expansion within the North Cheshire Fringe area. In this area built form is typically set back from the highway/access by front gardens with strong landscaping to soften built form when viewed from surrounding areas and streetscene. Where off road parking is provided it is integrated sensitively into front garden areas. The predominant external facing material type in the immediate area is brick, typically Cheshire red/farm brick or where varied on the red orange colour scale. Where this varies white or off cream render would form part of the external material palette.

Following pre-application discussions as well as feedback during the course of the application, the applicant has worked with the LPA to address officer concerns and those have been raised by residents and the Parish Council also. This has resulted in the submission of amended plans.

As amended the development provides a variety of differing size and scale dwellings with a mixture of bedrooms and types in line with SC 4 of CELPS. The majority of properties would be two storeys, reflective of the surrounding residential area and where taller would be 2 1/2 storey. Only the apartment/office block would be three storeys to lend itself as a focal building on site in relation to key vistas from the train station and Knutsford Road. The materials proposed consist predominantly of external facing brick with contrasting smooth red brick and art stone to window treatments with each dwelling having grey roof tile. Fenestration will be in white with the exact materials unconfirmed.

The amendments have also resulted in better transitions and focal buildings within the development which would help foster better identity, focal buildings comprising housing types with differing materials and architectural detailing. On these buildings, render and brick coursing would form the aesthetical difference. This has helped the wider visual and transition of the site as you would see it travelling through on foot or by vehicle, assisting orientation. Material details will form a condition of any planning approval for the proposals to ensure suitability in regards to area character. Frontages on the whole meet design guide standards. End houses in cul-de-sacs are orientated so that the area would benefit from having passive surveillance assisting security by design.

The apartment block is proposed over the upper two storeys of the three storey block, the ground floor comprising B1 employment space. Over the course of the application concern has been raised by the LPA, neighbours and Parish Council regarding the basic and uninspiring design and its general scale in relationship to focal views from Knutsford Road, Chelford railway station and the wider development. The applicant has taken this on board introducing architectural detailing to window heads and cills and a broken up brick and render façade. While the building is three storeys the overall height would not appear overbearing in contrast to the houses proposed. Its height and orientation with parking bays and access to front and rear help to secure it as a landmark building with associated landscaping.

Each unit has parking provided either from bays to the frontage or side elevations and garaging. While areas of parking bays exist to the frontages these are proposed to be broken up by planting and other low key landscaping serving to prevent a heavy hard surface aesthetic within the streetscene. This should mitigate against parked cars being a dominant characteristic of feature of the site which would serve to cheapen the streetscene. Where cul-de-sacs lead into parking forecourts block paving is proposed to address highway hierarchy

and to assist in the reading of the streetscene language by residents and visitors. For dwellings proposed fronting Dixon Drive to the north and down the vehicular access roads proposed to the east and west replacement/new hedgerow planting is proposed. It is considered this will assist in softening the appearance of the development in a similar way to that within other areas of Chelford.

To rear and side gardens a variety of close board timber and acoustic fencing and walls are proposed. Seasonal planting has also been proposed for the pedestrian and green space areas between the pedestrianised centre of the site. Whilst some of the rear garden sizes are modest, within the 15m the plot sizes for houses and density in particular are comparative with that of the existing residential areas to the north and as such no concern is raised. Should the application be approved the submission of a detailed landscaping and boundary treatments scheme will be attached as a condition to ensure they are of appropriate type with respect to area themes and for continuity.

Having regard to the above, the design is found to be acceptable and in accordance with Policies SE 1 and SD 2 of the CELPS.

### **Archaeology and Heritage Assets**

The application area contains two non-designated heritage assets. These assets include the now demolished buildings associated with the original Chelford Railway Station and the surviving Old Coal Masters Building, which is also a locally Listed Building. Both assets were constructed circa 1842 and were built for the Manchester to Birmingham Railway.

During the mid-20th century, the buildings associated with the original Chelford Station were cleared and since this time the site has been subject to some resurfacing and re building. As a result it is unlikely that the proposed development would disturb any significant below ground archaeological remains associated with these station structures. With regards to the Old Coal Masters Building, this has now been shown to be retained and would be used as an ancillary building for cycle or refuse storage.

The Cheshire Archaeology Planning Advisory Service (APAS) has therefore recommended that an appropriate programme of archaeological mitigation be undertaken and secured by condition. Subject to this, the proposal is found to be acceptable in this regard and compliant with Macclesfield Borough Local Plan Policies BE23, BE24 and SE 7 of the Cheshire East Local Plan.

### **Trees and Landscaping**

The application is supported by a detailed Arboricultural Impact Assessment (AIA). The MBC (Chelford – Chelford Village North) Tree Preservation Order 1984 protects an individual mature Oak (T2) located within the central car park. The linear group of protected hybrid poplars extending east to west across the site have historically been removed, replacement planting has not been instigated.

The main impact on the tree stock associated with this site as a result of the development proposals would be the loss of the trees located within the existing central car park area and selected specimens along Dixon Drive. The trees within the car parking area including the



protected Oak identified as T49 within the AIA all exhibit significant signs of reduced vigour and vitality as a result of the hostile rooting conditions and ground compaction associated with the car park and as such their loss is acceptable.

Tree losses associated with the linear group of early mature trees extending along Dixon Drive which appear to have been planted to screen the former Cattle Market in relation to the private dwelling associated with the adjacent Dixon Drive estate are attributed to facilitation of new access points, and proposed houses on the western boundary of the site. There appears to have been an absence of maintenance since the inception of the planting scheme, which has resulted in closely spaced trees with inter-locking canopies. The proposed tree removals relate to one Category A tree (T16), eight Category B (T15, 17, 19, 40, 41, 43, G2, & part of G7), and a single unclassified specimen T42.

The loss of the trees associated with the northern access is accepted, with a number of structural faults identified within their respective tree forms. The new point of access to the south requires the removal of three category B trees (T40, 41, & 43). Utilisation of the existing access would be preferable or retain both T40 and T43 with any new access bisecting their respective root protection areas. However, the applicant has confirmed that it is not possible to retain these 2 tree specimens as they would likely limit visibility. It is considered that the loss of these 2 specimens could be mitigated for through replacement planting along the site boundary with Dixon Drive.

There are issues of social proximity and dominance associated with the large mature off site Oak T45 in respect of the adjacent dwellings and their respective garden areas. T45 has been categorised as a category A high value specimen, but the tree is clearly in decline with evidence of reduced vigour and vitality noted. Retaining the tree in a reduced form would benefit the adjacent properties and may stimulate regeneration of the crown.

The social proximity of the remaining layout in relation to retained trees is considered acceptable in respect of the linear groups located on both the northern and eastern boundaries of the site. The long term retention of G8 is questionable as a result of their position in relation to the west coast main line. The group have been subject to extensive branch removal leaving them un-balanced with decayed stumps noted. Additional works to the trees by the railtrack is highly likely. Subject to a scheme of replacement planting, which could be secured by an appropriate landscaping condition, the scheme is found to be acceptable in terms of tree and landscape impacts.

### **Highways and Parking**

The proposed development would be served by two vehicular access points taken directly off Dixon Drive. The Head of Strategic Infrastructure (HSI - Highways) has confirmed that the design of the access and visibility provided are acceptable having regard to the 30mph speed limit which is currently in force. The proposed accesses are therefore found to be acceptable.

Following negotiations with the applicant, the internal carriageway widths have been reduced as they were previously over engineered. Further, some shared surfacing has been incorporated to improve the character of the street as well as serving to naturally reduce vehicle speeds. Owing to the reduced road widths, further parking spaces have been provided within the layout. The Head of Strategic Infrastructure has confirmed that the

proposal parking provision accords with the parking standards set out at Appendix C of the CELPS.

With regard to traffic impact, the applicant has submitted a traffic assessment based on the new trips generated by the proposal. As it has been assumed that all development will use the Dixon Drive/Knutsford Road junction that is closest to the site, this is the junction that has been assessed in capacity terms, which also takes into account the committed Jones Homes development which is currently being constructed on the southern side of Knutsford Road. The results of the capacity tests indicate that this junction would operate well within capacity in 2022 with the development traffic added to the highway network. Also, it is important to note that the former use of the site as a market generated traffic that included HGV vehicles and there was also a resolution to grant planning permission for a similarly sized residential scheme. The proposed development is relatively modest in size and as such, does not represent a significant impact on the road network.

There have been previous discussions regarding the provision of a roundabout at the Dixon Drive /Knutsford Road. Whilst the submitted scheme does not include a roundabout and the junction would remain as existing, given that it has been shown to operate well within its capacity there can be no technical objection on traffic grounds raised to the development. The Head of Strategic Infrastructure (HSI - Highways) has assessed the application and has offered no objection to the application on highways or parking grounds. Accordingly, the application is found to be acceptable in this regard.

### **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 neighbouring properties to the proposed site are those on the opposite side of Dixon Drive, those near to Station Road to the southwest corner of the site and properties to north found on Chapel Croft. There would be shortfall in some places, but the shortfall would be marginal and there would not be a significant failure to comply with the advised standards. Elsewhere, the proposal would meet with the separation standards and the amenity afforded to future residents (in terms of light and outlook) of the proposed scheme would be acceptable having regard to the character of the area and subject to further considerations relating to noise.

### **Noise**

The application is supported by a noise impact assessment which details noise mitigation measures in order to ensure that occupants of the proposed dwellings are not adversely affected by the adjoining railway line and current and future traffic noise on Knutsford Road. Provided that the noise mitigation measures as detailed in the noise impact assessment are implemented, it is considered that there should be no adverse impacts on health and quality

of life of the future residents resulting from rail or road traffic noise in the area. Subject to conditions, it is considered that the proposal complies with Policy SE12 of the CELPS and DC14 of the MBLP relating to noise and soundproofing.

### Air Quality

Policy SE 12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 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 May 2015).

The application is supported by an Air Quality Assessment which has been reviewed by the Council's Environmental Protection Unit. The assessment considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS (pollution modelling software) Roads to model NO<sub>2</sub> and PM<sub>10</sub> impacts from additional traffic associated with this development and the cumulative impact of committed development within the area. A number of modelled scenarios have been considered within the assessment. These were:

- 2016 Verification;
- Opening year do-minimum (DM) (predicted traffic flows in 2023 should the proposals not proceed); and
- Opening year do-something (DS) (predicted traffic flows in 2023 should the proposals be completed, with the addition of traffic generated by the proposed development)

The assessment concludes that the impact of the future development on the chosen receptors will be **negligible** with regards to NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations, with none of the receptors experiencing greater than a 1% increase relative to the AQAL (Air Quality Assessment Level). 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.

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. The applicant has already submitted a Travel Plan which is acceptable and would assist greener traffic modes. However, further robust mitigation measures are required to reduce the impact on sensitive receptors in the area. Accordingly, it is considered appropriate that further mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. This can be achieved by conditions relating to dust control and the provision of electric vehicle infrastructure, which are accordingly recommended. Subject to these conditions, the proposal will comply with policy SE 12 of the CELPS.

## **Ecology**

Macclesfield Borough Local Plan Policy NE11 and CELPS Policy SE 3 seek to protect nature conservation interests and indicate that where development would adversely affect such interests, permission should be refused. The application has been supported by an ecological assessment dealing with the following species:

**Bats** – Some of the buildings on site were observed to contain some features suitable for roosting bats during the building assessment. However, they were considered to be unfavourable and were found to be absent of roosting bats during previous activity surveys. These buildings/sections should be subject to an updated survey prior to commencement of works to confirm continued absence. This could be secured by condition.

**Invasive Species** - The applicant should be aware that Montbretia and Cotoneaster species are present on the proposed development site. Under the terms of the Wildlife and Countryside act 1981 it is an offence to cause these species to grow in the wild. Disturbance of soil on the site may result in increased growth of the plants 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 in question 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. The applicant could be made aware of this via an informative

**Other Species** – Subject to conditions requiring the submission of a lighting scheme, the carrying out of a bird nesting survey (if works are to be carried out during the bird nesting season), the retention of existing hedgerows where possible and the incorporation of features to increase the biodiversity value through submission of an ecological enhancement strategy, the scheme. The Council's Nature Conservation Officer has reviewed the submitted survey and agrees with its findings. Subject to conditions to safeguard breeding birds, the proposal is considered to comply with policy NE11 of the MBLP and SE3 of the CELPS.

## **Flood Risk and Drainage**

The site is located within Flood Zone 1 where flooding from rivers and the sea is very unlikely with less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year. Whilst the site does not have a high risk of flooding, it is noted that within the vicinity of the existing car parking area of the proposed site, there is an area of high surface water risk potentially caused by a topographical low spot/natural drainage flow path. This volume must be quantified and accounted for within the drainage strategy for the site. Subject to conditions (including a surface water drainage strategy), the Council's Flood Risk Team have assessed the proposals and are satisfied the proposal would not give rise to flooding or drainage issues. Therefore the development is considered to comply with policy SE 12 of the CELPS.

## **Contaminated Land**

The submitted Phase I and II contaminated land assessment has been assessed by the Council's Environmental Protection Unit, who have offered no objection. Any risk from further contamination not already identified can be picked up by further monitoring and secured 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 Chelford and the nearby settlements of Macclesfield, Knutsford and Wilmslow 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 the requisite Affordable Housing, Public Open Space and Sports and Recreation provision in lieu of on-site provision and a NHS contribution. As noted above, discussions regarding the potential contribution towards the Education are ongoing.

## **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 is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with Local and National Planning Policies.

The commuted sum in lieu of open space and indoor recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 89 family dwellings, the occupiers of which will use local facilities, and there is a necessity to provide facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The development would result in increased demand for primary and secondary school places including places for special education needs in the locality, where there is limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

The contribution towards the re-surfacing of the car park at Chelford Surgery has been identified as a need by the NHS and this proposal would support these improvement works and would be sufficient to mitigate the impact of the proposals.

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

On this basis the S106 contributions associated with the scheme are compliant with the CIL Regulations 2010.

## CONCLUSIONS

Chelford Village is Local Service Centre where local plan policies support sustainable development appropriate to the scale and context of the village. The proposal will provide market and affordable housing adjoining an existing settlement where there is existing infrastructure and amenities. This proposal would bring economic, environmental and social benefits through the delivery of 89 no. residential units with some small employment floor-space in a sustainable location, investment in the area and by bringing a vacant brownfield site into viable use.

The principle of developing the site (which is allocated for employment purposes and a public car park for Chelford Cattle Market) is acceptable given that housing and office floor-space will have a more positive impact on the local area than industrial type development and car parking is no longer required for the market.

National Planning Guidance encourages the redevelopment of brownfield land such as this, by offering a Vacant Building Credit, which is offset against affordable housing. Using the calculation guidance from the Ministry of Housing, Communities & Local Government, it is confirmed that this proposal would allocate 5 dwellings to be affordable, which is acceptable.

In highways terms, the impact from a residential / office scheme would be less than that of the previous use or potential industrial uses and local junctions have been shown to be suitable to accommodate the likely traffic movements generated by the proposal. Adequate parking would be provided.

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 public open space, healthcare and subject to satisfactory negotiations, education through the provision of financial contributions. The applicants have demonstrated general compliance with national and local guidance in a range of areas including ecology, flood risk, noise and air quality.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits. The proposal is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy and the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF. The application is therefore recommended for approval subject to the imposition of appropriate conditions and the necessary Section 106 obligation.

## RECOMMENDATION

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

- 1. Affordable Housing comprising of 5 x 2 bed units, 2 for intermediate tenure and 3 for social / affordable rent**
- 2. Public Open Space comprising of:**
  - Amenity Open Space - £267,000 (residential) £1194 (business)

- Recreation and Outdoor Sport (ROS) £84,000 (total reduction of £15,000 to account for affordable) £1194 (business).
- Indoor Sports Provision - £13,000 towards the provision of 2 pieces of sports equipment at Chelford Village Hall

The POS contribution will be directed towards improvements, enhancements and additions at Mere Court play area and open space, Chelford Village Hall site and Dixon Drive amenity green spaces.

- 3. Education Contribution towards primary, secondary and SEN (tbc)**
- 4. Healthcare contribution of £10,000 towards resurfacing car park at of Chelford Surgery**

### **And the following conditions:**

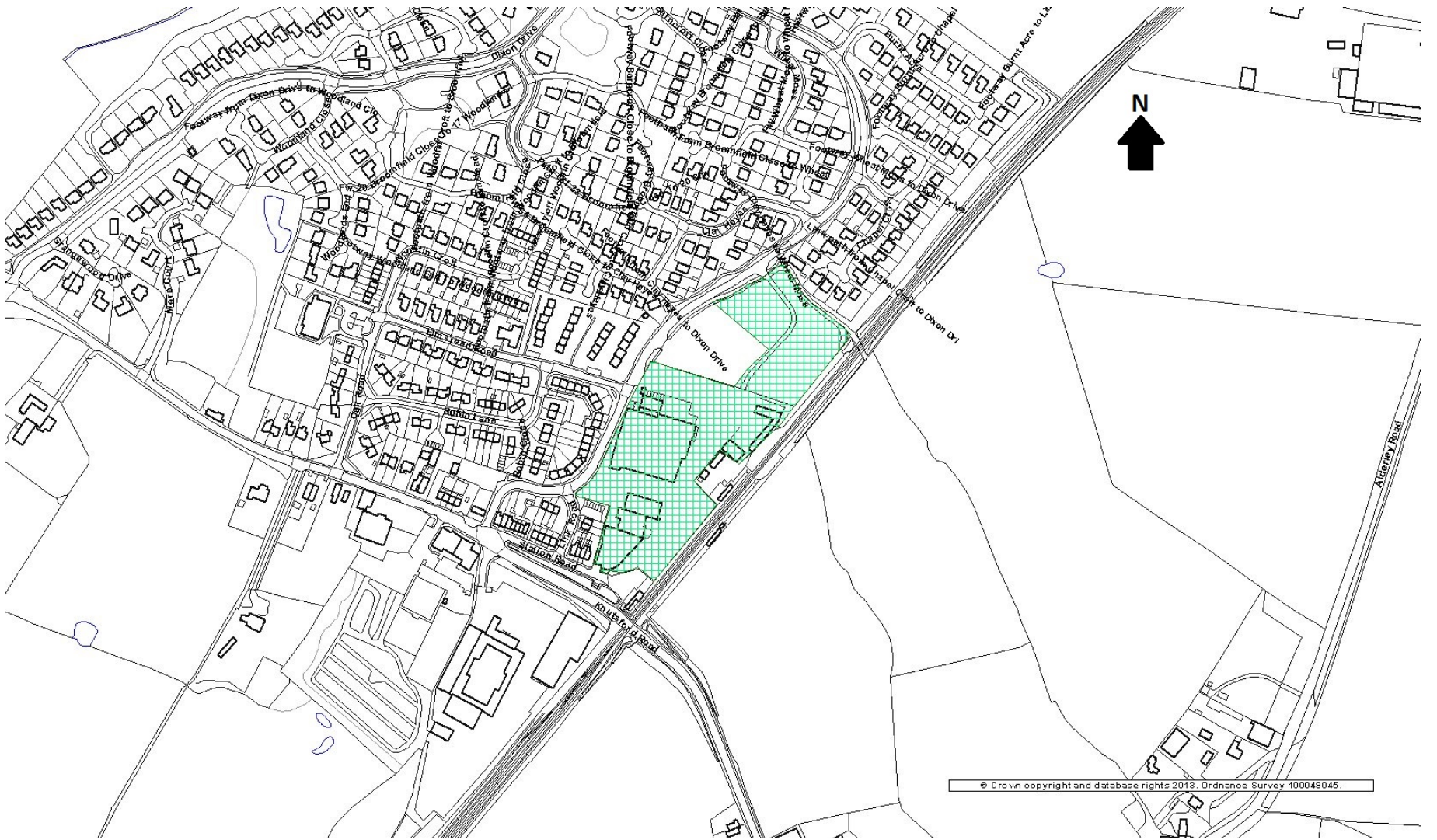
1. Commencement of development (3 years)
2. Development in accordance with approved and amended plans
3. Construction of access prior to first occupation
4. Landscaping scheme to be submitted and approved to include replacement planting
5. Landscaping scheme to be implemented
6. Accordance with submitted Arboricultural Impact Assessment
7. Tree protection of retained trees / hedgerows
8. Protection for breeding birds during bird nesting season
9. Details of ground levels to be submitted, approved and implemented
10. Details of external facing materials to be submitted, approved and implemented
11. Details of boundary treatments to be submitted, approved and implemented
12. Development to be carried out in accordance with submitted noise survey
13. Development to be carried out in accordance with submitted Drainage Impact Assessment.
14. Completed ground gas risk assessment to be submitted, approved and implemented
15. Remediation of contaminated land to be carried out
16. Verification of remediated contaminated land to be submitted and approved
17. Bin storage to be provided prior to first occupation
18. Details of pile foundations to be submitted, approved and implemented
19. Electric Vehicle Infrastructure to be provided prior to first occupation
20. Submission, approval and implementation of Travel Plan
21. Scheme of dust control to be submitted, approved and implemented
22. Submission, approval and implementation of a scheme of archaeological mitigation
23. Foul and surface water drainage to be connected on separate systems
24. Scheme of surface water drainage to be submitted, approved and implemented
25. Submission, approval and implementation of a Construction Environmental management Plan
26. Removal of permitted development rights for Classes A-E (extensions and outbuildings etc)
27. Accordance with Ecological Assessment
28. Updated bat survey to be submitted, approved and implemented
29. Nesting bird mitigation measures to be submitted, approved and implemented
30. Details of external lighting to be submitted, approved and implemented
31. Scheme for ecological enhancement to be to be submitted, approved and implemented

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*In order to give proper effect to the Board's/Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice.*

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Application No: 15/1683M

Location: LAND OPPOSITE, Lowerhouse Mill, ALBERT ROAD, BOLLINGTON

Proposal: Development of 30 new houses including 9 affordable houses, landscaping, landscape buffer zone, flood mitigation and ground works, roads, associated highways and infrastructure.

Applicant: Johnson Mulk, Prospect GB

Expiry Date: 10-Jul-2015

**SUMMARY:**

At the heart of the adopted Cheshire East Local Plan Strategy (CELPS Policy MP 1 refers) and the National Planning Policy Framework is a presumption in favour of sustainable development. Policy states that decision takers should be approving development proposals that accord with the development plan without delay unless material considerations indicate otherwise.

The principle of developing the site for residential purposes has already been accepted in a previous resolution and therefore whilst the Council can now demonstrate a 5 year housing land supply, the development of this site for housing has already been included within these calculations, albeit with a higher number of 32. The key issue for Members to consider is whether or not in light of additional flood risk information and local concerns regarding flooding as well as the recently adopted CELPS, the Council should proceed to grant planning permission subject to a s106 legal agreement.

There is an environmental impact in the locality due to the development taking place on a green field, however, the proposal falls on land which is allocated for employment uses and appeals on this site and the land opposite have been allowed and development has been found to be acceptable.

It is considered that a scheme for housing would fall in line with policies contained within the NPPF and the Development Plan. The principle of developing land, which is allocated for employment purposes, has been established. It is considered that housing on the application site will also have a more positive impact on the local area than industrial development.

The proposal would satisfy the economic and social sustainability roles by providing market and affordable housing adjoining an existing settlement where there is existing infrastructure and amenities. The proposal (as amended) would provide policy compliant levels of affordable housing, and contributions to public open space. In addition, it would also provide appropriate levels of public open space both for existing and future residents.

Local concerns of residents are noted, particularly in respect of highway matters and flood risk, but the impacts are not considered to be 'severe' under the NPPF tests. The impact from a residential scheme would be less than that of a commercial one in highways terms and the proposal would not increase the risk of flooding elsewhere (subject to mitigation). Further, the sequential and exception test when considering proposals in Flood Risk Zone 3 have been satisfied and the built form would not occupy land falling within the functional flood plain (Flood Zone 3b).

The design is considered to be appropriate as is any impact on amenity. Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, flood risk, drainage, landscape and ecology. The scheme represents a sustainable form of development that is in accordance with the Development Plan and therefore the resolution to grant planning permission should proceed subject to updated heads of terms..

**RECOMMENDATION:**

Approval subject to conditions and completion of a S.106 Agreement.

## BACKGROUND

At the meeting of the Northern Planning Committee on 4<sup>th</sup> November 2015, Members resolved to approve this application (which at the time proposed 32 no. dwellings) subject to conditions and a Section 106 Agreement. The s106 agreement was to secure:

**30% Affordable Housing;**

A contribution of **£75,924** towards primary education;

Provision of **£32,000.00** towards Public Open Space

Since this resolution was made, work has been progressing on the drafting of the s106 agreement. However, in addition, the Council has been made aware of local flooding issues in the area generally and on this basis, undertook to review this application and resolution in light of further flooding information.

It is also important to note that there have been a number of material changes in policy position and so in undertaking a review of this resolution, the proposal has been reconsidered in light of the newly adopted Cheshire East Local Plan Strategy.

Largely, the proposal remains unchanged from that which Members resolved to approve, save for the submission of additional Flood Risk information which has been reviewed by the Council's Flood Risk Team, the Environment Agency and United Utilities and some amendments to the layout. The following report follows a review of the application which Members considered back in November 2015.

## DETAILS OF PROPOSAL

This application seeks full planning permission for the construction of 30 residential units, comprising of 17 detached dwellings and 11 semi-detached dwellings and 2 apartments. The application would also include 9 affordable dwellings. All properties would be provided with off street parking spaces. The detached and semi detached properties would all have private gardens.

It should be noted that when the scheme was first submitted, it was for 38 units. However, revised plans were subsequently received, which saw the number of dwellings reduced from 38 to 32. Following further discussions, the scheme has further been reduced from 32 to 30.

## SITE DESCRIPTION:

The application site consists of predominantly flat agricultural grassland surrounded by mature hedgerows. The site measures approximately 3.13 hectares in size. The central section of the site is, in part, characterised by elongated and rectangular mounds of top soil, scraped from the rest of the site a number of years ago.

To the south, it is bounded by industrial buildings, which form Slater Harrison. The road to the west of the site terminates at the Council's Household Waste Recycling Centre. To the north of the site is the River Dean, with open countryside beyond it.

Access to the site is taken from Albert Road.

It should be noted that residential development has been granted on the land opposite (application 14/3844M) for 33 dwellings in January 2015. Beyond this, the closest residential properties to the application site lie on Woodlea Drive and are two storey detached properties.

The site is allocated as an existing employment area in the Macclesfield Borough Local Plan and the part of the site to the east falls within the Green Belt. Parts of the site fall within Flood Zones 2 and 3 of the Environment Agency's flood map.

### **RELEVANT HISTORY:**

- |          |   |
|----------|---|
| 09/3836M | Erection of 3 no detached industrial buildings divided into 16 no. small units with associated parking and landscaping (renewal of 06/2355p) – Approved 3 <sup>rd</sup> February 2010 |
| 06/2355P | Erection of 3no detached industrial buildings divided into 16no small units with associated parking and landscaping – Approved 27 <sup>th</sup> November 2006                         |
| 05/0270P | Renewal of application 99/2296P for industrial development (B2 usage) – Approved 29 <sup>th</sup> March 2005  |
| 99/2296P | Industrial development (B2 usage) revised scheme – Refused 10 <sup>th</sup> January 2000 – Appeal Allowed 21 <sup>st</sup> July 2000  |
| 99/0695P | Industrial development (B2 usage) – Withdrawn 16 <sup>th</sup> June 1999  |

### **NATIONAL & LOCAL POLICY**

#### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

- |       |  |
|-------|--|
| 14    | Presumption in favour of sustainable development |
| 50    | Wide choice of quality homes                     |
| 56-68 | Requiring good design                            |
| 69-78 | Promoting healthy communities                    |
| 94    | Flood risk                                       |
| 100   | Flood risk                                       |
| 103   | Determining planning applications and flood risk |

#### **Development Plan:**

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

The relevant Macclesfield Local Plan Saved Policies are considered to be: -

### **Built Environment**

BE2 – Historic Fabric

### **Development Control**

DC3 – Amenity

DC6 – Circulation and Access

DC8 – Landscaping

DC9 – Tree Protection

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

### **Employment**

E4 – General Industrial Development

### **Environment**

NE11 – Protection and enhancement of nature conservation interests

NE17 – Nature Conservation in Major Developments

### **Recreation and Tourism**

RT5 – Open Space

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Adopted Version (CELP)**

The following are considered relevant material considerations of the adopted Local Plan Strategy:

- PG3: Green Belt
- MP1: Presumption in favour of sustainable development;
- PG7: Spatial Distribution of Development;
- SE1: Design;
- SE2: Efficient Use of Land;
- SE3: Biodiversity and Geodiversity;
- SE4: The Landscape;
- SE5: Trees, Hedgerows and Woodland;
- SE6: Green Infrastructure;
- SE7: Heritage Assets
- SE9: Energy Efficient Development;
- SE12: Pollution, Land contamination and land instability;

- SE13: Flood risk and water management;
- EG3: Existing employment sites;
- IN1: Infrastructure
- IN2: Developer Contributions:
- SC4: Residential Mix
- SC5: Affordable Homes
- SD1: Sustainable Development in Cheshire East;
- SD2: Sustainable Development Principles; and
- CO1: Travel Plans and Transport Assessments.

### **Bollington Neighbourhood Plan:**

The Bollington Neighbourhood Plan has been submitted for independent examination (Regulation 17 stage). The examiner's report has not yet been made and therefore the plan is not yet part of development plan. As such, the weight to be afforded to it is limited at this stage. However, the relevant policies are considered to be:

Housing Policy HO.P2 – Housing location

Housing Policy HO.P3 – Type of housing

Housing Policy HO.P4 – Design of housing

Housing Policy HO.P5 – Parking provision for new dwellings

Employment and Business Policy EB.P1 – Regeneration of existing employment land

Employment and Business Policy EB.P3 – Encourage the growth of home-based businesses

Open Space Policy EOS.P2 – Maintenance of Open Space allocations

Green Belt Policy EGB.P3 – Development in the Green Belt

Natural Environment Policy ENE.P1 – Natural Environment Policy

Natural Environment Policy ENE.P2 – Maintenance of views

Natural Environment Policy ENE.P3 – Provision of Landscape Plan

Natural Environment Policy ENE.P4 – Footpaths, Quiet Lanes and Bridlepaths

Moving Around Policy MA.P1 – Improve safety and efficiency of moving around

Moving Around Policy MA.P2 – Parking provision

### **Supplementary Planning Documents:**

The following Supplementary Planning Documents (SPDs) have been adopted and are a material consideration in planning decisions (within the identified former Local Authority areas):-

Cheshire East Strategic Flood Risk Assessment (2013)

Strategic Housing Market Assessment (SHMA)

SPG on Section 106 Agreements (Macclesfield Borough Council)

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

#### **HIGHWAYS:**

The Head of Strategic Infrastructure (Highways) raises no objections to the proposals. There is one point of access to the site. The technical designs of the access points are acceptable



and adequate visibility has been provided at the junction. The parking provision for the residential units within the site meets current standards.

### **ENVIRONMENTAL PROTECTION:**

No objection subject to conditions relating to hours of operation, dust control, floor floating, pile driving and contaminated land.

A noise impact assessment has been carried out to gauge the impact between the commercial/industrial uses. The EHO had concerns of the proximity of the houses and gardens to odour sources and recommends bunding (with a fence on top of a mound) to the southern boundary.

This site is within 250m of a known landfill site or area of ground that has the potential to create ground gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. A gas risk assessment has been undertaken and the results provided. Although the report shows that there are not significant quantities of gas present on the application site, further gas risk assessment is required as currently the monitoring is insufficient. The Contaminated Land Officer recommends that a condition can be attached to ensure that a Phase II investigation is submitted for approval and any recommended remediation is carried out on site.

### **UNITED UTILITIES:**

No objection subject to a condition relating to the submission of a scheme for the disposal of foul and surface waters for the entire site.

### **STRATEGIC HOUSING:**

No objection.

### **PUBLIC RIGHTS OF WAY:**

The Public Rights of Way Officer raises no objections to the proposed development. The Public Right of Way Officer advises that the site lies adjacent to public footpath No. 47 Bollington. It appears unlikely, however, that the proposal would affect the public right of way, although the PROW Unit would expect the planning department to add an advice note to any planning consent to ensure that developers are aware of their obligations.

### **ENVIRONMENT AGENCY (EA):**

No objection subject to conditions and informatives relating to the following:

The development shall be carried out in accordance with the approved and updated Flood Risk Assessment and the mitigation measures detailed within, which includes:

- 1. Provision of compensatory flood storage, on the adjacent land to the east of the proposed dwellings*

2. *Finished floor levels of proposed dwellings are set no lower than 600mm above the relevant 1 in 100 year plus climate change fluvial flood level*
3. *Finished levels of proposed access roads, parking areas, footpaths are set no lower than 300mm above the relevant 1 in 100 year plus climate change fluvial flood level*

The EA previously reviewed the Preliminary Risk Assessment with respect to potential risks to controlled waters from land contamination. The site is situated in a sensitive location with respect to controlled waters. The report provided indicates that the site has potentially been subject to significant previous contaminative land, which may be potential sources of contamination to Controlled Waters in the vicinity of the site. An off-site historic landfill has been identified adjacent to the northern site boundary in close proximity to the site and industrial use has been identified adjacent to the southern site boundary. Planning permission should only be granted with a condition which requires a scheme of foul and surface water to be submitted to prevent pollution of the water environment and controlled waters.

### **FLOOD RISK MANAGER:**

No objection subject to conditions that the proposed development is carried out in accordance with the submitted flood risk assessment and a number of mitigation measures, the submission of a drainage strategy and the submission of details of a cut and fill exercise.

### **EDUCATION:**

This development will generate 7 primary and 6 secondary aged pupils.

The primary schools within a 2 mile radius of the site are forecast to have a shortfall of 25 places by 2019, and therefore a contribution will be required for those pupils generated by this development.  $7 \times 11919 \times 0.91 = \text{£75,924}$ .

There is forecast to be 130 surplus places in the local secondary schools and therefore, no sum is required for Secondary school places.

### **GREENSPACES (ANSA):**

The Green Spaces Officer initially raised concerns with the location of the formal equipped play area, however, revised plans showed this to be in a far more favourable location.

A commuted sum for offsite Recreation Open Space provision will be required. The amount for 30 family units would be £30,000 based on the original comments provided by ANSA.

### **REPRESENTATIONS**

The planning application was originally advertised by the Council through neighbour notification letters that were sent to all adjoining land owners and by the erection of a site notice. Following the receipt of further flood risk information, a further consultation was carried out.

Approximately 7 letters of objection were received from local households in response to the original consultation. Only 5 further representations have been made following the re-

consultations, one of which states that if the Council proceed with the grant of planning permission, then an application will be made to Judicially Review the decision.

The objections are summarised as follows: -

### Access/traffic

Housing traffic demand is very different to employment demand and will contribute massively to peak traffic levels. Peak times are the biggest issue with Albert Road and must not be increased further or gridlock will occur. Not a good state of affairs when the unmanned fire station is located on the road and the firemen need to get to the fire station before the engine can leave.

The access to the site can only be described as potentially dangerous with traffic congestion at various and frequent times of the day both on Albert Road and Moss Brow. The safety of school children, parents, runners, walkers and cyclists, not to mention, the maximum possible access for the fire station in any emergency situation needs taking into account.

The parking on Albert road on the bend near the Mill adjacent no 11 Ridley Road is causing increased difficulty in safely pulling out of Ridley Road and an increased traffic flow would make this problem worse.

### Flood risk

This land floods regularly. Last time the river flooded, it flooded it removed all evidence of the Sandmartins, which nested in the banks. It is crucial that the Sandmartins be allowed to return to this long established site even if the wildlife officer could find no evidence of the nests, which had been washed away in the floods. They have nested here every year since records began.

Are the properties in the flood plain, as they are clearly only metres away from the source of the flood plain, i.e. the stream? After a heavy nights rain, the stream had risen to within 6 inches of the bridge, (a rise of approximately 24 inches,) so what we wonder after three days heavy rain..... residents are sure this matter is under consideration and the implications it may have on existing flood plain levels and to unsuspecting purchasers of new houses on what neighbours earlier property searches suggests is a flood plain.

There is in several places along the stream banks evidence of flood debris well above the bridge height.

The area is a precious habitat that supports badgers, water voles, bats, barn owls, kingfishers and sand martins. Changes to the river made elsewhere in Bollington have already affected detrimentally the nesting sites for sand martins so further changes that put this and other species at risk must not be made.

The proposal does not accord with the recommendations made by the Macclesfield Borough Strategic Flood Risk Assessment. Excerpts from the Macclesfield Borough Strategic Flood Risk Assessment are included which reference the sequential test and exception rules and the duty of the authority to correctly consider flood risk in Flood Zones 2 and 3.

The proposal would result in development within the flood plain and there are sequentially preferable sites elsewhere in the borough. The sequential and exceptions tests are not met.

### Loss of employment land

The applicant claims that the site has not been developed and as such should be removed from employment land. The situation is that in an economic downturn employment land will not be developed but will be saved for the future. Also, with development of several key employment sites within Bollington (Kay Metzeler and the canal side timber site) it is debatable if there is enough employment land in Bollington.

The new Cheshire East Plan makes particular reference to the importance of employment land and states that 27 hectares are needed to keep pace with growth in the economy. This beautiful green field was previously designated as employment land and should be retained as such if it is to be developed at all. At least then its new use will remain in keeping with the location's industrial heritage.

### In keeping

It appears that the style and layout of the proposed development is not in keeping with that of what is a settled and harmonious area.

### Other matters raised

This site should be reviewed as part of the Neighbourhood Plan.

These house are being built adjacent to the refuse/recycling tip. One resident is sure that any future residents will complain of noise, smell, and traffic at the weekend

The area under consideration is quite a unique flood plain been of some fertile grassland, wooded and natural river formation, and all the bugs, birds etc. that live there, and of course the amount of daily visits to the net work of footpaths that grace this area, used and enjoyed by numerous dog walkers, naturists, walkers and visitors alike. One proposal is to preserve this area in perpetuity for the people of Bollington, and visitors, as a park in similar fashion to the Bollin Valley.

One resident puts forward that the prevailing economic demand and conditions of the time of the original planning no longer exist.

It is generally agreed that Lowerhouse is an area of architectural and historic significance (Greg Mill, workers cottages, school and library etc.) and notwithstanding the development in question, it is only a matter of time before it is elevated to conservation status (to be included in the local plan). To put up a modern housing estate in this location will be an insult to the concept of this status. This point is especially pertinent now that the importance of Bollington's industrial Heritage has been confirmed by Cheshire East Council.

New occupants will need healthcare and the children will need schooling. Do the Bollington Health Centre, the 4 primary schools and Tytherington High School have sufficient extra capacity to accommodate new patients and pupils? If not, the proposal should be rejected.

Any conditions applied to the other side of the road should be applied including those included by the planning inspector when the appeal occurred.

Following the submission of revised plans, further neighbour consultation letters have been posted. At the time of preparing the committee report, no further comments had been received from residents.

### **VIEWS OF THE TOWN COUNCIL**

**Bollington Town Council** originally recommended the application for refusal on the following grounds: -

#### **1. Potential flooding and compounded drainage issues for surface and foul water.**

The Town council's view is that this land should be left to fulfil its important purpose as a flood plain and at the very least no permission be given until the issue of effective mitigation measures have been fully resolved on the application site and the adjacent site.

#### **2. Traffic flows.**

It is simplistic to use the argument that the 38 new houses on the proposed site will generate less traffic than the employment approved in the 1970's but not implemented. Since this application was granted we have seen very large increases in car ownership. Bollington has also seen vastly increased use of cars not least on school runs.

It is the Town Council's and the local community's view that no permission should be granted for this proposed development until there has been a full analysis of traffic impact taking into account the impact of the 34 homes approved under 14/3844M.

The Council and the community are also concerned that the proposed development threatens the long term sustainability of Bollington's Recycling Centre which is a major resource for the Bollington Community and its surrounding residents. The proximity to the Household Waste Site could give rise to pressure from the new residents to close the site.

#### **3. Loss of Employment Land**

The land is currently designated for employment purposes and is a logical continuation of the employment opportunities provided by Lowerhouse Mill and the adjacent units. It has been stated many times by the Town Council to Cheshire East that employment land in Bollington is being replaced by housing. The latest supplementary work for Cheshire East's Local Plan resubmission has identified an increased need for employment land of 27 hectares and the continued loss of such land in Bollington undermines Bollington's position as a sustainable working community. It should also be noted that National Planning Policy recommends that in flood prone areas development for employment is preferred rather than housing.

In terms of the history of this site and the apparent lack of demand for employment, the Town Council's view is that such marketing has not been active enough, particularly over the last 5 years. Bollington Town Council has evidence of local companies being

unable to find suitable sites in Bollington to relocate or expand into and are left with no choice but to move outside Bollington. Bollington's only business park is the Bailey Business Park. This is relatively small and fully occupied. We are currently in the process of visiting all our 360 local businesses as part of our Neighbourhood Plan process to understand their needs for growth and the above message is coming through, for example from our local Joinery business, our brewery and our tyre depot all of which have already, or may in future be forced to relocate.

#### **4. Vital Heritage Issues**

Lowerhouse is the repository of the legacy of the Greg family centred on the work of Samuel Greg between 1832 and 1847 and subsequently by his brother Robert and younger Greg family members who donated Bollington the recreation ground and the Greg Fountain, scene of the first Well Dressing Bollington in 2005. Lowerhouse Mill currently stands out in the landscape in this area.

An estate of modern houses backing up against the Mill, which is a listed building, will severely diminish the buildings stature and position in the Neighbourhood.

Many people will know that the Civic Society for a number of years has advocated a Conservation Area at Lowerhouse to protect the important Greg legacy in architecture and history.

Cheshire East have commissioned Arup to provide a report which is designed to assess issues such as the Green Belt and cultural heritage and legacy in Cheshire East. That report recognises the need to re-invigorate the importance of heritage and legacy in Cheshire East and specifically recognises the importance of Bollington's industrial heritage in that context.

The Town Council objects to this application on the grounds that it will demean and diminish the impact of that heritage in Bollington.

#### **5. Bollington is in the midst of creating a Neighbourhood plan.**

Cheshire East Council has approved Bollington's Neighbourhood Plan declaration and is supporting us with consultancy time from Cheshire Community Action and expert planning advice. Bollington Town Council has a group of 42 committed community volunteers, a steering group and five active sub groups and are well into the process of consulting everyone 16 years and over in Bollington regarding their views on how Bollington should develop over the next 15 years. This includes where development should take place and what that should be.

Bollington Town Council understand that Bollington cannot stand still but in accordance with the ethos of neighbourhood planning Bollington Town Council feel that developments such as that proposed should be part of the Neighbourhood Plan process. Bollington's plan process will be robust, professional and inclusive of the views of all parties including developers.

Bollington understands Cheshire East's housing growth needs and Bollington will continue to play its part. However, Bollington already have over 200 homes being built or in the pipeline all of which have been built on former employment sites. Bollington Town Council feels that very soon Bollington will be looking at employment growth and the best land for employment will have gone.

The Town Council recommends that Cheshire East refuses or defers this application until Bollington's Neighbourhood Plan can provide proper evidence of employment need, housing affordability and our land allocation process within the Plan can balance these needs with the needs for open space, protecting Bollington's heritage and Bollington's future as a sustainable town rather than a dormitory of Macclesfield.

Following the additional information that has since been submitted, Bollington Town Council have further commented as follows:

"The Town Council notes that the plans, as submitted, show less homes than described in the planning application i.e. 29 houses including 9 affordable. The Town Council objected in June 2015 to the outline application which was subsequently granted. However, the Council remains very concerned with the issues raised in that submission which include the potential for serious flooding of the site, the changes in our weather which renders 100 year predicted flood levels very suspect and the adjoining development which will also challenge the capacity of the flood plain on which this development will also sit. Traffic access to the development via Albert Road and Moss Brow is also a major issue. It is accepted that this application is for less homes, and that the die is already cast in terms of the extent outline permission, however, it is imperative that Cheshire East Council Flood Officer is very rigorous in ensuring that the flood defence measures provided will prevent these homes being flooded. The site on the other side of the Household Waste Access Road includes flood measures which include raising the ground on which the homes sit and tanks to retain water and slowly release it to mimic the action of the former flood plain. The Town Council asks that no less comprehensive measures are applied to this application site and the impact on the flood plain of that adjacent site is taken into account in these measures. The Town Council is also concerned regarding the reduction in affordable properties to 9 (according to the plan) from the original 11. Bollington needs affordable properties. The comment from your own Housing Strategy Manager, Vikki Jeffrey, is also noted in that they are not pepper potted within the development but are all contained at one end of the site. Also, that they are all 2 and 3 bedroomed houses and because of local housing need should be 1,2 and 3 bedroom general needs dwellings with provision via either flats, cottage style flats or bungalows for 2 bedroom older person accommodation. Because of this, Town Council **objects to the application** as submitted."

### OFFICER APPRAISAL

The key issues to consider in the determination of this application are:

- Principle of the Development;
- Loss of land allocated for Employment purposes;
- Affordable Housing;
- Impact on open space;

- Design, Layout and Visual impact;
- Landscape/Trees;
- Highways;
- Residential Amenity;
- Nature Conservation;
- Flood risk
- Environmental Health; and
- Other Material consideration or matters raised by third parties

### **Principle of the Development**

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*”.

The site lies adjacent to the settlement boundary and Predominantly Residential Area of Bollington and occupies part of an existing employment area as designated in the Macclesfield Borough Local Plan. The eastern portion of the site extends into the Green Belt although this part of the site would remain undeveloped and would serve as a flood storage / compensation area. The area of the site within the Green Belt would remain in agricultural use and accordingly, the proposals would not constitute inappropriate development in the Green Belt.

Para 14 of The Framework indicates that there is a presumption in favour of development except where policies indicate that development ought to be restricted. This advice is reflected in the newly adopted Policies MP 1, PG 7 and SD 2 of the Cheshire East Local Plan Strategy (referred to hereinafter as CELPS) which seek to direct residential development to sustainable locations.

Specifically, CELPS Policy MP 1 states that the Local Planning Authority “will always work proactively with applicants to find joint solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area”.

The site is located within a sustainable location by virtue of its proximity to shops and services within Bollington as it adjoins the settlement boundary of Bollington. It is considered that the development of this site would make effective use of the land without the built form encroaching into the surrounding Green Belt and would make a contribution to the Council’s 5 year housing land supply in the context of this Local Service Centre. CELPS Policy PG 7 states that ‘Local Service Centres, of which Bollington is identified as, between them are expected to accommodate in the order of 7 hectares of employment land and 3,500 new homes.

The site is allocated as an existing employment area where policy E4 (which normally permits Use Classes B2, B8, B1b and B1c) applies. Furthermore, CELPS Policy EG 3 much like the legacy Policy E1 seeks to retain both existing and proposed employment areas for employment purposes to provide a choice of employment land in the Borough. As such, there is a presumption that the site will be retained for employment purposes. This proposal therefore constitutes a departure from the Development Plan. Planning decisions must be



made in accordance with the Development Plan, unless material considerations indicate otherwise.

In this case, there are a number of relevant material considerations when considering the proposed loss of employment land. These are:

- Replacement of a potentially unneighbourly use to nearby residents, including those on the land opposite which has already been considered acceptable for residential development.
- HGV's associated with the allocated use would be removed from the highway.
- The site is vacant and is unlikely to come forward for employment development.
- The proposed scheme provides a good mix of housing types 30% of which are to be affordable.
- Some on-site public open space would be provided.
- Provision of family-sized and smaller homes in Bollington.
- The site is in a relatively sustainable location. The site has good access to the major road network (Wellington Road) and a bus service. Shops and schools are in walking distance.
- The Council has already accepted (in already resolving to approve this application), that the site is suitable for residential development and will not contribute to the Council's employment land.

Consequently, although contrary to the Development Plan, it is acknowledged that there are significant material considerations that indicate that the principle of a residential development on this site is acceptable (as already accepted) in this location and that a case to retain employment land would not be sustainable. This is considered in more detail below.

### **Loss of Employment Land**

CELPs Policy EG 3 seeks to retain employment land for employment purposes. However, EG 3 also accepts that it may not be possible to retain land for employment purposes where they are causing 'significant nuisance or environmental problems or are no longer suitable or viable for employment uses'. This aligns with Paragraph 22 of The Framework states that:

*"Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."*

The land at Albert Road has been allocated for employment use since 1997 and despite obtaining consent; it has never come forward for development. The Employment Land Review considered this site in Appendix E1 (page E1-123). It noted that the site had zero prominence, had been actively marketed for rent or for sale, had access constraints and flooding constraints. Other barriers to delivery of employment development included market conditions and the size of the market.

This suggested that the site was not a prominent site in an attractive location for business as well as having some constraints to its development. The 'Market Attractiveness' section (completed by Colliers CRE) of the site pro-forma in the Employment Land Review suggested that residential use would seem a logical use for the site.

The employment land lost at Tytherington Business Park was intended for a completely different market sector (serviced offices) and it is not considered that the loss of that employment land increases the likelihood of the land at Albert Road being developed.

The following is a list of large employment sites in the former Macclesfield Borough where employment land is available:

- Tytherington Business Park
- Lyme Green Retail and Business Park
- Hurdsfield Industrial Estate
- Adlington Park
- Poynton Industrial Estate
- South Macclesfield Development Area
- Stanley Green Industrial Estate, Handforth

Whilst the recent adoption of the Cheshire East Local Plan Strategy has identified that more employment land is required in Cheshire East as a whole, this needs to be of the right type, and in good accessible locations. In the context of NPPF paragraph 22 and CELPS Policy EG 3, on the evidence to date, it would be difficult to argue that there is a reasonable prospect of the site being used for employment purposes and therefore be protected for such use. It is also important to note that the Cheshire East Local Plan Strategy has been adopted in the knowledge that this site would be released for housing and not retained for employment use.

### **Housing Land Supply**

On 27 July 2017, the Council adopted the Cheshire East Local Plan Strategy. This followed an extensive public examination led by an independent and senior Planning Inspector.

The Inspector's Report on the Local Plan was published on 20 June 2017 and signalled the Inspector's agreement to the Plans policies and proposals. The Local Plan Inspector confirmed that, on adoption, the Council was able to demonstrate a 5 year supply of housing land. In his Report he concluded:

*"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 Inspector's conclusion that the Council had a 5 year supply of deliverable housing land was based on the housing land supply position as at 31 March 2016.

Following the adoption of the Local Plan Strategy, the Council released its annual Housing Monitoring Update, in August 2017. It sets out the housing land supply as at 31 March 2017 and identified a deliverable housing land supply of 5.45 years.

On 8 November 2017, an appeal against the decision of the Council to refuse outline planning permission for up to 400 homes at White Moss Quarry, Alsager (WMQ) was dismissed due to the scheme's conflict with the Local Plan settlement hierarchy and its spatial distribution of development.

However, in his decision letter, the WMQ Inspector did not come to a clear conclusion whether Cheshire East had a five year supply of deliverable housing land. His view was that it was either slightly above or slightly below the required 5 years (4.96 to 5.07 years). In this context, the Inspector engaged the 'tilted balance' set out in the 4<sup>th</sup> Bullet point of paragraph 14 of the National Planning Policy Framework (NPPF). This introduces a presumption that planning permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

On 4 January 2018, an appeal against the non-determination of an outline planning permission for up to 100 homes at Park Road, Willaston was dismissed due to conflict with Local Plan policies that sought to protect designated Green Gap, open countryside and rural character. The Inspector also took the view that the housing land supply was either marginally above or below the required 5 years (4.93 to 5.01 years). On this basis, he adopted a 'precautionary approach' and assumed a worst case position in similarly engaging the 'tilted balance' under paragraph 14 of the Framework.

The Council is continuing to update its evidence regarding housing land supply to ensure that decisions are taken in the light of the most robust evidence available and taking account of recent case law. The Council believes it can demonstrate a five year supply.

For the purpose of determining current planning applications, it is therefore the Council's position that there is a five year supply of deliverable housing land.

Whilst the Council can now demonstrate a 5 year supply of land for housing, it is important to note that the resolution to approve this site for the construction of 32 dwellings has already been included as a commitment within the Council's housing land supply calculations and therefore already forms part of the Council's identified 5 year supply. As amended, this proposal will reduce this number by 2. It is important to keep the supply rolling and given that Bollington is one of thirteen Local Service Centres identified in the adopted CELPS, the proposal is assisting in relieving pressure on other edge of settlement sites and the Green Belt.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

Policy SC 5 of the CELPS states that in Local Service Centres, developments of 9 units or more will be required to provide 30% affordable housing provision. The preferred tenure split for affordable housing identified in the SHMA 2013 was 65% social rented and 35% intermediate tenure and remains the case for this site.

The site falls within the Adlington, Prestbury and Bollington sub-area for the purposes of the SHMA update 2013. This showed a net requirement for 15 affordable homes per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 1x 1bed, 11x 2bed and 1x 4+bed general needs units and 2x 1bed older persons accommodation. In addition to this, information taken from Cheshire Homechoice shows there are currently 98 applicants who have selected the Bollington lettings area as their first choice. These applicants require 57x 1 bed, 25x 2 bed, 13x 3 bed and 3x 4 bed units.

This application includes 9 affordable units, which would equate to 6 to be provided as social / affordable rent and 3 to be provided as intermediate tenure. Following concerns expressed by the Council's Strategic Housing Officer, the size of the affordable units has been amended to show 1 bedroom housing via cottage style flats. Also the 2 bedroom affordable units are designed to accommodate older persons as it has been confirmed that they will be Lifetime Homes Standard compliant. As such, the Council's Strategic Housing Officer has confirmed that the affordable housing provision of this site is acceptable, as is the type, tenure and location.

### **Open Space**

#### Public Open Space (POS)

The POS requirement at a rate of 40sqm per dwelling will be 1,200 sqm of play and amenity open space.

It is noted from the application that it is proposed to provide this on site as part of the development. Although formal comments were awaited from the Greenspaces Officer, it is understood that the applicant had liaised with the Greenspaces Officer and the proposals were generally acceptable and remain so. A detailed design scheme for the POS will be required as will a S106 agreement.

If insufficient POS is provided on site, a commuted sum for offsite provision will be required.

Clarification has been sought from the applicant as to how the applicant proposes the onsite open space to be managed. It is a requirement that the open spaces be provided in perpetuity and measures taken to ensure this. The on-site open space will be managed by way of Management Company. This matter will need to be agreed as part of the S106 agreement. A landscape management plan will need submitting prior to consent.

#### Recreation & Outdoor Sport (ROS)

A commuted sum for offsite ROS provision will be required. The amount for 30 family units would be £30,000. In the absence of any further comments from the Green Spaces Officer (ANSA), this figure is deemed to remain sufficient. The commuted sum will be used to make additions, improvements and enhancements to existing Recreation and Outdoor Sport (pitches, courts and greens) provision in Bollington. The commuted sum will be used at Bollington Recreation Ground and/or Bollington Cross. The spend period will be 15 years.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Design, Character and Appearance**

The main public view would be from Albert Road from car borne residents who would be visiting the Council's Household Waste Recycling Centre, or residents/visitors to the recently approved site opposite and on foot by people accessing the local footpath network. Glimpses of the site would be visible at long range view from residents on Woodlea Drive, however, views will be largely screened by the adjacent residential development to the west.

With respect to the proposed layout, the development would be served by one point of access taken off Albert Road located roughly 22 metres from the boundary with Slater Harrison to the south. The internal road would travel west to east into the site then would bend in a northerly direction and curve round back on it self terminating in a cul-de-sac. The northern end of the site would host a play area and open space which would be well overlooked by Plot 11 and to a lesser extent Plots 6 and 7.

Where possible, most views would terminate on active frontages. There would be instances where some flanking elevation would address the street, however, this would be offset by properties on the opposite sites directly facing the street. There would be a general mix in the size and type of units. The dwellings are proposed to be constructed in reconstituted stone with grey roof tiles and white upvc windows. It would be preferable for high quality materials to be used such as natural stone and slates, or possible man made slates on the roof. The materials can be conditioned, should planning permission be granted. The dwellings would be two-storey. The design of dwellings is considered to be appropriate to the local area.

The plans do indicate a proposed 1.8m close boarded boundary fencing to the east of the site. However, to secure a more appropriate boundary to better respect the transition with the rural area, a condition should be imposed to secure alternative boundary details. Subject to conditions, the design and layout is found to be acceptable.

### **Highways access, parking, servicing and highway safety:**

There is one point of access to the site which would serve the 30 dwellings. The technical designs of the access points are acceptable and visibility has been provided to a satisfactory standard. The parking provision for the residential units within the site is deemed to be acceptable.

Albert Road joins the B5090 Wellington Road and is a straight road of reasonable standard. It also serves two primary schools, which causes considerable on-street parking at school times in both the morning and afternoon. There are other existing industrial premises served from Albert Road. It is also noted that consent has been granted for the 34 dwellings at Lowerhouses close to the proposal site without highway objection. The Head of Strategic Infrastructure (Highways) noted the comments on highway/traffic matters from local residents referring to traffic delays on Albert Road. There is also complaint regarding the nature of the road and its ability to carry two-way traffic and also a lack of footways.

In regard to the traffic implications of the development, a development of 30 units is not considered a major development in highway terms and is likely to generate less than 22 two way trips in the peak hours along Albert Road and Moss Brow. It has to be borne in mind that the previous industrial consent for the site would have produced a similar level of traffic on the road network but would have also included an element of HGV's. All of the development trips to and from the site would not use Albert Road, a proportion of trips will be via Moss Brow.

The access road, which concludes at the Council's Household Waste Recycling Centre measures 5.5m for the short section which would be accessed by traffic generated by the proposed development. This is suitable to cater for two-way traffic, as identified by "Manual for streets". The private drive in the NE corner will need a bin collection between the last property and the "adoptable" road to minimise walk distances for residents and refuse operatives.

It should be noted that the appeal decisions for industrial development on the application site have not found the access arrangements for industrial vehicles to the site to be inadequate.

There has been an acceptance that the land in this proposal can be developed for industrial use and this is material factor in the assessment of this application. From a highway point of view, it would be preferable if this site was residential as it would not have the HGV element of vehicle trips on the local road network. It is accepted that at peak school times there is considerable on-street parking associated with the two primary schools, although this problem is confined to relatively short times in the morning and afternoon. Considering this particular application, the quantum of development does not produce a 'severe' impact on the road network even if all trips were routed along Albert Road. The traffic associated with the site will be distributed on two routes and also only a percentage of development traffic will travel during the peak school time.

Accordingly, the Head of Strategic Infrastructure cannot recommend that there is a highway reason to refuse this application especially when industrial development has previously been approved on the site. There have been no material changes in the local highway network which would change these conclusions.

### **Residential Amenity**

Saved Policy DC3 of the MBLP seeks to prevent development which would cause a significant injury to amenity through issues such as overbearing impact, loss of light and loss of privacy. MBLP saved Policy DC41 seeks to prevent the overlooking of existing private gardens in a housing redevelopment. MBLP saved Policy DC38 sets out the standards for space, light and privacy in new housing development.

The site is located adjacent to the River Dean and fields. The main relationship with existing buildings is that at Slater Harrison and the properties to the west. The most vulnerable properties (plots 26 and 25) would be sited at right angles to this boundary so that the side gable faces the industrial buildings. Plots 27, 29 and 30 would achieve a better separation with the adjoining buildings and the nearest plots to those adjoining the site to the west on the Rowlinson's site would broadly comply with standards. These relationships are found to be acceptable and would ensure satisfactory impacts in terms of loss of light, direct overlooking and visual intrusion.

With regard to the inward levels of amenity provided to the occupiers of the proposed new dwellings, it is considered that this broadly satisfies the amenity standards set out in the saved policies of the MBLP. However, the distance between plots 27 / 28 and 19 are less than would usually be expected. However, the windows in the front elevation of Plots 27 / 28 would serve kitchens (secondary) and bathrooms (non-habitable) and accordingly, would not raise concern's regarding direct overlooking. Taking this into account, the scheme is found to be acceptable in terms of residential amenity.

### **Arboricultural Implications**

The application was initially supported by an Arboricultural Method Statement but not an Arboricultural Impact Assessment. The Arboricultural Method Statement indicates which trees are proposed to be retained and removed. The loss of both T1 and T5 has been accepted as part of previous revisions, with the moderate category B trees T2, 3, and 4 retained as part of the development site. The previous revision established an area of POS immediately adjacent to the previously identified trees; this has now been replaced by plot 28 & 29, with the rear elevation of plot 29 facing directly into the linear group, with plot 28 of set to the east.

The development footprint associated with plot 29 respects the root protection areas (RPA's) of the retained trees, but modified tree protection details will be required to include ground protection in order to establish adequate space for construction. Whilst construction can be facilitated post development issues in terms of an absence of a reasonable amount of utilizable garden space and reduced light attenuation are anticipated; an amount of judicious pruning will enable a greater degree of openness and improved spatial proximity to be established. Taking into consideration the moderate value of the retained trees, the Council's Arboricultural Officer has confirmed that the revised layout is considered acceptable in relation to trees.

### **Ecology**

The Council's Nature Conservation Officer has assessed the ecological issues associated with the proposed development in respect of the following:

#### Grassland habitats

The majority of grassland habitats on site are of limited nature conservation value. There are however two areas of grassland located near to the River Dean which are more diverse and worthy of retention as part of the proposed development. The submitted landscape plan refers to river margins being planted up. In order to safeguard the existing nature conservation value of the river corridor, the Nature Conservation Officer has advised that the landscape proposals should state that the river margins would be safeguarded and managed appropriately. An area of 2758 square metres has been defined for amenity and species rich grassland to be maintained and managed adjacent to the River Dean.

If planning consent is granted, the Nature Conservation Officer recommends that conditions be attached to ensure no development takes place within 8m of the top of the bank of the River Dean, and that a method statement be submitted for safeguarding of the river corridor during the construction process. In addition, a condition requiring the submission of a habitat management plan would be required.

### Roosting bats and trees

A single tree has been identified on site that has significant potential to support roosting bats. It appears that this tree would be retained as part of the proposed development. Consequently the proposed development is unlikely to affect roosting bats.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of a section of hedgerow to facilitate the proposed site entrance. Replacement compensatory hedgerow planting should be provided as part of the proposed development. This could potentially be provided around the flood alleviation area. It is considered that this replacement planting can be secured under a landscape condition.

### Badgers

As with other previous surveys undertaken on this site, evidence of badger activity was present on site, but there was no evidence of a sett being present. As the status of badgers on a site can change within a short timescale, if planning consent is granted a condition should be attached requiring a further badger survey to be undertaken and submitted to the LPA prior to the commencement of the development.

### River Bollin Corridor

The submitted plans include an 8m buffer adjacent to the River Bollin to allow the Environment Agency to undertake maintenance works. In order to safeguard the nature conservation of the river it must be ensured that this area is retained as semi-natural habitat free from any development.

If planning consent is granted the Nature Conservation Officer advises that two conditions would be required to safeguard the river corridor, firstly that the 8m buffer is retained as semi natural habitat and secondly that proposals are submitted for the safeguarding of this corridor during the construction phase.

### Barn owls and Common Toad

The habitats associated with the river corridor have been identified as offering high quality foraging habitat for barn owls. Common Toad, a priority species, has also been recorded on site. The Nature Conservation Officer advises that the retention of the river corridor habitats described above, and the proposals within the submitted ecological report for the provision of two amphibian hibernacula, would assist in mitigating the potential impact of the development upon both barn owls and common toad.

### Himalayan Balsam

This non-native invasive species has been recorded on the application site. If planning consent is granted, the Nature Conservation Officer advises that a condition should be attached requiring the submission of proposals for the eradication of this species.

### Breeding birds

If planning consent is granted, standard conditions will be required to safeguard breeding birds and to ensure some additional provision is made for roosting bats and breeding birds as part of the proposed development:



Subject to conditions, the scheme is found to be acceptable and would not materially harm species protected by law.

### **Environmental Health**

Whilst other legislation exists to restrict the noise impact from construction and demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. Given the nature of works involved (including the cut and fill exercise), a condition is suggested to control hours of construction works in the interest of residential amenity. A condition is also suggested in the event that piled foundations are used. A condition to control dust during construction is suggested to reduce the impacts of dust disturbance from the site on the local environment. Details of waste and refuse provision would also be conditioned.

Due to the proximity of the proposed residential development to industrial buildings at Slater Harrison on the southern aspect of the site, a noise impact assessment was requested in order to assess any impact from the commercial/industrial uses. This recommends that a fence on top of a bund will sufficiently address any issues.

Whilst this scheme itself is of a relatively small scale, and as such would not require an air quality impact assessment, 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. The transport statement submitted with the scheme makes reference to the accessibility of public transport, walking and cycling routes. The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions, however, it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties.

### **Land Contamination**

This site is within 250m of a known landfill site or area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The Report submitted in support of the application recommends that further investigation is required to address the potential for ground gas risks. The Council's Contaminated Land officer has raised no objection to the application subject to the imposition of a condition to require an additional site investigation survey and any subsequent remediation to be carried out.

### **Drainage Matters**

A water supply can be provided and a separate metered supply to each unit will be required. United Utilities suggest that conditions are attached to ensure that no development is

commenced until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority.

### Flood Risk

The site is located partly within Flood Zones 2 and 3 according to the Environment Agency's flood map. Flood Zone 2 is considered to have a medium probability of flooding (between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% – 0.1%)) whilst Flood Zone 3 has a high probability of flooding (land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%). Flood Zone 3 can be split into either Flood Zone 3a or 3b. Flood Zone 3b is classified as 'functional flood plain', which is land where water has to flow or be stored in times of flood.

The NPPF Technical Guidance includes a table / matrix (Table 3 refers) which advises on the 'flood risk vulnerability and flood compatibility' of uses dependent on the flood zone it finds itself in. Residential uses are classified as 'more vulnerable' uses. It states that more vulnerable development (including residential) are appropriate within Flood Zones 1 and 2 and is also appropriate in Flood Zone 3a subject to an exception test. It states that development for more vulnerable uses should not be permitted within Flood Zone 3b (functional floodplain).

The Local Planning Authority is responsible (in consultation with the Environment Agency) for designating Flood Zones 3a and 3b. As stated earlier in this report, the site is located partly within Flood Zones 2 and 3. Parts of the site that fall within Flood Zone 3 are within 3b, the functional flood plain according to the Council's Strategic Flood Risk Assessment (SFRA). However, the exact proportion was not quantified in the SFRA as it included a wider area and did not include the eastern extremities of this site. Accordingly, in the absence of an SFRA which covered the whole site, the advice of the Technical Guidance to the NPPF is that 'the Sequential Test will be based on the Environment Agency flood zones'.

Notwithstanding this, to better understand the likely flood risks posed by this development, the applicant has liaised with the Council's Flood Risk Team and the Environment Agency to model and determine the exact areas of the site that serve as functional flood plain (i.e. that which would lie within Flood Zone 3b). Following this exercise and the submission of an updated FRA, it has been confirmed and agreed that the proposed areas occupied by the proposed dwellings would not occupy any part of the functional flood plain. Consequently, no part of the more vulnerable parts of the proposed development (i.e. the residential uses) would be sited within Flood Zone 3b the functional flood plain. However, there are more vulnerable parts of the development that fall within Flood Zone 3a and this will need further consideration.

Para 103 of the NPPF states that:

*"When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:*

- *within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
- *development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.”*

In light of concerns raised regarding flood risk and drainage in the wider area of Bollington and having regard to the advice of the Framework and emerging (at that time) Local Plan Policy, the Council requested an updated Flood Risk Assessment from the applicant which identified the specific Flood Zones (as confirmed above) and went through the Sequential Test and subsequently the Exception Test if found to be necessary. These were subsequently received and have been the subject of a consultation exercise and have also been assessed by both the Council's Flood Risk Manager and the Environment Agency.

### Sequential Test

The applicant has undertaken a sequential test to site selection and has focused the search for more preferable alternative sites with a lower risk of flooding (i.e. not located within Flood Zone 3) in the Macclesfield housing market area. This approach and catchment area is deemed reasonable having regard to the size of the administrative area of Cheshire East's borough and ensures that the sites looked at are comparable to the site subject of this application. This accords with the Environment Agency's (EA) advice when assessing the sequential test.

In carrying out the sequential test, 6 alternative development sites of a comparable size have been identified using the Council's Strategic Housing Land Availability Assessment (SHLAA). Four of the six alternative sites have already obtained planning approval and therefore are not available to accommodate this proposed development. The EA advice when applying the sequential test is that sites that already benefit from planning permission should be discounted. The 2 remaining sites are not available from development owing to the active uses already ongoing at both sites, one being an employment use and the second being a care home. Consequently, they are not available nor are they achievable and therefore cannot be considered sequentially preferable to the application site.

In addition to this, the applicant has undertaken a search of sites available for sale that are presently being marketed. However, there are no such sites currently being marketed. As such, the Local Planning Authority is satisfied that the sequential test has been passed and there are no comparable sites available in the catchment area that are sequential more preferable than the site subject of this application.

An objector to the proposed development has cited 5 alternative sites that they consider are sequentially preferable to the application site. However, 4 of these sites are no longer available and are therefore discounted (Broadheath Farm, Over Alderley, Land off Middlewood Road, Poynton and Coppice Farm, Disley). The remaining 2 relate to 'Lot 2 of Land off Cow Lane, Rainow', 'Land at Smithy Green, Lower Peover (sold Subject to Contract)'. The remaining site relates to 'Lot 2 of "Land off Cow Lane, Rainow'. However, this is sited within the Green Belt and is not therefore free from policy constraints. These sites therefore are not able to be considered as sequentially preferable.

The objector has also referenced the resolution to approve planning ref; 17/1874M (The South Macclesfield Development Area) to provide an estimated 950 new homes. However, this is not of a comparable size to the application site and is not therefore relevant.

In accordance with para 102 of the Framework and CELPS Policy SE 13, 'if it is not possible or consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate'.

"For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

### Exception Test

With reference to sustainability, this is dealt with later in this report. However, owing to the flood mitigation measures and given that the submitted FRAs have confirmed that subject to mitigation, the proposals will not increase the risk of flooding elsewhere the benefits of the scheme could outweigh the harm relating to flood risk.

Whilst the former Macclesfield Strategic Flood Risk Assessment and the more recent Cheshire East Strategic Flood Risk Assessment (the latter of which has informed the policy development of the CELPS) have assessed the land at Albert Road, (Site ID reference 4036 refers), the eastern portion of the site, which would serve as a flood storage area is not included and as such, this is assessed in the 'site-specific flood risk assessments' for this application.

Similar to the original consultation exercise, the Environment Agency has assessed the submitted updated Flood Risk Assessments and remain satisfied that the proposed development would be acceptable in principle. This is subject to their earlier comments that if the suggested measures included within the FRA are undertaken, that the proposed development will meet the requirements of the NPPF. This recommendation is further supported by the Council's Flood Risk Manager, who is satisfied that subject to conditions and the proposed mitigation measures, that the risk of flooding can be appropriately mitigated and managed.

The submitted Flood Risk Assessments (FRA) demonstrate that compensatory flood storage will be provided, to mitigate for the impact of the proposed development and that the built form will not be within the functional flood plain. As such, river flooding will not be increased elsewhere. The proposed buildings are to be set with finished floor levels to be at a minimum height of 0.6m above the agreed 100 year climate change flood level. Added to this, a cut and fill exercise will be undertaken effectively lifting the land that the proposed development would occupy out of Flood Zone 3a as well as lowering the land to the east to serve as compensatory flood storage area.

While the outline design of a compensatory flood storage scheme has been sufficiently explained within the FRA and the principle established, it is considered necessary for additional detailed design information to be provided for approval. Because of the fundamental nature of the compensatory works to the development scheme as a whole it is considered necessary for this information to be submitted and approved prior to development commencing. Failure to do so may lead to unacceptable increases to flood risk elsewhere. Subject to adherence with this, it is considered that the proposal would meet with the requirements of the Framework and the recently adopted Policy SE 13 of the Cheshire East Local Plan Strategy.

### **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 Bollington, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

#### **Responses to issues raised by third parties:**

The comments provided by consultees, the Town Council and residents in relation to infrastructure issues, highways issues, flood risk and wildlife issues, housing need and affordable housing, design and built environment issues and loss of employment land are noted and covered under the headings above.

It should be noted that application 06/2021P was refused on the grounds of insufficient information being provided in order to assess the impact of the proposed development (at that time 12 no. industrial and storage units) having regard to the risk of flooding from the development. It is considered that the updated FRA submitted complies with the NPPF and the statutory body responsible for flood risk, the Environment Agency, has raised no objections. It is therefore considered that a refusal on the grounds of flooding could not be justified. In addition, it should be noted that the flood mitigation for the residential development on the opposite side of the road has been agreed with the EA and Cheshire East's Flood Risk Team. The site has been considered for Conservation Area status previously and it was not considered appropriate for designation.

Bollington is in the early stages of the Neighbourhood Planning process. Whilst draft Policy HO.P2 of the Draft Bollington Neighbourhood Plan (NP) states that residential development will not be permitted on the flood plain, the NP also recognises that there is already a resolution to grant planning permission on the site. Further, the Neighbourhood Plan is at draft stage (Regulation 17 stage) and therefore is not yet part of development plan and has not yet been the subject of examination. As such, the weight to be afforded to it is limited at this stage.

The impact of the traffic, which would be generated by the proposed development is considered to be less than that which would be associated with employment use of the land and it is considered that the removal of commercial vehicles from the local area would actually provide

a benefit to the local residents. The Head of Strategic Infrastructure (Highways) raises no objections to the scheme and considers the access arrangement to be acceptable.

The request for the area around Lowerhouse to become a Conservation Area has been previously considered and rejected because the land was at that time designated employment land. This factor has not changed. Under the Macclesfield Borough Local Plan, the site is allocated for Employment purposes and this remains the case in the newly adopted Cheshire East Local Plan. However, the loss of the site for employment use has already been accepted and acknowledged by the original resolution to approve residential development on this site.

### **Heads of Terms for a Legal Agreement:**

- **30% Affordable Housing** (i.e. 9 units as proposed);
- A contribution of **£75,924** is required towards primary education;
- Provision of **£30,000** towards Recreation & Outdoor Sport Provision
- Future Management of on site Public Open Space

### **Community Infrastructure Levy (CIL) Regulations**

#### **LEVY (CIL) REGULATIONS**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is now 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 is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu for recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 30 dwellings, the occupiers of which will use local facilities, and there is a necessity to provide facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The development would result in increased demand for primary school places in and around Bollington, where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards school education is required. 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 development.

On this basis the S106 contributions associated with the scheme are compliant with the CIL Regulations 2010.

### **PLANNING BALANCE AND CONCLUSIONS**

At the heart of the newly adopted Cheshire East Local Plan Strategy (CELPS Policy MP 1 refers) and the National Planning Policy Framework is a presumption in favour of sustainable development. Policy states that decision takers should be approving development proposals that accord with the development plan without delay unless material considerations indicate otherwise.

The principle of developing the site for residential purposes has already been accepted in a previous resolution. However, the key issue for Members to consider is whether or not in light of additional flood risk information and local concerns regarding flooding as well as the recently adopted CELPS, the Council should proceed to grant planning permission subject to a s106 legal agreement.

During the application process, negotiations have taken place between officers and the developer, which has resulted in the submission of a revised layout plan, which has improved space separation distances and the amount of public open space on site. Further, following concerns raised regarding flood risk and drainage in the wider area of Bollington and having regard to the advice of the Framework and emerging (now adopted) Local Plan Policy, the Council requested an updated Flood Risk Assessment from the applicant which went through the Sequential Test and subsequently the Exception Test. Further flood risk modelling work has also been undertaken. This has demonstrated that there are no sequential preferable sites with a lower risk of flooding than this site. Also, the Council is satisfied that the exception test has been met as the site specific flood risk assessments have demonstrated that the proposal will not increase flooding elsewhere and the benefits of the proposals would outweigh this harm. The benefits can be summarised as follows:

- The benefit to the local economy during the construction period and also future spending of residents in the local shops etc
- The social benefit of providing market housing in a sustainable location as well as 9 affordable houses in an area where there is an identified need
- The environmental and social benefits from extinguishing the vehicle movements that would likely be associated with an employment use and their potential impact on adjoining residents and the local highway network

It is acknowledged that local residents have objected to the development of this site. Appeals on this site and the land opposite have been allowed for employment development. It is considered that a scheme for housing would fall in line with policies contained within the NPPF and Development Plan. The principle of developing land (which is allocated for employment purposes) has been established elsewhere and on the land opposite (for 33 dwellings) and will help to contribute to both local housing needs and employment land without the need to safeguard this land. This site has already been accounted for in the Council's five year housing supply. It is also considered that housing on the application site will also have a more positive impact on the local area than industrial development. Accordingly, the recommendation is that the resolution to approve the development should be carried out.

**RECOMMENDATION:**

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

- **30% Affordable Housing** (i.e. 9 units as proposed);
- A contribution of **£75,924** is required towards primary education;
- Provision of **£30,000** towards Recreation and outdoor sport
- Future management of on site open space

**Approve subject to the following conditions:**

1. Commencement of development (3 years)
2. Development in accordance with approved and amended plans
3. Removal of permitted development rights for Classes A-E
4. Construction of access prior to first occupation
5. Landscaping - submission of details and to include retention of west boundary hedge where possible
6. Landscaping (implementation)
7. Protection for breeding birds during bird nesting season
8. Submission of landscape management plan
9. Details of ground levels to be submitted
10. Nesting bird mitigation measures
11. Notwithstanding submitted detail, details of boundary treatments to be submitted and approved
12. Details of proposed noise mound / fence to be submitted and approved
13. Should any contamination be found, a remediation strategy shall be submitted to the EA
14. Features for roosting bats to be incorporated into housing
15. Method statement for the safeguarding of the river corridor and associated habitats during the construction process.
16. Submission of 10 year habitat management plan including proposals for the eradication of Himalayan Balsam
17. Submission of updated badger survey prior to commencement of development.
18. Details of pile foundations to be submitted and approved
19. Electric Vehicle Infrastructure to be provide at each property with private driveway
20. Scheme of dust control to be submitted and approved
21. Contaminated Land Survey to be submitted and approved
22. Development to be carried out in accordance with revised Flood Risk Assessment
23. Finished floor levels of habitable dwellings shall be set 600 mm above the modelled 1 in 100 annual probability (plus a 30% allowance for climate change) flood level.
24. The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted
25. A scheme for the management of overland flow from surcharging of the site's surface water drainage system during extreme rainfall events to be submitted and approved



26. Detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods to be submitted and approved
27. Surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing public sewerage systems
28. Details of facing and roofing materials to be submitted and approved
29. Scheme of Tree Protection to be submitted and approved
30. Tree Pruning/Felling Specification to be submitted and approved
31. Construction Management Plan to be submitted
32. Standard broadband condition
33. Details of bin stores to be submitted

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*In order to give proper effect to the Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice.*

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