

# Strategic Planning Board

## Agenda

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**Date:** Wednesday, 27th January, 2021  
**Time:** 10.00 am  
**Venue:** Virtual

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### How to Watch the Meeting

For anybody wishing to watch the meeting live please click in the link below:

[Click here to watch the live meeting](#)

or dial in via telephone on 141 020 33215200 and enter Conference ID: 216 773 962# when prompted.

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

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

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

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

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 Virtual Meeting** (Pages 3 - 8)

To approve the minutes of the previous virtual meeting held on 15 January 2021 as a correct record.

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 Strategic Planning Board
- The relevant Town/Parish Council

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

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

5. **19/3097M-Reserved Matters application for the erection of 134no. dwellings, vehicular access, roads and footways, hard and soft landscaping, drainage and other associated works following outline approval 17/4277M, Land Between Chelford Road And Whirley Road, Henbury for Mr Matthew Shipman, Bellway Homes Limited (Manchester Division)** (Pages 9 - 30)

To consider the above application.

6. **19/3098M-Erection of 23no. dwellings, vehicular access, roads and footways, hard and soft landscaping, drainage and other associated works, Land between Chelford Road Henbury and Whirley Road Macclesfield Cheshire for Mr Matthew Shipman, Bellway Homes Limited (Manchester Division)** (Pages 31 - 52)

To consider the above application.

7. **20/2576N-Solar farm and associated development, Land adjacent to Drury Lane, Warmingham for Moss Lane Farm Solar Limited** (Pages 53 - 66)

To consider the above application.

8. **Cheshire East Local Development Scheme 2020 - 2022** (Pages 67 - 80)

To consider the above report.

**Membership:** Councillors A Critchley, S Edgar, A Farrall, S Gardiner (Vice-Chairman), P Groves, S Hogben, M Hunter (Chairman), D Jefferay, R Moreton, P Redstone, J Weatherill and P Williams

## **CHESHIRE EAST COUNCIL**

Minutes of a virtual meeting of the **Strategic Planning Board**  
held on Friday, 15th January, 2021

### **PRESENT**

Councillor M Hunter (Chairman)  
Councillor S Gardiner (Vice-Chairman)

Councillors A Critchley, T Dean (Substitute), S Edgar, A Farrall, S Hogben,  
D Jefferay, R Moreton, P Redstone, J Weatherill and P Williams

### **OFFICERS IN ATTENDANCE**

Mrs N Folan (Planning Solicitor), Mr A Crowther (Major Applications-Team  
Leader), Mr P Hurdus (Highways Development Manager) Mr D Malcolm (Head  
of Planning) and Mr P Wakefield (Planning Team Leader)

(Due to technical issues the start of the virtual meeting was delayed by 40  
minutes).

### **63 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor P Groves.

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

In the interest of openness in respect of application 18/2996M, Councillor  
S Hogben declared that he was a non-Executive Director of ANSA who  
had been consulted on the application, however he had not discussed the  
application or made any comments on it.

In the interest of openness in respect of applications 18/2996M, 20/0113M  
and 20/2682M, Councillor S Edgar declared that he was the Chairman of  
the Public Rights of Way Committee who had been a consultee on all  
three of the applications, however had had not discussed the applications  
or made any comments on them.

In the interest of openness in respect of applications 18/2996M and  
20/4682M, Councillor T Dean declared that he was known to the Tatton  
estate and the Chief Executive but he had not discussed the applications  
with him.

In respect of application 20/0113M, Councillor T Dean declared that he  
was a member of the Northern Planning Committee who had discussed  
the application and made a recommendation on which he took part in and  
voted on. In accordance with the Code of Conduct he left the virtual  
meeting prior to consideration of the application.

In the interest of openness in respect of application 20/0113M, Councillor S Gardiner declared that he was a former employee of Emery Planning and that he knew the agent for the applicant speaking on the application well but he had not been in communication with her for several months and had not discussed the application or commented on it.

In the interest of openness in respect of application 20/4682M, Councillor S Gardiner declared that he knew the CEO of Tatton Estates and that he had not discussed the application with him. Before Christmas he had received a telephone call to discuss the application from Mr Henry Brooks. He informed him that he was unable to discuss the application but Mr Brooks was concerned that communication with officers and his agent had stopped and he requested be resumed and as a result Councillor S Gardiner did send an email to the Head of Planning to make him aware of Mr Brooks concerns. However he had not discussed the application with Mr Brooks and had gone out of his way to ensure he was unfettered. At the time the application was submitted in its revised form he was the Chairman of the Knutsford Town Council Planning Committee, however he deemed it was inappropriate for him to attend and take part in the debate on the application and so a meeting was arranged whereby only that application was considered and which the Vice Chairman of Knutsford Town Council Planning Committee chaired. Until he received the agenda he was unaware of the details of the application. He was aware of the historic application but the current application was so different that he did not believe his position was fettered.

In the interest of openness in respect of application 18/2996M, Councillor M Hunter declared that he was a non-Executive Director of ANSA who had been consulted on the application, however he had not discussed the application or made any comments on it.

It was noted that all Members had received correspondence apart from Councillor T Dean in respect of applications 18/2996M and 20/0113M.

## **65 MINUTES OF THE PREVIOUS VIRTUAL MEETING**

### **RESOLVED**

That the minutes of the previous virtual meeting held on 9 December 2020 be approved as a correct record and signed by the Chairman subject to a correction to the spelling of Councillor A Farrall's surname under the item relating to Declarations of Interest which was incorrectly recorded as Councillor A Farrell.

## **66 PUBLIC SPEAKING-VIRTUAL MEETINGS**

### **RESOLVED**

That the public speaking procedure be noted.

**67 18/2996M-RESERVED MATTERS APPLICATION PURSUANT TO OUTLINE PLANNING CONSENT 13/2935M FOR SITING, DESIGN, APPEARANCE AND LANDSCAPING DETAILS FOR RESIDENTIAL DEVELOPMENT (C3 USE CLASS), LAND NORTH OF PARKGATE INDUSTRIAL ESTATE, KNUTSFORD FOR THE TATTON ESTATE**

Consideration was given to the above application.

(Councillor Q Abel, the Ward Councillor and Sebastian Tibenham attended the virtual meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report and in the verbal update to the Board, the application be delegated to the Head of Planning in consultation with the Chairman of the Strategic Planning Board to approve subject to the following conditions:-

1. To comply with outline permission
2. Development in accord with approved plans
3. Materials as application
4. Landscaping - submission of details to include additional planing to the Northern buffer
5. Landscaping (implementation)
6. Details of SUDs features to be submitted
7. Measures to prevent attraction of birds to site during construction to be submitted
8. Measures to control dust and smoke during construction to be submitted
9. Prior to the installation of any rooflights / solar panels a glint and glare assessment to be submitted
10. All exterior lighting to be capped at the horizon with no upward light spill
11. Submission of a specific Tree Protection and Management Plan for the veteran tree (T1)
12. Development to be carried out in accordance with the arboricultural impact assessment method statement and Tree protection plan
13. No additional fences to be erected
14. Open space, play area and gym trail layout details to be submitted
15. Sports pitch details to be submitted
16. Finished floor levels to be agreed and aligned with the drainage details

17. Plans and elevations of the one bedroom properties to be submitted (During consideration of the application, the meeting was adjourned from 11.30am until 12.15pm due to technical issues. Prior to consideration of the following application, Councillor A Critchley left the virtual meeting and did not return).

68 **20/0113M-HYBRID APPLICATION COMPRISING: FULL PLANNING PERMISSION FOR THE DEVELOPMENT OF THE UPPER QUARRY INCLUDING, IMPROVEMENTS TO SITE ACCESS, THE ERECTION OF 8 NO. INDUSTRIAL / STORAGE UNITS, PROPOSED LANDSCAPING AND ECOLOGICAL MITIGATION WORKS. OUTLINE PLANNING PERMISSION FOR THE DEVELOPMENT OF THE LOWER QUARRY TO PROVIDE UP TO 13 NO. OF ADDITIONAL UNITS, HAWKSHEAD QUARRY, LEEK OLD ROAD, SUTTON, CHESHIRE FOR A M BELL (PROPERTIES) LTD**

Consideration was given to the above application.

(Councillor A Gregory, the Ward Councillor, Hilda Gaddum, a supporter, Alison Freeman, agent for the applicant and Stephen Bell, the applicant attended the virtual meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reasons:-

1.The application site is located with the Open Countryside, which is defined as the area outside of any settlement with a defined settlement boundary. The proposed development is not for one of the permitted types of development within the Open Countryside listed under policy PG6 of the CELPS, and is not for one of the specified exceptions to these development types. Policy EG2 sets out the circumstances where rural economic development proposals (outside the Principal Towns, Key Service Centres and Local Service Centres) will be supported. From the information provided with the application, the proposed development does not meet any of the identified circumstances for the development to be supported. The proposal is therefore contrary to policies PG6 and EG2 of the CELPS.

2.By reason of the nature and location of the development, the application is not a sustainable form of development, and conflicts with policies SD1, SD2 and CO1 of the CELPS, and the objectives of the NPPF.

3.The proposed development of the upper quarry site will result in significant harm to the Gawsorth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site, and does not provide adequate detail relating to the impact of the development upon proximate trees or appropriate mitigation. The proposal is therefore contrary to policies SE3 and SE3 of the CELPS and the provisions of the NPPF.

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

(The virtual meeting was adjourned for a short break. Prior to consideration of the following application, Councillors, S Gardiner and J Weatherill left the virtual meeting and did not return).

69 **20/4682M-VARIATION OF CONDITIONS 1 AND 2 ON APPROVED APPLICATION 18/3219M - PROPOSED CONTINUED USE OF CONSTRUCTION COMPOUND INCLUDING ASSOCIATED ACCESS, CAR PARKING, CONSTRUCTION VEHICLE STORAGE, PORTACABINS AND OTHER ASSOCIATED WORKS, COSTAIN COMPOUND SOUTH OF LYMM ROAD, LITTLE BOLLINGTON FOR GALLIFORD TRY, BALFOUR BEATTY AND TATTON**

Consideration was given to the above application.

(Councillor K Parkinson, the Ward Councillor, Mike Reed, clerk to Little Bollington Parish Council and Jonathan Burns representing the applicant attended the virtual meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report and in the verbal and written update to the Board, the application be approved subject to the following conditions:-

1. Temporary consent until end of December 2022
2. Land to be reinstated to agricultural land at the end of the approved period with all hard-surfaces being removed
3. The development hereby approved shall be carried out substantially in accordance with the Proposed Site Compound Plan 001 Rev 9, with no structures or material storage exceeding a maximum of 4m in height

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

(During consideration of the application, Councillor R Moreton left the virtual meeting and did not return).

The meeting commenced at 10.00 am and concluded at 4.15 pm

Councillor M Hunter (Chairman)

Application No: 19/3097M

Location: Land Between Chelford Road And Whirley Road, Henbury

Proposal: Reserved Matters application for the erection of 134no. dwellings, vehicular access, roads and footways, hard and soft landscaping, drainage and other associated works following outline approval 17/4277M

Applicant: Mr Matthew Shipman, Bellway Homes Limited (Manchester Divisi

Expiry Date: 27-Mar-2020

### **SUMMARY**

Macclesfield is one of the principal towns and growth areas of the Borough where national and local plan policies support sustainable development. The principle of residential development on the site has been established through the grant of outline planning permission and allocation in the Cheshire East Local Plan Strategy (CELPS) under Policy LPS 18. The proposed development seeks to provide a residential development of 134 dwellings. The submission relates to the detail of the proposal in terms of its scale, layout, appearance and landscaping. Details of access were determined at outline stage and secured vehicular access from Chelford Road and pedestrian access from Whirley Road.

The proposal provides the required amount of affordable housing with an appropriate mix and density of housing. The proposal achieves an appropriately designed residential development and would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants. Appropriate public open space including a Locally Equipped Area for Play (LEAP) would be provided on site. The layout would provide an appropriate buffer with the Green Belt to the west and landscape transition as required by the site allocation. Tree losses have already been accepted and would be partly mitigated in the proposed landscaping of the site.

Mitigation for the impact of the proposal on local infrastructure including education, healthcare provision and outdoor and indoor sports and recreation was secured at outline stage as part of the s106 legal agreement. With respect to highways, consideration of the outline consent determined that the development will not have a detrimental impact on the local highway network. Similarly, the impact on local air quality (including cumulative impacts) will be acceptable also.

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

The site contains peat deposits. Pile foundation techniques will be utilised to minimise peat removal and under hard infrastructure (like the internal roads), where the peat will need to be removed. In the interests of environmental sustainability, the excavated material would be placed elsewhere within the site where level changes are proposed. Peat would not therefore be removed from the site and accordingly is acceptable in this regard.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF

**SUMMARY RECOMMENDATION:**

APPROVE subject to conditions

**DESCRIPTION OF SITE AND CONTEXT**

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

**DETAILS OF PROPOSAL**

This application seeks approval of the reserved matters following the outline approval of planning ref; 17/4277M, which granted consent for the erection of up to 135 dwellings with access from Chelford Road and Whirley Road and associated open space. Access was approved at the outline stage, but was subject to a condition precluding vehicular access from Whirley Road (condition no. 5 refers). The current proposal seeks approval of the remaining outstanding reserved matters which are appearance, landscaping, layout and scale for 134 dwellings. The application site has been reduced in size to exclude the parcel of land to the north positioned in-between no.s 42 and 50 Whirley Road. The said parcel of land is now subject of a separate application seeking full planning permission for a further 23 no. dwellings (planning ref; 19/3098M refers) and appears elsewhere on the agenda.

**RELEVANT HISTORY**

17/4277M - Outline application for the erection of up to 135 dwellings with access from Chelford Road and Whirley Road and associated open space – Approved 22-Jan-2019

19/3098M - Erection of 23no. dwellings, vehicular access, roads and footways, hard and soft landscaping, drainage and other associated works – Currently under consideration

20/5442M - Removal of condition 6 on approved application 17/4277M - Outline application for the erection of up to 135 dwellings with access from Chelford Road and Whirley Road and associated open space – Currently under consideration

## **POLICIES**

### **Development Plan**

#### Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer Contributions

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and wellbeing

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE7 The Historic Environment

SE9 Energy Efficient development

SE10 Sustainable Provision of Minerals

SE12 Pollution, land contamination and land stability

SE13 Flood risk and water management

CO1 Sustainable travel and transport

CO3 Digital connections

CO4 Travel plans and transport assessments

LPS 18 Land between Chelford Road and Whirley Road, Macclesfield

#### Macclesfield Borough Local Plan saved policies (MBLP)

NE3 Protection of Local Landscapes

NE11 Nature conservation

NE17 Nature conservation in major developments

NE18 Accessibility to nature conservation

RT5 Open space standards

H9 Occupation of affordable housing

DC3 Residential Amenity

DC6 Circulation and Access

DC8 Landscaping

DC9 Tree Protection

DC14 Noise

DC15 Provision of Facilities  
DC17 Water resources  
DC35 Materials and finishes  
DC36 Road layouts and circulation  
DC37 Landscaping  
DC38 Space, light and privacy  
DC40 Children's Play Provision and Amenity Space  
DC41 Infill Housing Development  
DC63 Contaminated land

**Other Material Considerations**

National Planning Policy Framework (The Framework) 2019  
National Planning Practice Guidance  
Cheshire East Design Guide

**CONSULTATIONS (External to Planning)**

**Cheshire Wildlife Trust** – Object on the basis that the site does not present enough scope to deliver Biodiversity Net Gain within the site.

**Environmental Protection** – No objection. The outline application was subject to a number of conditions which this reserved matters scheme complies with. This includes conditions relating to electric vehicle charging infrastructure, Framework Travel Plan, noise impact and contaminated land.

**Flood Risk Manager** – No objection subject to accordance with submitted information and the submission of further details under the conditions attached to the outline consent.

**Head of Strategic Infrastructure** – No objection

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

**Manchester Airport** – No objection

**Natural England** – No comments

**Public Rights of Way** – No objection

**United Utilities (UU)** – No objection subject to compliance with the submitted drainage design and subject to a condition requiring submission of a drainage management and maintenance plan.

**VIEWS OF THE TOWN AND PARISH COUNCILS**

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

1. Lack of pedestrian paths and cycleways in the development,
2. Increased congestion on already congested roads,
3. The removal of mature woodland and hedgerows,

4. Risk to flooding in the area following the development,
5. The removal of peat from the site contrary to the National Planning Policy Framework and Cheshire East's Local Plan Strategy.

MTC seeks that items i. – v. listed above are addressed in planning conditions.

MTC also re-iterate their earlier concerns:

1. The site is within close proximity of the Broken Cross Air Quality Management Area (AQMA) and the development will lead to increased traffic volumes and therefore further exacerbate the poor air quality of that AQMA, contrary to the Cheshire East Air Quality Management Strategy;
2. Lack of cycle and pedestrian routes within the development and between the development and town centre, contrary to the LPS Policy SC3;
3. Increase of traffic on already congested highways with particular pressure on the development's access and egress junction;
4. Increased pressure on public services, e.g. buses, that have already been subject to cuts;
5. High density of housing in the development reducing the availability of open spaces to support health and wellbeing contrary to the LPS Policy SC3;
6. The density of the development is in excess of the site allocation within the Cheshire East Local Plan (LPS18), which indicates around 150 houses for the entire site, whilst this partial development of the site indicates around 250 residences will be delivered at this development density
7. Increased pressure on primary care facilities;
8. Increased pressure on availability of primary school places;
9. Lack of evidence that there is capacity in local secondary schools;
10. Removal of trees and hedges that will result in the loss of wildlife habitat;
11. Concerns on the risk of flooding in the development area once the hard standing has been completed;
12. The application does not clearly meet the Local Plan policy requirements of LPS18 1., 2., 3. & 5.

**Henbury Parish Council** – Object on the grounds summarised below:

- Total number of dwellings taken with the sister applications exceeds the 150 houses proposed in the Local Plan
- It is not sustainable development
- The Council already has 7.5 year supply of deliverable housing
- The proposed green belt boundary represents a very weak boundary with the Green Belt making Henbury more vulnerable to merger with Macclesfield
- Density of housing is much higher and out of keeping with the surrounding area
- This proposal will adversely affect air quality around Broken Cross and the health of residents, pedestrians and cyclists
- The failure to address the air quality problem at 36-58 Broken Cross in pollution measurement and modelling has led to potentially misleading conclusions being drawn
- Pedestrian flow surveys were carried out when a number of year groups were on leave due to exams
- Will be very long waiting times for pedestrians which will be unsafe for school children

- Traffic flows are inaccurate (and therefore the Air Quality modelling also)
- The traffic assessment performed by CEC for Macclesfield in 2014 as part of the Local Plan production underestimated vehicle journey time during peak periods
- Development numbers are far higher than when the production of the Local Plan was prepared and will have a greater impact on the local highway network
- Proposals will result in congestion and rat-running
- No consideration given to the impact ingress/egress at Tesco Express store at Broken Cross
- Proposal will result in the loss of a tree planting scheme of 475 trees which will not be appropriately replaced
- Proposal not in accordance with emerging SAPDP which notes government advice that there should be three replacement trees for every tree removed
- Site is environmentally valuable - it hosts/supports waterfowl, migratory birds, wildflowers, birds of prey, bats, great crested newts, and rare species as noted in Ecological Assessment.
- Proposal would result in a biodiversity net loss
- Site lies in a critical drainage area, is susceptible to surface water flooding. FRA does not note presence of peat in area as noted in geo-environmental site assessment.
- There is an oversubscription at area schools with no spare places at – Whiley Road and Fallibroome Academy. Proposed development would have detrimental impact on education provision
- Local infrastructure (schools, healthcare, utility supply etc.) cannot cope

### **OTHER REPRESENTATIONS**

Representations have been received from over 86 properties (including Local Councillor J Barber) over the four periods of consultation objecting to this application on the following grounds:

- Site should be returned to Green Belt as will result in the merger of Henbury and Macclesfield
- Brownfield sites should be developed first
- The number of houses exceeds the number in the site allocation
- Major flooding occurs on the site so housing should not be built on it
- Increasing traffic and congestion would further worsen existing air pollution in the area, including at nearby schools and Broken cross
- Air Quality would not meet national or local standards and harm health of local residents
- Air Quality Assessment is based on flawed traffic statement. Air Quality report is misleading, based on outputs from a model using speculative input data.
- Impact of development on Broken Cross roundabout which is already busy will lead to more queueing on the highway and resultant negative impacts on nitrogen dioxide levels.
- Highway safety, especially where Whirley Road is narrow
- Increased congestion will make access by emergency services worse
- Loss of wildlife and lack of Great Crested Newt habitat enhancement / biodiversity enhancement
- Removal of peat deposits

- Pedestrian safety will be compromised
- Impact on local infrastructure which will not cope
- Local schools are full as are local GP surgeries
- All original reports are flawed and should be revisited
- Neglect of local communities Health and Wellbeing especially in light of Covid-19
- Better mix of housing required including more affordable
- Density of housing too high for edge of town
- Splitting the application site does not lessen the impact of the proposals especially taking into account cumulative impacts
- Should be considered alongside sites to the south of Chelford Road
- Loss of community woodland and hedgerows
- Lack of pedestrian paths and cycleways in the development as well as green space
- Revised plans do not address previous concerns
- Lack of drainage detail
- Proposed pond needs to be fenced off
- Lack of parking provision
- Frequency of bus service is incorrect
- Provision of three storey houses not in keeping with the area
- Occupants will likely commute out of Macclesfield
- Proposal is unsustainable development in the midst of a climate emergency
- Nearby recent new builds are already reporting issues with build quality

Macclesfield Civic Society has also commented objecting to this application on the following grounds:

- The layout of development is disappointing from a design aspect - long frontages to the estate roads with little variation in dwelling positions to add interest and this gives a suburban character to the scheme whereas the site is at the edge of urban development and in a crucial gap between Macclesfield and Henbury. Some green space is proposed and extensive landscaping of this is necessary to the north west given the reduced size of the gap between settlements and the impact on the Green Belt. The house types are generic with little variation in character, materials or design.
- The increased provision of affordable units is welcome but occupiers will be faced with long journeys to a full range of shops, schools and other facilities necessitating extensive use of private vehicles. The travel plan complacently assumes that alternatives to the private car will be available but on closer examination this contention appears wildly optimistic.
- Bus services are infrequent and pedestrian/cycle trips would take place in the context of increased traffic movements and absence of segregated facilities.
- Despite a condition (13) on outline permission 17/4277M the travel plan makes no mention of providing electric charging point for hybrid or fully electric vehicles.
- The internal landscaping details do not indicate the benefits of providing low shrubbery along the estate roads which can usefully intercept particulate emissions (PM2.5s) from vehicles - this should be rectified.
- Overall - a standard speculative estate is offered whereas something more distinctive is required. This

## **OFFICER APPRAISAL**

### **Principle of Development**

Macclesfield is identified as one of the principal towns in Cheshire East where CELPS Policy PG 2 seeks to direct 'significant development' to the towns in order to 'support their revitalisation', recognising their roles as the most important settlements in the borough. Development will maximise the use of existing infrastructure and resources to allow jobs, homes and other facilities to be located close to each other and accessible by public transport.

The application site is allocated as a Strategic Site for housing under Policy LPS 18 of the Cheshire East Local Plan Strategy (CELPS). When the Council adopted the Cheshire East Local Plan Strategy on 27th July 2017, the site was removed from the Green Belt.

The site received outline planning permission in early 2019 under planning ref; 17/4277M for the erection of up to 135 dwellings with details of access from Chelford Road and pedestrian access from Whirley Road and associated open space. The access was agreed at the outline stage and the access points remain as originally proposed.

The principle of development has therefore been accepted and the purpose of this application is to agree the detail of the scheme, which will provide the site with a full detailed planning consent. It is not the purpose of this application to revisit the merits of developing this allocated site for residential purposes.

Site LPS 18 states that the development of Land between Chelford Road and Whirley Road will be achieved over the Local Plan Strategy period through:

1. The delivery of around 150 new dwellings;
2. Provision of public open space and green linkages to existing footpaths and rights of way;
3. The incorporation of natural features such as trees, the existing pond and landform features into any development proposal;
4. Creating a readily recognisable Green Belt boundary, that will endure in the long term, along the western edge by tree planting and landscaping along the existing hedge line extending north-eastwards to the existing pond;
5. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities; and
6. On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space and community facilities.

Additionally, the following site specific principles of development apply:

- a. The development would be expected to contribute towards off-site road infrastructure improvements in the central, western and southern/south western Macclesfield area.
- b. The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC 5 'Affordable Homes'.
- c. The line of the existing sewer should be protected.

d. The site should be developed so as to facilitate any junction improvements that may be necessary for a future road link between Chelford Road and Congleton Road.

This application is for approval of the details of Appearance, Landscaping Layout and Scale (the reserved matters) and proposes 134 units. The proposed layout covers a slightly smaller area than the indicative layout showed at outline stage. The area to the north of the site where it fronts Whirley Road is subject of a separate application for the erection of 23 no. units (planning ref; 19/3098M refers).

Objectors have levied concern that the two schemes combined would take the development numbers past the general number of 150 indicated in the site allocation and the limit of 135 prescribed by the outline consent. Each of the applications need to be considered on their merits but also within the context of each other. The total number of dwellings proposed by the two applications would amount to 157. This would be further increased to 187 when accounting for an additional proposal for 30 units by a separate housebuilder located to the south-east of the allocation which already has outline consent. The reserved matters are currently being considered under planning ref; 19/3816M.

The number of dwellings proposed as part of this reserved matters application would be 1 less than the outline scheme. As noted above, LPS 18 allows for around 150 new homes, but this is a broad figure and is not an upper limit for development as factors such as size and mix of housing have a bearing on numbers. The applicant states that the proposal would provide smaller units than envisaged at outline stage and can therefore accommodate an uplift in the number of units. Subject to the development complying with other relevant planning policies, it is considered that such a number could be considered to meet the requirement of “around 150 dwellings” in LPS 18. The delivery of the site for residential development will contribute towards the Council’s housing land supply and assist in meeting the development requirements of Macclesfield and the wider Borough. The further requirements of policy LPS 18, and other relevant policies, are considered below.

### **Affordable Housing**

The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

30% of the dwellings on site were secured as affordable housing as part of the s106 agreement attached to the outline permission, in accordance with policy SC5 of the CELPS. This includes 65% of the affordable housing to be Social Rented Housing and the balance to be Intermediate Housing. As a development of 134 dwellings, 40 dwellings are required to be provided as affordable dwellings with a 26 social rented and 14 as intermediate.

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

The current number of those on the Cheshire Homechoice waiting list with Macclesfield as their first choice is 1425. This can be broken down to 799 x 1 bedroom, 388 x 2 bedroom, 166 x 3 bedroom, 44 x 4 bedroom and 28 x 5 bedroom dwellings.

The submitted details show that 40 dwellings will be provided as affordable units. These are to be provided as:

6 x 1 bed units (all socially rented);  
22 x 2 bed units (18 socially rented and 4 intermediate);  
10 x 3 bed units (2 socially rented and 8 intermediate); and  
2 x 4 bed units (both intermediate).

It is considered that the tenures are appropriately pepper potted through the site and the submitted Affordable Housing Scheme has been confirmed as being acceptable by the Council's Housing Strategy and Needs Manager. Accordingly, the proposal complies with policies SC 5 or LPS18 of the CELPS.

## **Residential Mix**

Policy SC4 of the CELPS states that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. Reference is made to the need for development proposals to accommodate units specifically designed for the elderly and people who require specialist accommodation.

The proposed development comprises of:

6 x 1 bed units  
24 x 2 bed units  
47 x 3 bed units  
57 x 4 bed units

A range of housing types are being proposed from small sized 1 bed apartments offering ground floor single storey entry to 2 bed, 3 bed and 4 bed dwellings. A number of family houses are proposed albeit smaller in terms of their size (i.e. not large executive family homes), which has enabled the proposed development to provide the consented number units within a slightly smaller site area. This general makeup of dwellings would provide a good mix of type, size and coupled with the affordable provision. The proposal would provide a diverse community and would fit in with the existing residential development which varies in terms of its size and type. As such, the scheme is found to comply with Local Plan Policy SC 4.

## **Design - Layout, Scale and Appearance**

Amongst other criteria, policy SD2 of the CELPS expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:

a. Height, scale, form and grouping;

- b. Choice of materials;
- c. External design features;
- d. Massing of development - the balance between built form and green/public spaces;
- e. Green infrastructure; and
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood

Policy SE1 of the CELPS expects housing developments to achieve Building for Life 12 (BfL12) standard, and that development proposals consider the wider character of a place in addition to that of the site and its immediate context, to ensure that it reinforces the area in which it is located. These principles are also reflected in the CEC Design Guide. The relevant BfL12 headings are considered below:

The proposal would be served by a new access point taken from Chelford Road situated in between no.s 103 and 105. This would feed a primary access road running north to south which would then meet with a number of tertiary roads throughout the development.

Gateways (Amber) - The Gateways into the site consist of, on the Chelford Road side, a car park (re-sited for the Cock public house) and a couple of dwellings with the corner plot being dual fronted to provide a focal point to welcome you into the site. On the Whirley Road side, this proposal would terminate short of the Whirley Road frontage but there would be a pedestrian link into the adjoining parcel of land which is currently being considered under planning ref; 19/3098M. Beyond this, there would be no vehicular access, as requested by the Strategic Planning Board when the outline application was considered. The gateway to Chelford Road would be acceptable in design terms.

Context, Scale and Density (Amber) – The open space along the western edge of the site serves purpose in easing the transition from a soft rural edge to built development that this site requires and serves to provide the buffer required by LPS 18. The design guide encourages a diverse roofscape which necessitates the variation of height. It is not uncommon to see taller feature buildings particularly at nodal points and adjacent to POS/squares in the existing fabric of Broken Cross. As amended, the scheme utilises two and half storey dwellings on some of the key nodal points to create a sense of arrival in some of the character areas, for example the squares. The scale and character in and around Broken Cross is mixed and the proposals would not appear incongruent in terms of appearance, height or scale.

Hierarchy of Streets (Green) – Following officer concerns, a more formal approach to the spine road and softer detailing to the rural/green edges of the site has been secured. The road layouts are linear in nature which results in a grid, but these as amended would be characterised by two square character areas and mews character area and formal street planting in the form of street trees.

Connectivity (Green) - The site is well connected to local bus services that run along Whirley and Chelford Road and connectivity to the PROW Macclesfield FP19 via a pedestrian link has been provided. With respect to the internal footways and cycle path connections, there are a number of internal footways and paths that run through the site and through the areas of open space that would facilitate both pedestrian and cycle movement. This would also increase permeability from Chelford Road to Whirley Road where there is currently no connection through the site. Coactivity would be increased for existing residents.

Corner Plots (Green) - As amended, the scheme positively addresses corners. Units to the corner are dual fronted to avoid blank gable ends and to promote surveillance on facing side boundary treatments.

Parking (Amber) - A mix of parking solutions is encouraged by the Design Guide so that the street scene isn't dominated by vehicles. The proposal positions a number of the parking spaces to the front of the units within the curtilage. However, these are softened by the use of soft landscaping and surfacing materials. There is also some courtyard parking which would remove car dominance from the street.

In terms of appearance, the proposed dwellings would be acceptable within the context of the site and would offer a degree of variation within the street. Main views would terminate on decent frontages and corner plots would be dual fronted to address key vantage points. It is considered that the overall design, scale, form and appearance of the proposals would be acceptable subject to the use of high quality materials. The proposal achieves a well designed residential development which would accord with LPS 18 and the Cheshire East Design Guide.

### **Open Space**

A minimum of 65 square metres per dwelling of public open space was secured as part of the outline consent, which based on a scheme of 134 units, amounts to 8,710 square metres. An adequate amount of formal and informal public open space is provided within the site amounting to around 8,838 square metres. This would include a Local Equipped Area of Play (LEAP) positioned centrally within the open space. The specification for this will be secured by further condition. Accordingly, the proposal complies with policy DC40 of the MBLP and policy SE 6 of the CELPS.

### **Residential Amenity**

Saved policy DC38 of the MBLP states that new residential developments should generally achieve a distance of between 21m and 25m between principal windows and 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties, unless the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings.

However the CE Design Guide states separation distances should be seen as guide rather than a hard and fast rule. The Design Guide does however acknowledge that the distance between rear facing habitable room windows should not drop below 21m. 18m front to front will also provide a good level of privacy, but if this applied too rigidly it will lead to uniformity and limit the potential to create strong streetscenes and variety, and so this distance could go down as low as 12m in some cases.

The nearest existing residential properties are located to the north, east and south of the site. The properties to the south are those fronting Chelford Road, namely 93-105 (inclusive) and already benefit from long gardens allowing decent separation with the site boundary (a minimum of c25 metres). This would allow separation in excess of 45 metres at the closest

point to these properties. On the other side of the access, Plot no. 1 would sit alongside the adjoining property referred to as 'Sunnyside' and would have a separation of 17 metres dwelling to dwelling with a double garage situated in between. Plots 3 and 4 situated behind plot 1 would run along the side boundary of the rear garden of Sunnyside but would enjoy a separation of more than 22 metres. The properties to the north and east are those fronting Whirley Road. The detailed layout shows that the nearest part of the proposed development to the properties fronting Whirley Road would be in excess of 35 metres.

The layout within the site ensures the relationships between the new dwellings result in acceptable standards of space, light and privacy for future occupants, having regard to the distance guidelines set out above. There will be sufficient private amenity space for each new dwelling. The proposal is therefore considered to accord with policy DC3 of the MBLP.

### **Noise**

The application is supported by an Environmental Noise Study. The impact of the noise from road traffic on Henbury Road and Whirley Road on the proposed development has been assessed in accordance with British Standard BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. The report recommends noise mitigation measures in the form of specific glazing and ventilation which are designed to achieve BS8233: 2014 and WHO guidelines; to ensure that future occupants of the properties are not adversely affected by environmental noise. Levels of noise in external garden areas are also acceptable with proposed boundary treatments. The proposal complies with policy SE 12 of the CELPS and DC14 of the MBLP relating to noise and soundproofing.

### **Air Quality**

Policy SE 12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

Air quality impacts were comprehensively assessed and addressed at the outline stage. This included queries regarding monitoring tubes used and the methodology for assessment. The outline consent secured a package of mitigation measures which are forecast to mitigate the impact of the development through a highway improvement scheme at Broken Cross, electric vehicle infrastructure, a Travel Plan, dust control. Subject to these, the proposal will not have a detrimental impact on the air quality and the proposal will comply with Policy SE 12 of the CELPS.

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

Policy LPS 18 of the CELPS requires the creation of pedestrian and cycle links within the site to connect with existing residential areas and facilities. The proposal would provide cycle and pedestrian access directly off Chelford Road and Whirley Road which would connect with the existing residential areas to the north, south and east. The site access will connect with the existing footway network on Chelford Road that connects with Henbury and Broken Cross. This has already been determined and accepted at the outline stage where details of access to the site were approved. With respect to the internal footways and cycle path connections,

there are a number of internal footways and paths that run through the site and through the areas of open space that would facilitate both pedestrian and cycle movement. This would also increase permeability from Chelford Road to Whirley Road where there is currently no connection through the site. As such, it would increase accessibility.

There are existing bus stops on Chelford Road and Whirley Road that provide bus services to the local area. In addition to the bus stops, a number of facilities including schools, open space and general amenities are all within relatively close proximity of the site. Macclesfield Town Centre is approximately 2.4km from the site where the majority of shops, services and facilities are located. The location of the site is sustainable and accessible.

This proposal is considered to accord with the justification to Policy LPS 18 of the CELPS.

### **Highways**

Whilst access was approved as part of the outline permission, this reserved matters submission seeks approval for the internal road layout of the site.

The CEC Design Guide promotes a Manual for Streets approach to all residential developments, and it is important that the design aims to reduce vehicle speeds. The main access to the site has a very straight alignment and although there is a bend in the spine road, it appears to continue on into a straight access road for private parking.

A revised road layout was submitted to address previous comments made by the Head of Strategic Infrastructure (HSI – Highways) relating to the likely high vehicular speeds resulting from the linear road layout. The revised road layout has incorporated a number of measures to reduce vehicle speeds on the straight sections of the internal roads. The minor roads within the site have been downgraded to shared surface lanes with low vehicle speeds. The internal road layout is much improved from the previous plan and complies with design standards. With regard to future adoption of the internal roads, there is no indication that verges have been provided for the lanes and these will be needed for adoption purposes at adoption stage.

The level of off-street car parking is in accordance with CEC parking standards across the development.

The submitted layout is now acceptable in highway terms and no objections are raised to the application.

It is also worth noting that the Council is in receipt of an application to remove condition no. 6 of the outline consent, which required the provision of the highway improvement works at Broken Cross (planning ref; 20/5442M). However, this will be assessed on its own merits in due course. This reserved matters application must be determined on its merits and is not to consider the highways impact which is the purpose of the outline scheme.

### **Trees**

LPS 18 states that the development of the site will be achieved through; 'The incorporation of natural features such as trees, the existing pond and landform features into any development,

and the creation of a readily recognisable green belt boundary, that will endure in the long term along the western edge by tree planting and landscaping along the existing hedge line’.

The application is supported by an Arboricultural Impact Assessment and Tree Protection Plan as required by condition no. 27 of the outline consent. The Assessment broadly complies with the requirements of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. Proposed tree removals are in accordance with the outline submission. The Tree Protection Plan shows some encroachment into the Root Protection Area (RPA) of an offsite Ash tree (T6) for the driveway to Plot 153 which has been addressed by the inclusion of an Engineering Specification for a reduced dig driveway. The details are considered to be in accordance with the design parameters outlined in section 7.4 of BS5837:2012.

Some pruning of offsite trees is proposed to allow for adequate clearances/working space from the development. The pruning is generally of a minor nature and has no significant implications for trees.

The proposal includes the removal of the Community Tree Plantation within the central northern section of the site (shown as G12). The outline application made provision for the mitigation for the loss of this plantation with a Community Woodland to the north west of the site. A community woodland is not included on the submitted landscape scheme. Details of proposed planting to compensate for the loss of the plantation are therefore required in accordance with the outline application. This will be secured through the provision of a further landscaping condition. Subject to this, the mitigation and sustainable tree cover as stipulated by criterion 3 and 4 of the site allocation will be achieved.

The Council’s Principal Arboricultural Officer has confirmed that the amended plans present no significant arboricultural implications. A Revised Arboricultural Impact Assessment and Tree Protection Plan will be required to reflect the changes but do not alter the conclusions of tree impacts. Accordingly, compliance with policy SE 5 of the CELPS and LPS 18 is confirmed.

### **Landscape**

The proposed layout follows the general principles of the indicative layout that was shown at outline stage. Whilst there has been an increase in density across the site, this has been through the delivery of smaller unit types and consequently there had been no tangible loss in landscaped areas. Following concerns expressed by the Council’s Landscape Officer, the amendments to the scheme have reintroduced the proposed character areas through the development, improved street hierarchy, tree planting and public realm and boundary features. The proposals show that a number of the boundary trees have been retained and that hedgerows will be planted along most of the western and northern boundary. As amended, the Council’s Urban Design advisor has confirmed that these are now an acceptable framework for the design and landscaping.

With respect to levels, there would be a re-profiling in parts of the site. However, the impact of these would be softened and the levels difference at the boundaries to the site would be modest. Subject to further detail secured by condition, this would be acceptable.

Accordingly, the scheme is considered to comply with Policies SE1, SE4, SD2 and LPS 18 of the CELPS.

### **Ecology**

A number of conditions relating to nature conservation matters were attached to the outline consent.

Condition 20 – required that the reserved matters application be supported by an updated bat survey. A further survey of Tree T2 has been submitted. No evidence of roosting bats was recorded. The Council's Nature Conservation Officer (NCO) has therefore advised that sufficient survey work has been submitted to fulfil the requirements of this condition.

Condition 21 – required that the reserved matters application be supported by a method statement for the eradication of non-native invasive plant species. The NCO has confirmed that an acceptable strategy has been submitted.

Condition 23 - required that the reserved matters application be supported by a Great Crested Newt Strategy. The proposed development was found to be likely to result in an adverse impact on great crested newts during the determination of the outline application. Impacts would occur as a result of the loss of terrestrial amphibian habitat and the risk of any newts present on site being harmed during the site clearance and construction phase.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

The principle of developing this site for residential purposes has been deemed to be acceptable through the adoption of the Local Plan Strategy and subsequent grant of the outline planning consent. The proposal will facilitate and assist the delivery of the Council's 5 year housing land supply and this was considered at outline stage as an overriding public interest.

There are no suitable alternatives to providing the development on the site and the Council's NCO has confirmed that if planning consent were to be granted, the favourable conservation status of the Great Crested Newt species would be maintained subject to the Great Crested Newt Mitigation Strategy. On this basis, it is considered that the proposal meets with the tests outlined in the Habitat Regulations.

The NCO has noted that the ecological area shown on the master plan submitted with the outline application and specified as part of the Great Crested Newt Mitigation Strategy submitted in accordance with Condition 23 is reduced in size. Whilst the GCN mitigation

strategy (subject to details of fencing and hedging to limit public access) is considered to be acceptable – the proposed measures must be deliverable under the site layout put forward.

As an alternative, the NCO has suggested that the applicant considers entering the proposed development into Natural England's District licencing scheme, which would remove the need for any on site terrestrial habitat provision for newts. If the applicant intends to enter the district licencing scheme then a copy of the countersigned agreement with Natural England must be submitted as evidence of acceptance onto the scheme.

If habitat creation measures are delivered on site then fencing and hedging must be included on the layout plans to limit public access to the enhanced pond and habitat area. An access point should however be provided for management purposes. The applicant is currently addressing this.

Condition 24 - required that the reserved matters application be supported by a detailed design for the new pond in the north western corner and a detailed specification for the deepening and enhancement of the retained pond. The NCO has confirmed that the submitted pond designs are acceptable.

Condition 26 – required proposals for the incorporation of features into the scheme suitable for use by breeding birds and Condition 30 – required proposals for the incorporation of features into the scheme suitable for roosting bats. Acceptable proposals for the provision of nesting birds and roosting bats have been submitted.

Condition 28 of the outline consent relates to external lighting. The previously submitted lighting strategy submitted was acceptable from a nature conservation perspective. The lighting scheme does not however reflect the current layout proposals. The lighting scheme needs to be updated and a revised plan submitted in accordance with this condition. This detail can be secured by further condition.

Hedgerows - Hedgerows are a priority habitat and hence a material consideration. As anticipated the proposed development will result in the loss of sections of hedgerow from the interior of the site. The proposed landscaping scheme includes proposals for the planting of a significant length of new hedgerow planting. The proposed hedgerow planting would be sufficient to compensate for that lost and deliver an overall gain in the extent of hedgerows on site.

The NCO has advised that conditions requiring the delivery of the proposed hedgerow planting and a Management Plan for the provision of access for hedgehogs. Subject to the proposed mitigation measures, the scheme is found to be acceptable in terms of its ecological impact and accords with MBLP Policies NE11, NE17 and CELPS Policy SE 3.

### **Flood Risk and Drainage**

A Flood Risk Assessment (FRA) has been submitted. The site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less. However, it is important to note that the site does suffer from critical drainage issues and this is identified within the FRA and has also been highlighted by the Parish Council and residents.

The Environment Agency Long Term Flood Risk Map shows that isolated parts of the site exhibit a High Risk of surface water flooding. This means that annually, parts of the site have a chance of flooding of greater than 3.3%. The maximum depth of flooding modelled on site during this return period from surface water is between 300-900mm. The flooding shown to the north of the site corresponds with a marshy area. This flooding has no discernible flow and is effectively shallow ponding at a low point of the site due to the impermeable nature of the superficial geology. Surface water flooding occurs to the southern part of the site which would appear to be an overland route for a culvert surcharging.

Further information has been submitted by the applicant in respect of flood risk and drainage. The Flood Risk Assessment acknowledges that “the site is currently susceptible to surface water flooding as there is no/limited surface water management on the site. A comprehensive scheme of surface water attenuation is proposed as part of the development, ensuring that there will be no increase in surface water runoff. In fact the proper management of surface water will eliminate the current issues reported by local residents”.

The Council’s Flood Risk Manager has confirmed that the surface water should be drained within site boundary and discharged at greenfield run-off rate without causing adverse flooding to existing or proposed properties. Following additional concerns raised, further details have been secured and the Council’s Flood risk manager is now satisfied that subject to the proposed mitigation, and conditions, the proposed development will adequately mitigate the residual risk of flooding of surface water and will not increase the risk of flooding to neighbouring properties and is therefore acceptable.

Also of note is the presence of a sewer within the site which runs close to the northern boundary of the site. Criterion ‘c’ of LPS 18 requires that the development respects the line of the existing sewer. It is confirmed that the proposed detailed layout respects the line of the existing sewer with no buildings situated over it. United Utilities have offered no objection.

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

### **Contaminated Land**

Contaminated land matters were considered and appropriately conditioned at the outline stage. Details with regard to the proposed ground gas mitigation measures should be submitted for approval, but this would be as part of a discharge of conditions application pursuant to the outline consent. No further contaminated land matters are raised by the proposed reserved matters.

### **Peat**

Policy SE 10 of the CELPS relates to proposals for minerals development. Its aims are to ensure there is a sustainable provision of minerals within the Borough. Whilst bullet 9 of Policy SE 10 states that the Council will “not support proposals for peat extraction from new or extended sites”, this is in reference to sites for the working and mining of minerals. This is a

scheme for residential development and therefore Policy SE 10 is not applicable to this application.

The Geo-Environmental Assessment which accompanied the outline application confirmed that peat is present on the site. The Remediation and Enabling Works and Piling reports submitted with this reserved matters application confirm that some areas of peat will need to be excavated and backfilled with material to enable appropriate ground works to be undertaken and suitable foundations to be used. It advises that pile foundation techniques will be used to minimise peat removal and under hard infrastructure (like the internal roads), the peat will need to be removed. In the interests of environmental sustainability, the excavated material would be placed elsewhere within the site where level changes are proposed. Peat would not therefore be removed from the site and accordingly is acceptable in this regard.

### **Other Matters Raised by Representation**

Whilst concerns have been raised regarding the impact on the local highway network and local infrastructure including schools and local GP surgeries, these matters have already been considered and with mitigation, deemed acceptable under the outline approval as has the principle of developing this site.

Matters relating to property values and compensation are not a material consideration.

### **BALANCE OF ISSUES**

Macclesfield is one of the principal towns and growth areas of the Borough where national and local plan policies support sustainable development. The principle of residential development on the site has been established through the grant of outline planning permission and allocation in the Cheshire East Local Plan Strategy (CELPS) under Policy LPS 18. The proposed development seeks to provide a residential development of 134 dwellings. The submission relates to the detail of the proposal in terms of its scale, layout, appearance and landscaping. Details of access were determined at outline stage and secured vehicular access from Chelford Road and pedestrian access from Whirley Road.

The proposal provides the required amount of affordable housing with an appropriate mix and density of housing. The proposal achieves an appropriately designed residential development and would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants. Appropriate public open space including a Locally Equipped Area for Play (LEAP) would be provided on site. The layout would provide an appropriate buffer with the Green Belt to the west and landscape transition as required by the site allocation. Tree losses have already been accepted and would be partly mitigated in the proposed landscaping of the site.

Mitigation for the impact of the proposal on local infrastructure including education, healthcare provision and outdoor and indoor sports and recreation was secured at outline stage as part of the s106 legal agreement. With respect to highways, consideration of the outline consent determined that the development will not have a detrimental impact on the local highway network. Similarly, the impact on local air quality (including cumulative impacts) will be acceptable also.

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

The site contains peat deposits. Pile foundation techniques will be utilised to minimise peat removal and under hard infrastructures (like the internal roads), where the peat will need to be removed. In the interests of environmental sustainability, the excavated material would be placed elsewhere within the site where level changes are proposed. Peat would not therefore be removed from the site and accordingly is acceptable in this regard.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF.

## **RECOMMENDATION**

**APPROVE** subject to the following conditions:

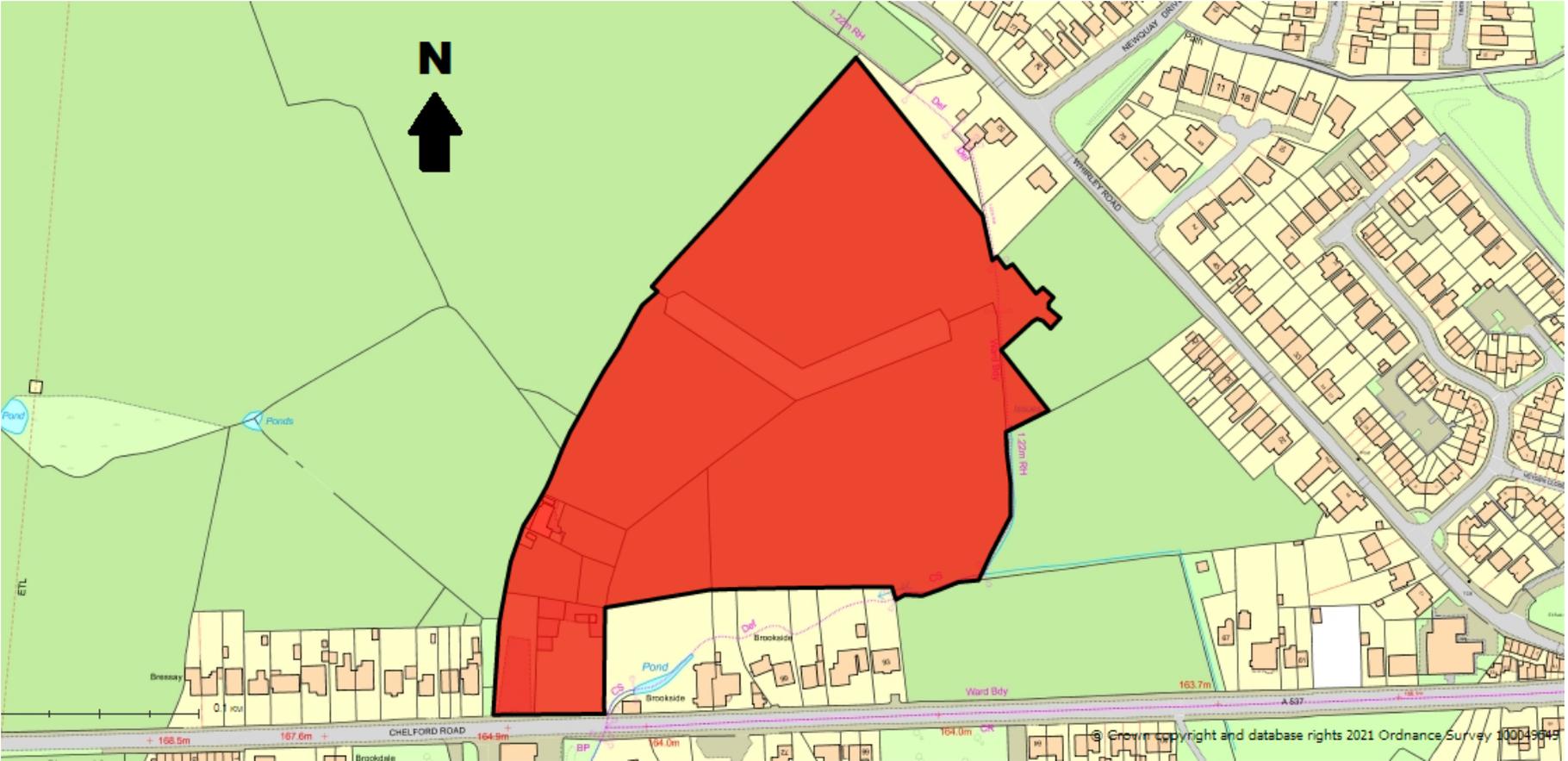
- 1. Accordance with Amended / Approved Plans**
- 2. Accordance with submitted Affordable Housing Scheme**
- 3. Facing materials to be submitted and approved**
- 4. Updated Public Open Space Management Plan to be submitted**
- 5. Detailed specification of LEAP to be submitted**
- 6. Further details of levels to be submitted**
- 7. Landscaping scheme to be submitted including details of hard surfacing materials and details of mitigation planting for community woodland**
- 8. Implementation of landscaping scheme**
- 9. Further details of boundary treatments to be submitted and shall include measures for brash/wood piles and the incorporation of gaps for hedgehogs**
- 10. Drainage Management and Maintenance Plan to be submitted**
- 11. Updated details of external lighting to be submitted**
- 12. Updated Great crested Newt Strategy to be submitted or entry onto into Natural England's District licencing scheme**
- 13. 25 year habitat management plan to be submitted, approved and implemented**
- 14. Removal of permitted development rights classes A-E**
- 15. Obscured glazed on selected plots with no further openings to be created**
- 16. Adherence to the submitted Arboricultural Impact Assessment / Method Statement and Tree Protection Plan**

**Informative:**

- 1. Verges required for adoption**

*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for*

*approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.*



Application No: 19/3098M

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

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

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

Expiry Date: 27-Mar-2020

### **SUMMARY**

Macclesfield is one of the principal towns and growth areas of the Borough where national and local plan policies support sustainable development. The principle of residential development on the site has been established through the grant of outline planning permission for a larger development adjoining the site and allocation in the Cheshire East Local Plan Strategy (CELPS) under Policy LPS 18. The proposed development seeks to provide a residential development of 23 dwellings and is submitted in full. Vehicular and pedestrian access would be taken from the adjoining development to the south currently being considered under planning ref; 19/3097M. Pedestrian access would be provided from Whirley Road.

The proposal provides the required amount of affordable housing with an appropriate mix and density of housing. The proposal achieves an appropriately designed residential development and would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants.

Subject to the receipt of further consultation responses, mitigation for the impact of the proposal on local infrastructure including education, healthcare open space, provision and outdoor and indoor sports and recreation could be secured as part of a s106 legal agreement.

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

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

The site contains peat deposits. Pile foundation techniques will be utilised to minimise peat removal and under hard infrastructures (like the internal roads), where the peat will need to be

removed. In the interests of environmental sustainability, the excavated material would be placed elsewhere within the site where level changes are proposed. Peat would not therefore be removed from the site and accordingly is acceptable in this regard.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF

**SUMMARY RECOMMENDATION:**

APPROVE subject to conditions and a s106 agreement.

**DESCRIPTION OF SITE AND CONTEXT**

This application relates to a greenfield site lying to the west of Macclesfield to the north of Chelford Road and to the South-West of Whirley Road. It sits in-between nos 42 and 50 Whirley Road. Surrounding uses include mainly residential and agricultural land. Whirley Primary School lies to the north-west. The site measures approximately 0.97 hectares in size and is positioned directly to the rear of properties fronting Chelford Road and Whirley Road. The site forms part of an allocated site for housing development under Policy LPS 18 of the Cheshire East Local Plan Strategy (CELPS).

**DETAILS OF PROPOSAL**

This application seeks full planning permission for the erection of 23 no. dwellings. The site has been excluded from a larger development for which outline planning permission has already been granted for the erection of up to 135 dwellings (planning ref; 17/4277M refers. The reserved matters pursuant to the outline consent are currently being considered under planning ref; 19/3097M and appears elsewhere on the agenda. Vehicular access would be provided through that adjoining development.

**RELEVANT HISTORY**

17/4277M - Outline application for the erection of up to 135 dwellings with access from Chelford Road and Whirley Road and associated open space – Approved 22-Jan-2019

19/3097M - Reserved Matters application for the erection of 134no. dwellings, vehicular access, roads and footways, hard and soft landscaping, drainage and other associated works following outline approval 17/4277M – Currently under consideration

20/5442M - Removal of condition 6 on approved application 17/4277M - Outline application for the erection of up to 135 dwellings with access from Chelford Road and Whirley Road and associated open space – Currently under consideration

## **POLICIES**

### **Development Plan**

#### Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer Contributions

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and wellbeing

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE7 The Historic Environment

SE9 Energy Efficient development

SE10 Sustainable Provision of Minerals

SE12 Pollution, land contamination and land stability

SE13 Flood risk and water management

CO1 Sustainable travel and transport

CO3 Digital connections

CO4 Travel plans and transport assessments

LPS 18 Land between Chelford Road and Whirley Road, Macclesfield

#### Macclesfield Borough Local Plan saved policies (MBLP)

NE3 Protection of Local Landscapes

NE11 Nature conservation

NE17 Nature conservation in major developments

NE18 Accessibility to nature conservation

RT5 Open space standards

H9 Occupation of affordable housing

DC3 Residential Amenity

DC6 Circulation and Access

DC8 Landscaping

DC9 Tree Protection

DC14 Noise

DC15 Provision of Facilities

DC17 Water resources

DC35 Materials and finishes

DC36 Road layouts and circulation

DC37 Landscaping  
DC38 Space, light and privacy  
DC40 Children's Play Provision and Amenity Space  
DC41 Infill Housing Development  
DC63 Contaminated land

**Other Material Considerations**

National Planning Policy Framework (The Framework) 2019  
National Planning Practice Guidance  
Cheshire East Design Guide

**CONSULTATIONS (External to Planning)**

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

**Flood Risk Manager** – No objection subject to accordance with submitted information and the submission of further details under the conditions attached to the outline consent.

**Head of Strategic Infrastructure** – No objection

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

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

**VIEWS OF THE TOWN AND PARISH COUNCILS**

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

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

9. Removal of trees and hedges which is in incompatible with Macclesfield Town Council and Cheshire East Council's declaration of a climate emergency.
10. The development site is prone to flooding and will be exacerbated by the development.

MTC also re-iterate their earlier concerns:

1. The site is within close proximity of the Broken Cross Air Quality Management Area (AQMA) and the development will lead to increased traffic volumes and therefore further exacerbate the poor air quality of that AQMA, contrary to the Cheshire East Air Quality Management Strategy;
2. Lack of cycle and pedestrian routes within the development and between the development and town centre, contrary to the LPS Policy SC3;
3. Increase of traffic on already congested highways with particular pressure on the development's access and egress junction;
4. Increased pressure on public services, e.g. buses, that have already been subject to cuts;
5. High density of housing in the development reducing the availability of open spaces to support health and wellbeing contrary to the LPS Policy SC3;
6. The density of the development is in excess of the site allocation within the Cheshire East Local Plan (LPS18), which indicates around 150 houses for the entire site, whilst this partial development of the site indicates around 250 residences will be delivered at this development density
7. Increased pressure on primary care facilities;
8. Increased pressure on availability of primary school places;
9. Lack of evidence that there is capacity in local secondary schools;
10. Removal of trees and hedges that will result in the loss of wildlife habitat;
11. Concerns on the risk of flooding in the development area once the hard standing has been completed;
12. The application does not clearly meet the Local Plan policy requirements of LPS18 1., 2., 3. & 5.

**Henbury Parish Council** – Object on the grounds summarised below:

- Total number of dwellings taken with the sister applications exceeds the 150 houses proposed in the Local Plan
- It is not sustainable development
- The Council already has 7.5 year supply of deliverable housing
- The proposed green belt boundary represents a very weak boundary with the Green Belt making Henbury more vulnerable to merger with Macclesfield
- Density of housing is much higher and out of keeping with the surrounding area
- This proposal will adversely affect air quality around Broken Cross and the health of residents, pedestrians and cyclists
- The failure to address the air quality problem at 36-58 Broken Cross in pollution measurement and modelling has led to potentially misleading conclusions being drawn
- Pedestrian flow surveys were carried out when a number of year groups were on leave due to exams
- Will be very long waiting times for pedestrians which will be unsafe for school children
- Traffic flows are inaccurate (and therefore the Air Quality modelling also)

- The traffic assessment performed by CEC for Macclesfield in 2014 as part of the Local Plan production underestimated vehicle journey time during peak periods
- Development numbers are far higher than when the production of the Local Plan was prepared and will have a greater impact on the local highway network
- Proposals will result in congestion and rat-running
- No consideration given to the impact ingress/egress at Tesco Express store at Broken Cross
- Proposal will result in the loss of a tree planting scheme of 475 trees which will not be appropriately replaced
- Proposal not in accordance with emerging SAPDP which notes government advice that there should be three replacement trees for every tree removed
- Site is environmentally valuable - it hosts/supports waterfowl, migratory birds, wildflowers, birds of prey, bats, great crested newts, and rare species as noted in Ecological Assessment.
- Proposal would result in a biodiversity net loss
- Site lies in a critical drainage area, is susceptible to surface water flooding. FRA does not note presence of peat in area as noted in geo-environmental site assessment.
- There is an oversubscription at area schools with no spare places at – Whitley Road and Fallibroome Academy. Proposed development would have detrimental impact on education provision
- Local infrastructure (schools, healthcare, utility supply etc.) cannot cope

### **OTHER REPRESENTATIONS**

Representations have been received from over 36 properties (including Local Councillors Barber and Vernon) over the two periods of consultation objecting to this application on the following grounds:

- Site should be returned to Green Belt as will result in the merger of Henbury and Macclesfield
- Brownfield sites should be developed first
- The number of houses exceeds the number in the site allocation
- Major flooding occurs on the site so housing should not be built on it
- Increasing traffic and congestion would further worsen existing air pollution in the area, including at nearby schools and Broken cross
- Air Quality would not meet national or local standards and harm health of local residents
- Air Quality Assessment is based on flawed traffic statement. Air Quality report is misleading, based on outputs from a model using speculative input data.
- Impact of development on Broken Cross roundabout which is already busy will lead to more queueing on the highway and resultant negative impacts on nitrogen dioxide levels.
- Highway safety, especially where Whitley Road is narrow
- Increased congestion will make access by emergency services worse
- Loss of wildlife and lack of Great Crested Newt habitat enhancement / biodiversity enhancement
- Removal of peat deposits
- Pedestrian safety will be compromised

- Impact on local infrastructure which will not cope
- Local schools are full as are local GP surgeries
- All original reports are flawed and should be revisited
- Neglect of local communities Health and Wellbeing especially in light of Covid-19
- Better mix of housing required including more affordable
- Density of housing too high for edge of town
- Splitting the application site does not lessen the impact of the proposals especially taking into account cumulative impacts
- Should be considered alongside sites to the south of Chelford Road
- Loss of community woodland and hedgerows
- Lack of pedestrian paths and cycleways in the development as well as green space
- Revised plans do not address previous concerns
- Lack of drainage detail
- Proposed pond needs to be fenced off
- Lack of parking provision
- Frequency of bus service is incorrect
- Provision of three storey houses not in keeping with the area
- Occupants will likely commute out of Macclesfield
- Proposal is unsustainable development in the midst of a climate emergency
- Nearby recent new builds are already reporting issues with build quality

Macclesfield Civic Society has also commented objecting to this application on the following grounds:

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

## **OFFICER APPRAISAL**

### **Principle of Development**

Macclesfield is identified as one of the principal towns in Cheshire East where CELPS Policy PG 2 seeks to direct 'significant development' to the towns in order to 'support their revitalisation', recognising their roles as the most important settlements in the borough. Development will maximise the use of existing infrastructure and resources to allow jobs, homes and other facilities to be located close to each other and accessible by public transport.

The application site is allocated as a Strategic Site for housing under Policy LPS 18 of the Cheshire East Local Plan Strategy (CELPS). When the Council adopted the Cheshire East Local Plan Strategy on 27th July 2017, the site was removed from the Green Belt.

The site is part of a larger site which received outline planning permission in early 2019 under planning ref; 17/4277M for the erection of up to 135 dwellings with details of access from Chelford Road and pedestrian access from Whirley Road and associated open space. This application site has been separated off from the larger scheme.

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

Site LPS 18 states that the development of Land between Chelford Road and Whirley Road will be achieved over the Local Plan Strategy period through:

1. The delivery of around 150 new dwellings;
2. Provision of public open space and green linkages to existing footpaths and rights of way;
3. The incorporation of natural features such as trees, the existing pond and landform features into any development proposal;
4. Creating a readily recognisable Green Belt boundary, that will endure in the long term, along the western edge by tree planting and landscaping along the existing hedge line extending north-eastwards to the existing pond;
5. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities; and
6. On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space and community facilities.

Additionally, the following site specific principles of development apply:

- a. The development would be expected to contribute towards off-site road infrastructure improvements in the central, western and southern/south western Macclesfield area.
- b. The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC 5 'Affordable Homes'.
- c. The line of the existing sewer should be protected.
- d. The site should be developed so as to facilitate any junction improvements that may be necessary for a future road link between Chelford Road and Congleton Road.

This application is for 23 units in addition to the 134 units proposed in the adjoining development which is the subject of a separate application (planning ref; 19/3097M refers).

Objectors have levied concern that the two schemes combined would take the development numbers past the general number of 150 indicated in the site allocation and the limit of 135 prescribed by the outline consent. Each of the applications need to be considered on their merits but also within the context of each other. The total number of dwellings proposed by the two applications would amount to 157. This would be further increased to 187 when accounting for an additional proposal for 30 units by a separate housebuilder located to the south-east of the allocation which already has outline consent. The reserved matters for that scheme are currently being considered under planning ref; 19/3816M.

As noted above, LPS 18 allows for around 150 new homes, but this is a broad figure and is not an upper limit for development as factors such as size and mix of housing have a bearing on numbers. Subject to the development complying with other relevant planning policies, it is considered that such a number could be considered to meet the requirement of “around 150 dwellings” in LPS 18. The delivery of the site for residential development will provide a small contribution towards the Council’s housing land supply and assist in meeting the development requirements of Macclesfield and the wider Borough. The further requirements of policy LPS 18, and other relevant policies, are considered below.

### **Affordable Housing**

Policy SC 5 of the CELPS and the Councils Interim Planning Statement on Affordable Housing (IPS) requires the provision of 30% affordable housing on all ‘windfall’ sites of 15 dwellings or more. This relates to both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

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

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

The current number of those on the Cheshire Homechoice waiting list with Macclesfield as their first choice is 1425. This can be broken down to 799 x 1 bedroom, 388 x 2 bedroom, 166 x 3 bedroom, 44 x 4 bedroom and 28 x 5 bedroom dwellings.

The submitted details show that 7 of the dwellings will be provided as affordable units. These are to be provided as:

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

It is considered that the tenures are appropriately pepper potted through the site and the submitted Affordable Housing Scheme has been confirmed as being acceptable by the Council’s Housing Strategy and Needs Manager. Accordingly, the proposal complies with policies SC 5 or LPS18 of the CELPS.

### **Residential Mix**

Policy SC4 of the CELPS states that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. Reference is made to the need for development proposals to accommodate units specifically designed for the elderly and people who require specialist accommodation.

The proposed development comprises of:

4 x 1 bed units  
3 x 2 bed units  
6 x 3 bed units  
10 x 4 bed units

A range of housing types are being proposed from small sized 1 bed apartments offering ground floor single storey entry to 2 bed, 3 bed and 4 bed dwellings. This general makeup of dwellings would provide a good mix of type, size and coupled with the affordable provision. The proposal would provide a diverse community and would fit in with the existing residential development which varies in terms of its size and type. As such, the scheme is found to comply with Local Plan Policy SC 4.

### **Design - Layout, Scale and Appearance**

Amongst other criteria, policy SD2 of the CELPS expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:

- a. Height, scale, form and grouping;
- b. Choice of materials;
- c. External design features;
- d. Massing of development - the balance between built form and green/public spaces;
- e. Green infrastructure; and
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood

Policy SE1 of the CELPS expects housing developments to achieve Building for Life 12 (BfL12) standard, and that development proposals consider the wider character of a place in addition to that of the site and its immediate context, to ensure that it reinforces the area in which it is located. These principles are also reflected in the CEC Design Guide. The relevant BfL12 headings are considered below:

Connections (Green) - The proposal would be only accessible by vehicles through the adjoining application site. With regard to this, it can be seen that the decision to remove the vehicular connection to Whirley Road (as approved in the outline) and was imposed to reduce vehicles on that street. That said, the proposed would allow pedestrian and cycle access and would link Chelford Road from the south with Whirley Road, a connection which does not presently exist.

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

Layout, Density and Frontage (Amber) - This is clearly an adjunct to the larger site and as such it is difficult to review it in isolation. However, looking predominantly at this application, the units on plots 140-147 are in front of the building line, whereas 137-139 are set back

further behind landscaping. However, this projection would not be harmful to the street scene and the existing hedgerow along Whirley Road could be incorporated into the boundary landscaping to soften it. It is recommended that this be secured by condition as are further details of boundary treatments.

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

In terms of appearance, the proposed dwellings would be acceptable within the context of the site and would offer a degree of variation within the street. It is considered that the overall design, scale, form and appearance of the proposals would be acceptable subject to the use of high quality materials. The proposal achieves a well designed residential development which would accord with LPS 18 and the Cheshire East Design Guide.

## **Education**

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

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

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

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

## **Healthcare**

The views of the NHS Eastern Cheshire Clinical Commissioning Group (CCG) have been sought. No comments have been received as to whether this proposal for 23 no. dwellings would need to mitigate its own impact in terms of healthcare. Any comments will be reported to members by way of an update.

## **Public Open Space and Recreation**

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

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

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

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

With respect to indoor sports provision, comments are also awaited from CEC Leisure.

Subject to comments from ANSA and Leisure, any contributions could be secured by way of a legal agreement. Subject to this the scheme would accord with MBLP Policies RT5 and DC40 and CELPS Policies SC 1 and SC2.

## **Residential Amenity**

Saved policy DC38 of the MBLP states that new residential developments should generally achieve a distance of between 21m and 25m between principal windows and 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties, unless the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings.

However the CE Design Guide states separation distances should be seen as guide rather than a hard and fast rule. The Design Guide does however acknowledge that the distance between rear facing habitable room windows should not drop below 21m. 18m front to front will also provide a good level of privacy, but if this applied too rigidly it will lead to uniformity and limit the potential to create strong streetscenes and variety, and so this distance could go down as low as 12m in some cases.

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

The layout within the site ensures the relationships between the new dwellings result in acceptable standards of space, light and privacy for future occupants, having regard to the distance guidelines set out above. There will be sufficient private amenity space for each new dwelling. The proposal is therefore considered to accord with policy DC3 of the MBLP.

### **Noise**

The application is supported by an Environmental Noise Study. The impact of the noise from road traffic on Henbury Road and Whirley Road on the proposed development has been assessed in accordance with British Standard BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. The report recommends noise mitigation measures in the form of specific glazing and ventilation which are designed to achieve BS8233: 2014 and WHO guidelines; to ensure that future occupants of the properties are not adversely affected by environmental noise. The proposal complies with policy SE 12 of the CELPS and DC14 of the MBLP relating to noise and soundproofing.

### **Air Quality**

Policy SE 12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

When assessing the impact of a development on Local Air Quality, regard is had to the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality January 2017)

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

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

infrastructure, and a dust management plan, the proposal will not have a detrimental impact on the air quality and the proposal will comply with Policy SE 12 of the CELPS.

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

Policy LPS 18 of the CELPS requires the creation of pedestrian and cycle links within the site to connect with existing residential areas and facilities. The proposal would provide cycle and pedestrian access directly off Whirley Road which coupled with the adjoining development would connect with the existing residential areas.

With respect to the internal footways and cycle path connections, there are internal footways and paths that run through the site that would link with the adjoining development and facilitate both pedestrian and cycle movement. This would also increase permeability from Chelford Road to Whirley Road where there is currently no connection through the site. As such, it would increase accessibility.

There are existing bus stops on Chelford Road and Whirley Road that provide bus services to the local area. In addition to the bus stops, a number of facilities including schools, open space and general amenities are all within relatively close proximity of the site. Macclesfield Town Centre is approximately 2.4km from the site where the majority of shops, services and facilities are located. The location of the site is sustainable and accessible.

This proposal is considered to accord with the justification to Policy LPS 18 of the CELPS.

### **Highways**

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

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

The level of off-street car parking is in accordance with CEC parking standards across the development.

The submitted layout is now acceptable in highway terms and no objections are raised to the application.

It is also worth noting that the Council is in receipt of an application to remove condition no. 6 of the outline consent, which required the provision of the highway improvement works at Broken Cross (planning ref; 20/5442M). However, this will be assessed on its own merits in due course. This application must be determined on its merits and as considered above, the scale of this proposal would not require such highway mitigation works on its own.

## Trees

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

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

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

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

## Ecology

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

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

The principle of developing this site for residential purposes has been deemed to be acceptable through the adoption of the Local Plan Strategy and subsequent grant of the outline planning consent. The proposal will facilitate and assist the delivery of the Council's 5 year housing land supply and this was considered at outline stage as an overriding public interest.

There are no suitable alternatives to providing the development on the site and the Council's NCO has confirmed that if planning consent were to be granted, the favourable conservation status of the Great Crested Newt species would be maintained subject to the Great Crested Newt Mitigation Strategy. On this basis, it is considered that the proposal meets with the tests outlined in the Habitat Regulations.

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

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

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

The Council's Nature Conservation Officer has advised that conditions should be imposed requiring the delivery of hedgerow planting, a Management Plan for the provision of access for hedgehogs and features for breeding birds / bats. Subject to the proposed mitigation measures, the scheme is found to be acceptable in terms of its ecological impact and accords with MBLP Policies NE11, NE17 and CELPS Policy SE 3.

### **Flood Risk and Drainage**

A Flood Risk Assessment has been submitted. The site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less. However, it is important to note that the site does suffer from critical drainage issues and this is identified within the FRA and has also been highlighted by the Parish Council and residents.

The Environment Agency Long Term Flood Risk Map shows that isolated parts of the site exhibit a High Risk of surface water flooding. This means that annually, parts of the site have a chance of flooding of greater than 3.3%. The maximum depth of flooding modelled on site during this return period from surface water is between 300-900mm. The flooding shown to the north of the site corresponds with a marshy area. This flooding has no discernible flow and is effectively shallow ponding at a low point of the site due to the impermeable nature of the superficial geology. Surface water flooding occurs to the southern part of the site which would appear to be an overland route for a culvert surcharging.

In response to at outline application for the wider site, further information and an updated FRA have been submitted by the applicant for the adjoining development which also covers this site area. The updated FRA acknowledges that "the site is currently susceptible to surface water flooding as there is no/limited surface water management on the site. A comprehensive scheme of surface water attenuation is proposed as part of the development, ensuring that

there will be no increase in surface water runoff. In fact the proper management of surface water will eliminate the current issues reported by local residents”.

The Council’s Flood Risk Manager has confirmed that the surface water should be drained within site boundary and discharged at greenfield run-off rate without causing adverse flooding to existing or proposed properties. Following additional concerns raised, further details have been secured and the Council’s Flood risk manager is satisfied that subject to the proposed mitigation, and conditions, the proposed development will adequately mitigate the residual risk of flooding of surface water and will not increase the risk of flooding to neighbouring properties and is therefore acceptable.

Also of note is the presence of a sewer within the site which runs close to the northern boundary of the site. Criterion ‘c’ of LPS 18 requires that the development respects the line of the existing sewer. It is confirmed that the proposed detailed layout respects the line of the existing sewer with no buildings situated over it. United Utilities have offered no objection.

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

## **Peat**

Policy SE 10 of the CELPS relates to proposals for minerals development. Its aims are to ensure there is a sustainable provision of minerals within the Borough. Whilst bullet 9 of Policy SE 10 states that the Council will “not support proposals for peat extraction from new or extended sites”, this is in reference to sites for the working and mining of minerals. This is a scheme for residential development and therefore Policy SE 10 is not applicable to this application.

The Geo-Environmental Assessment which accompanied the outline application confirmed that peat is present on the site. The Remediation and Enabling Works and Piling reports submitted with this reserved matters application confirm that some areas of peat will need to be excavated and backfilled with material to enable appropriate ground works to be undertaken and suitable foundations to be used. It advises that pile foundation techniques will be used to minimise peat removal and under hard infrastructures (like the internal roads), the peat will need to be removed. In the interests of environmental sustainability, the excavated material would be placed elsewhere within the site where level changes are proposed. Peat would not therefore be removed from the site and accordingly is acceptable in this regard.

## **S106 HEADS OF TERMS**

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

- Affordable Housing comprising 30% (65% of which will be for social / affordable rent and 35% for shared ownership / intermediate tenure)
- Education contributions tbc
- NHS contributions tbc

- Public Open Space contributions tbc
- Contribution towards Recreation Open Space of £1,000 per open market family dwelling or £500 per 1 / 2 bed open market apartments
- Contribution towards indoor recreation tbc

## **CIL Regulations**

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

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

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

The development would result in increased demand for school places at the primary and secondary schools within the catchment area which currently have a shortfall of school places. In order to increase the capacity of the schools which would support the proposed development, a contribution towards primary, secondary and SEN school education may be required based upon the number of units applied for. Subject to comments from the Council's Education Section, this is considered to be necessary and fair and reasonable in relation to the development.

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

## **CONCLUSIONS**

The proposal seeks to provide 23 dwellings on part of a site allocated within the CELPS. The comments received in representations have been given due consideration, however, subject to the satisfactory resolution of the s106 negotiations, the proposal complies with all relevant policies of the development plan and is therefore a sustainable form of development. On this basis, the proposal would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF.

## **RECOMMENDATION**

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

- **Affordable Housing comprising 30% (65% of which will be for social / affordable rent and 35% for shared ownership / intermediate tenure)**

- Education contributions tbc
- NHS contributions tbc
- Public Open Space off site contributions tbc
- Contribution towards Recreation Open Space of £1,000 per open market family dwelling or £500 per 1 / 2 bed open market apartments
- Contribution towards indoor recreation tbc

And the following conditions:

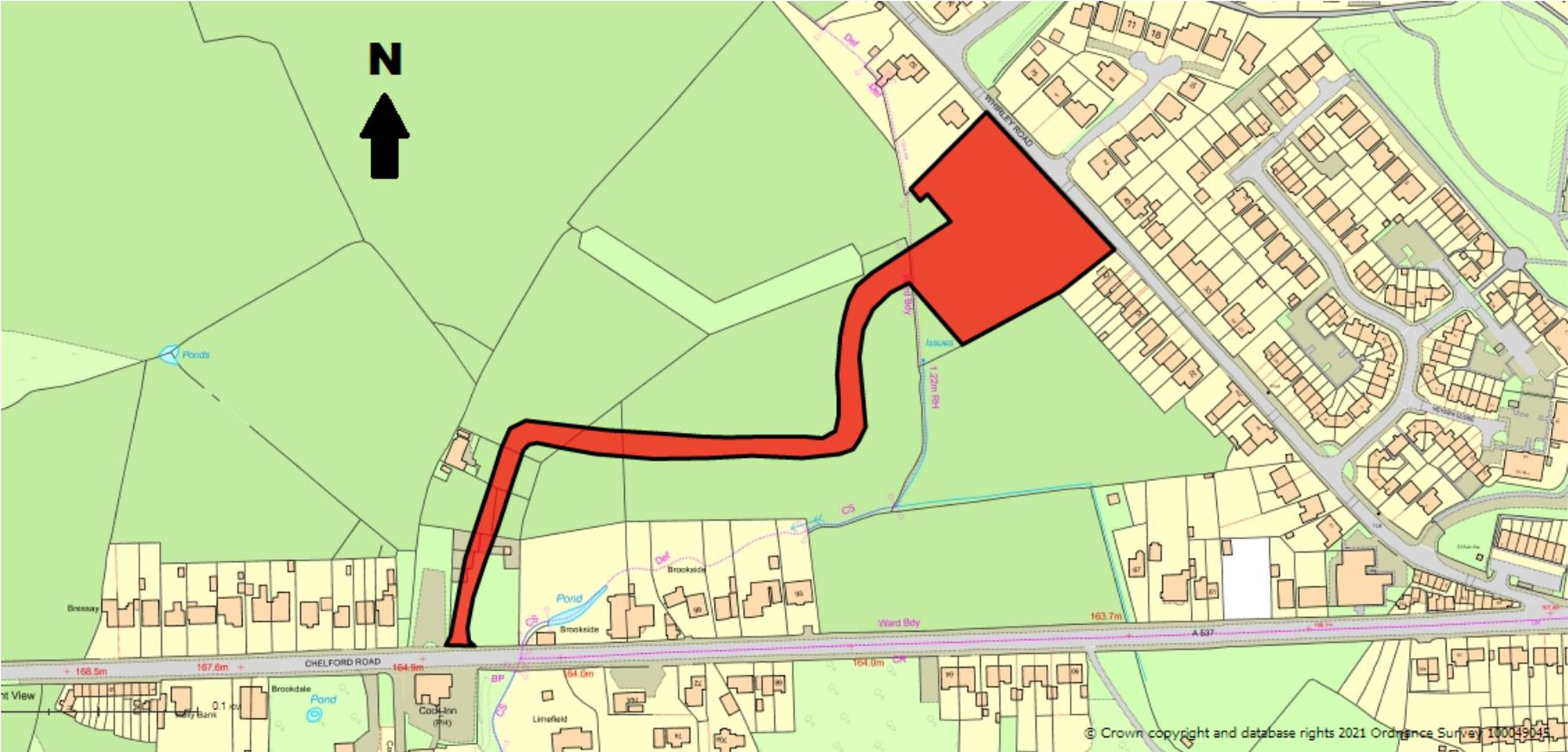
1. Standard Time limit – 3 years
2. Accordance with Approved / Amended Plans
3. Access to be constructed in accordance with approved plan prior to first occupation
4. Submission, approval and implementation of a Construction Management Plan
5. Scheme of Piling works to be submitted, approved and implemented
6. Dust control scheme to be submitted, approved and implemented
7. Accordance with submitted noise mitigation scheme
8. Provision of electric vehicle infrastructure (charging points) at each property prior to first occupation
9. Submission of contaminated land survey
10. Remediation of contaminate land
11. Details of drainage strategy to be submitted
12. Development to be carried out in accordance with submitted Flood Risk Assessment
13. Scheme of foul and surface water drainage to be submitted
14. Submission of a detailed drainage strategy / design, associated management / maintenance plan
15. Details of finished ground and floor levels to be submitted
16. Development to be carried out in accordance with the recommendations of the submitted Ecological Report
17. Reserved matters application to be supported by a detailed great crested newt mitigation strategy
18. Nesting Birds Survey to be carried if works are to be carried out during the bird breeding season
19. Proposals for the incorporation of features into the scheme suitable for use by roosting bats and nesting birds to be submitted
20. Updated Arboricultural Method Statement to be submitted
21. Updated lighting scheme to be submitted
22. Accordance with submitted Affordable Housing Scheme
23. Facing materials to be submitted and approved
24. Landscaping scheme to be submitted including details of hard surfacing materials and details of hedgerow mitigation
25. Implementation of landscaping scheme
26. Further details of boundary treatments to be submitted and shall include measures for incorporation of gaps for hedgehogs
27. Updated Great crested Newt Strategy to be submitted or entry onto into Natural England's District licencing scheme

- 28. 25 year habitat management plan to be submitted, approved and implemented
- 29. Removal of permitted development rights classes A-E

**Informative:**

**1. Verges required for adoption**

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



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Application No: 20/2576N  
Location: Land adjacent to DRURY LANE, WARMINGHAM  
Proposal: Solar farm and associated development  
Applicant: Moss Lane Farm Solar Limited  
Expiry Date: 22-Sep-2020

**SUMMARY**

The NPPF requires that Local Planning Authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.

The proposed development would provide a source of renewable energy to power approximately 5,200 homes. This would contribute to tackling the challenges of climate change, lessening dependence on fossil fuels and benefitting energy security. These benefits would accord with the Framework's renewable energy provisions, which indicate that the delivery of renewable, low carbon energy is central to the economic, social and environmental objectives of sustainable development.

In terms of sustainability, the benefits of the provision of a source of renewable energy, for which there is a recognised need, outweighs harm to the local environment having regard to the impact on open countryside and agricultural land.

The proposal would satisfy the economic and social sustainability objectives by providing energy from a renewable, low carbon source.

The proposal is considered to be acceptable in terms of landscape, amenity, ecology, flood risk and highway safety.

The scheme therefore represents a sustainable form of development and the planning balance weighs in favour supporting the development.

**RECOMMENDATION:**

Approve subject to conditions

**PROPOSAL**

The proposal is for a solar farm and associated development of solar panels, a sub-station building, switchgear buildings, inverter cabins, a communications/storage building, battery containers, access track, fence gates and CCTV equipment. The solar farm would deliver

approximately 17 Megawatts peak (MWp), expected to be able to supply approximately 5,200 homes annually.

The panels would be 3m above ground level with at least 0.8m between the bottom of the panels and the ground to allow for sheep grazing, with a minimum of 3.2m between rows.

The proposal would form part of the solar farms approved to the west of the site at Moss Farm.

The lifespan of the solar farm is expected to be approximately 40 years and it could then be dismantled and the land restored to agricultural use. This is the same lifespan as the previously approved schemes at Moss Farm

### **SITE DESCRIPTION:**

The site is approximately 26.4 hectares in size and is located between Drury Lane to the east and Moss Lane to the south. The site is generally flat agricultural land enclosed by mature vegetation. There are trees and hedgerows within the site and public footpaths around the site but not within it.

The land has been assessed as Grade 3b agricultural land which is considered to be of 'moderate' quality.

### **RELEVANT HISTORY:**

- 18/4033N (Moss Farm south) Variation of conditions 8 and 12 on 15/2126N (removal of solar farm) – Approved 13th October 2020
- 18/4032N (Moss Farm north) Variation of conditions 8 and 12 on 15/2113N (removal of solar farm) – Approved 13<sup>th</sup> October 2020
- 15/2126N (Moss Farm south) Solar farm and associated development – Approved 31<sup>st</sup> May 2016
- 15/2113N (Moss Farm north) Solar farm and associated development – Approved 31<sup>st</sup> May 2016

### **NATIONAL & LOCAL POLICY**

#### **National Policy:**

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

#### **Development Plan:**

#### **Cheshire East Local Plan Strategy (CELPS)**

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 - Design  
SE2 – Efficient use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 – The Landscape  
SE5 – Trees, Hedgerows and Woodland  
SE6 – Infrastructure  
SE7 – The Historic Environment  
SE8 – Renewable and Low Carbon energy  
SE9 – Energy Efficient Development  
IN1 – Infrastructure  
IN2 – Developer Contributions

**Crewe and Nantwich Replacement Local Plan (CNRLP)**

BE.1 – Amenity  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
BE.6 – Development on Potentially Contaminated Land  
BE.16 – Development and Archaeology  
BE.21 – Hazardous Installations  
NE.5 – Nature Conservation and Habitats  
NE.6 – Sites of International Importance for Nature Conservation  
NE.7 – Sites of National Importance for Nature Conservation  
NE.8 – Sites of Local Importance for Nature Conservation  
NE.9 – Protected Species  
NE.17 – Pollution Control  
NE.20 – Flood Prevention

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

There is no Neighbourhood Plan for this area.

**Other Considerations:**

Cheshire East Design Guide

**CONSULTATIONS:**

**Highways:**

No objection subject to conditions relating to hard surfacing at the access and upgrading of layby on Drury Lane.

**Environmental Health:**

No objection.

**Natural England:**

No objection.

**Environment Agency:**

No objection subject to compliance with the submitted FRA.

**Health and Safety Executive:**

Do not advise against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

**Flood Risk:**

No objection subject to drainage conditions.

**Public Rights of Way:**

No objection subject to an informative relating to footpaths adjacent to the development.

**Warmingham Parish Council:**

The PC supports this application in principle but would strongly suggest that mitigation is put in place for those properties affected most by the development and that the traffic adheres to the submitted traffic management plan.

The PC have concerns that this is the location of a third solar farm in the village and that any future requests for further planning of such may lead to overdevelopment, spoiling open countryside.

**REPRESENTATIONS:**

Neighbour notification letters were sent to adjoining occupants and site notices posted.

At the time of report writing two comments have been received relating to this application.

One objects to the proposal for the following reasons:

- Impact on the beauty of the countryside
- Impact on tourism
- Solar farms are not attractive
- Negative impact on the village
- Loss of property value

One supports the application for the following reasons:

- Excellent place for solar panels
- Delighted to support solar installation

**APPRAISAL:**

The key issues to be considered in the determination of this application are set out below. They are the principle of the development, sustainability, renewable energy production, highways, amenity, agricultural land, heritage assets, landscape, trees, ecology, flood risk and archaeology.

**Principle of Development**

Paragraph 154 of the NPPF states that:

When determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

### Policy

The most relevant policy of the Cheshire East Local Plan Strategy is Policy SE8 (Renewable and Low Carbon Energy) which states that *'the development of renewable and low carbon energy schemes (including community-led initiatives), together with any ancillary building(s) and infrastructure, will be positively supported and considered in the context of sustainable development and any impact on the landscape'*.

The Policy then goes on to state that weight will be given to the wider environmental, economic and social benefits arising from renewable and low carbon energy schemes, whilst considering the anticipated adverse impacts, individually and cumulatively upon:

*'The surrounding landscape including natural, built, historic and cultural assets and townscape; including buildings, features, habitats and species of national and local importance and adjoining land uses'*.

The justification to the Policy then goes on to identify the technologies that will be most viable and feasible including *'solar thermal and photovoltaics on south facing buildings throughout the Borough. Ground mounted schemes may be more appropriate where they do not conflict with other policies of the plan'*.

### Need for Renewable Energy

In relation to need, paragraph 154 of the NPPF makes it clear that Local Planning Authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy.

### Alternative Sites

The applicant has undertaken a site selection assessment including the technical suitability, grid connection feasibility, planning issues and site availability.

### Conclusion

In this case the principle of the proposed development would be contrary to the Policy PG6 of the CELPS as it does not fall within any exceptions listed within the policy. However, there is significant support within the NPPF and through Policy SE8 (Renewable & Low Carbon Energy), for sustainable energy developments. As a result it is necessary to consider whether the proposal represents sustainable development and assess if any other material considerations indicate if the development is acceptable.

## **Sustainability**

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

**An economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improve productivity; and by identifying and coordinating the provision of infrastructure;

**A social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

**An environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

## **ENVIRONMENTAL OBJECTIVE**

### **Renewable Energy Production**

The development would potentially produce 17MWp of electricity, which would be capable of powering approximately 5,200 typical households. This would contribute to tackling the challenges of climate change, lessening dependence on fossil fuels and benefiting energy security. These benefits would accord with the Framework's renewable energy provisions, which indicate that the delivery of renewable, low carbon energy is central to the economic, social and environmental objectives of sustainable development.

### **Landscape and Trees**

This is an application for a solar farm and associated development on land adjacent to Drury Lane, Warmingham. The submission includes a Landscape and Visual Impact Assessment (LVIA) and indicates that this has been undertaken in accordance with the Guidelines for Landscape and Visual Impact Assessment (GLVIA), Third Edition 2013.

The submitted assessment identifies that the application site consists of a number of agricultural fields that are currently in pastoral use and that the fields are separated by a network of hedgerows, hedgerow trees, as well as a number of scattered trees and that the application site is bound to the east and north by Drury Lane, with mature vegetation enclosing the application site along this boundary. The western site boundary is marked by a track linking Drury Lane to Moss Lane, which runs approximately 140m to the south of the southern site boundary. There are eight fields within the application site boundary.

The appraisal identifies that there are no landscape designations within the application site and that the site is located within the Cheshire Plain East (LCT4) and specifically within Wimboldsley (LCA4d) - a part of the Shropshire, Cheshire and Staffordshire Plain National Landscape Character Area. The appraisal states that this is a landscape type with medium sensitivity and that there will be limited removal of hedgerows, trees and shrubs, resulting in negligible adverse effects and that infill planting into existing boundaries will result in minor beneficial results and a beneficial influence on the Wimboldsley character area, with an overall magnitude of change that will be of no change and a level of effect that will be neutral. The assessment identifies just four viewpoints and identifies that the year 1 and year 5 effects will be neutral/neutral for VP1 – FP18 Warmingham, moderate/moderate for VP2 – junction of FP7 and FP18 Warmingham on Drury Lane, minor/negligible for VP3 – FP 16 Warmingham/Moss Lane and moderate/moderate for VP4 – Drury Lane.

The submission includes a Hedgerow Plan, this indicates the location of hedgerows across the site. While the submission does not include an arboricultural report or hedgerow survey the only information relating to the hedgerows and trees is found in the Preliminary Ecological Appraisal, which states *'Along the boundaries and dividing the fields were a series of species-poor hedgerows, dominated by common hawthorn Crataegus monogyna. Some were intact (stock proof), while others were defunct (large and frequent gaps). Occasional standard trees were present; particularly along the site's south and east boundaries'*.

The Council's Principal Landscape Architect initially had concerns relating to the mitigation measures. Subsequently further details of mitigation have been provided that address these issues, subject to a condition relating to hedgerow heights and management.

The landscape vision and strategy guidance contained within the Cheshire East Landscape Character Assessment for the Cheshire Plain East LCT identifies that hedgerows should be conserved and replaced where they have been lost in the past as a result of field enlargement and farm intensification and that semi natural landscapes be restored or created to improve linkages between them. This character area has been greatly changed over the past 100 years and reference to the Epoch 1 Ordinance Survey map for this site shows that what is now an area of eight fields was at that time composed of in excess of 40 fields and had a significantly greater hedgerow tree element both along existing boundaries and also to those that have been lost since 1882, confirming the previous comments, that this is a landscape where landscape features such as hedgerows and hedgerow trees are mature and in overall decline. Whilst it would be unrealistic to reinstate an additional 32 fields on the site a landscape masterplan should be required by condition. This masterplan should be submitted prior to commencement of development to ensure adequate landscaping of the site during its lifespan.

## Ecology

### *Breeding Birds*

If planning consent is granted, a condition is required in order to protect breeding and nesting birds.

### *SSSI Impact Zone*

The proposed development falls within Natural England's SSSI impact zone. Natural England ask that for proposed developments in this location they are consulted on the potential risk from 'Solar schemes with footprint > 0.5ha'. Natural England were consulted and raised no objections to the proposal.

### *Great Crested Newts (GCN)*

Due to the presence of ponds on site (previously assessed as average/poor for GCN) and good newt habitat on site in the form of extensive hedgerows it is anticipated that the proposed development presents a potential risk to GCN.

The applicant has confirmed that a maximum of 10m of hedge removal is required based on the layout. Due to the locations of the proposed hedgerow removal in relation to the onsite ponds, it is considered that the potential risk to GCN is low and will be adequately mitigated against by the implementation of reasonable avoidance measures detailed within the provided Reasonable Avoidance Measures for Great Crested Newts report (Midland Ecology, September 2020). This should be controlled by condition.

### *Bats*

The four mature trees identified in the ecology report as having bat roost potential, are all located on the site's hedge boundary and none are proposed for removal under the scheme.

### *Biodiversity net gain*

Any development proposals must seek to lead to an overall enhancement for biodiversity in accordance with Local Plan policy SE3(5). In order to assess the overall loss/gains of biodiversity an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 2 has been undertaken by the applicant. The assessment is acceptable and will result in a net gain for biodiversity. Details of how the proposed grassland enhancement will be achieved should be included in the requested Biodiversity Enhancement Strategy. This can be controlled by condition.

### *Hedgerow*

Hedgerows are a priority habitat and hence a material consideration. The applicant has confirmed that a maximum of 10m of hedge removal is required based on the layout, and 130m of new hedging will be incorporated on the site's southern boundary. More detail should be provided in the Biodiversity Enhancement Strategy.

### *Hedgehog*

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development.

If planning consent is granted it is recommended that a condition be attached requiring a survey for hibernating hedgehogs be submitted prior to the removal of vegetation between 1<sup>st</sup> December and 31<sup>st</sup> March.

#### *Ecological Enhancement*

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. This should be included in the Biodiversity Enhancement Strategy.

#### **Flood Risk**

The majority of the site is located within flood zone 3, however the applicant has outlined appropriate measures within the Flood Risk Assessment which can effectively mitigate the flood risk on site.

The Council's Flood Risk Manager and the Environment Agency has assessed the proposals and have no objection subject to conditions requiring compliance with the details contained within the Flood Risk Assessment and submission of a detailed drainage strategy.

#### **Agricultural Land**

Policy SE2 (Efficient use of Land) of the CELPS, at section 4, states that development should safeguard natural resources, including high quality agricultural land (grades 1, 2 & 3a)

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

The Agricultural Land Classification Report submitted in support of the application states that the development would utilise Grade 3b agricultural land. Therefore the proposed development would result in the temporary loss of a limited amount of moderate quality agricultural land for the 40 year lifetime of the proposed development.

#### **ECONOMIC OBJECTIVE**

The Framework includes a strong presumption in favour of economic growth.

Specifically, in relation to the rural economy the Framework identifies that planning policies and decisions should enable the development and diversification of agricultural and other land based rural businesses.

The NPPF makes it clear that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.

## **SOCIAL ROLE**

### **Highways**

#### *Access*

This current application proposes access to be from Drury Lane, which is 130m to the north along Warmingham Lane from the previous approvals. Drury Lane is narrow but access into the site is only 50m along it from the junction with Warmingham Lane. Drury Lane is also not a through road and provides access to only a few properties and farms and will therefore have few vehicle movements. Visibility onto Warmingham Lane is sufficient.

Opposite the access on Drury Lane, within the highway, there is a layby which forms part of the highway but appears informal and will need to be laid with hardstanding to allow HGVs to turn into and out of the site.

The site plan states that the access track will be stoned. The access track within the site will need to be bound gravel surface for the first 20m from the highway to ensure stones are not deposited onto the highway.

#### *Traffic Generation*

The construction phase of the development proposal is expected to last for 24 weeks with an average of 15 HGV deliveries per day (30 movements per day).

The applicant indicated that if approved then construction could be complete alongside the existing consented phases. This would take around 36 weeks with the same average number of HGV movements per day.

After construction, the site will generate a couple of vehicle trips per month for maintenance and servicing for the whole of the site.

#### *Construction Route and Facilities*

Construction vehicle routes to the site will be largely the same as already agreed for the consented sites. Vehicles will exit the M6 J16 onto A500; then David Whitby Way; University Way; Sydney Road, Groby Road; and onto Warmingham Road.

The applicant has also stated that all contractor and construction vehicle parking will be within the site; all storage, loading and unloading will take place within the site, and wheel wash facilities will be in place to prevent mud and debris being deposited onto the highway.

#### *Highways Conclusion*

The access is acceptable and the impact on the wider highway network is acceptable and temporary. After construction the highways impact will be negligible.

No objection is raised by the Head of Strategic Infrastructure with conditions and informatives relating to the surfacing of the access, upgrading of the layby and entering into a s278 agreement for the off site works.

## **Amenity**

Given the isolated rural nature of the site there are relatively few residential properties in close proximity to the application site. There would be some disruption caused during the development of the site; however it is considered that this would be limited and any noise and disturbance could be controlled by condition.

There would be a minor alteration to the outlook from a limited number of properties, however this is not considered to result in an oppressive or overbearing outlook and as such could not be sustained as a reason for refusal. As a result it is not considered that the proposed development would raise any significant issues relating to residential amenity.

## **Public Rights of Way**

The site has no public rights of way within it but there are some in close proximity (Warmingham FP7, FP16 & FP 18). The Public Rights of Way Team has no objection to the proposals, subject to the standard informative requiring no interference with the public rights of way.

## **Impact upon the setting of the Local Heritage Assets**

There are no designated heritage assets in close proximity to the site; it is therefore not considered that there would be any substantial harm to heritage assets. The proposal therefore is in compliance with paragraphs 196 and 197 of the NPPF.

## **Archaeology**

This application is supported by a heritage assessment which includes an archaeological assessment, which has been prepared on behalf of the applicants. It concludes that the archaeological potential of the application site is low.

## **Other Matters**

The impact on property values is not a material planning consideration.

## **Planning Balance**

The NPPF requires that Local Planning Authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.

The proposed development would provide a source of renewable energy to power approximately 5,200 homes. This would contribute to tackling the challenges of climate change, lessening dependence on fossil fuels and benefitting energy security. These benefits would accord with the Framework's renewable energy provisions, which indicate that the delivery of renewable, low carbon energy is central to the economic, social and environmental objectives of sustainable development.

In terms of sustainability, the benefits of the provision of a source of renewable energy, for which there is a recognised need, outweighs harm to the local environment having regard to the impact on open countryside and agricultural land.

The proposal would satisfy the economic and social sustainability objectives by providing energy from a renewable, low carbon source.

The proposal is considered to be acceptable in terms of landscape, amenity, ecology, flood risk and highway safety.

The scheme therefore represents a sustainable form of development and the planning balance weighs in favour supporting the development.

## **RECOMMENDATION**

**Approve subject to the following conditions:**

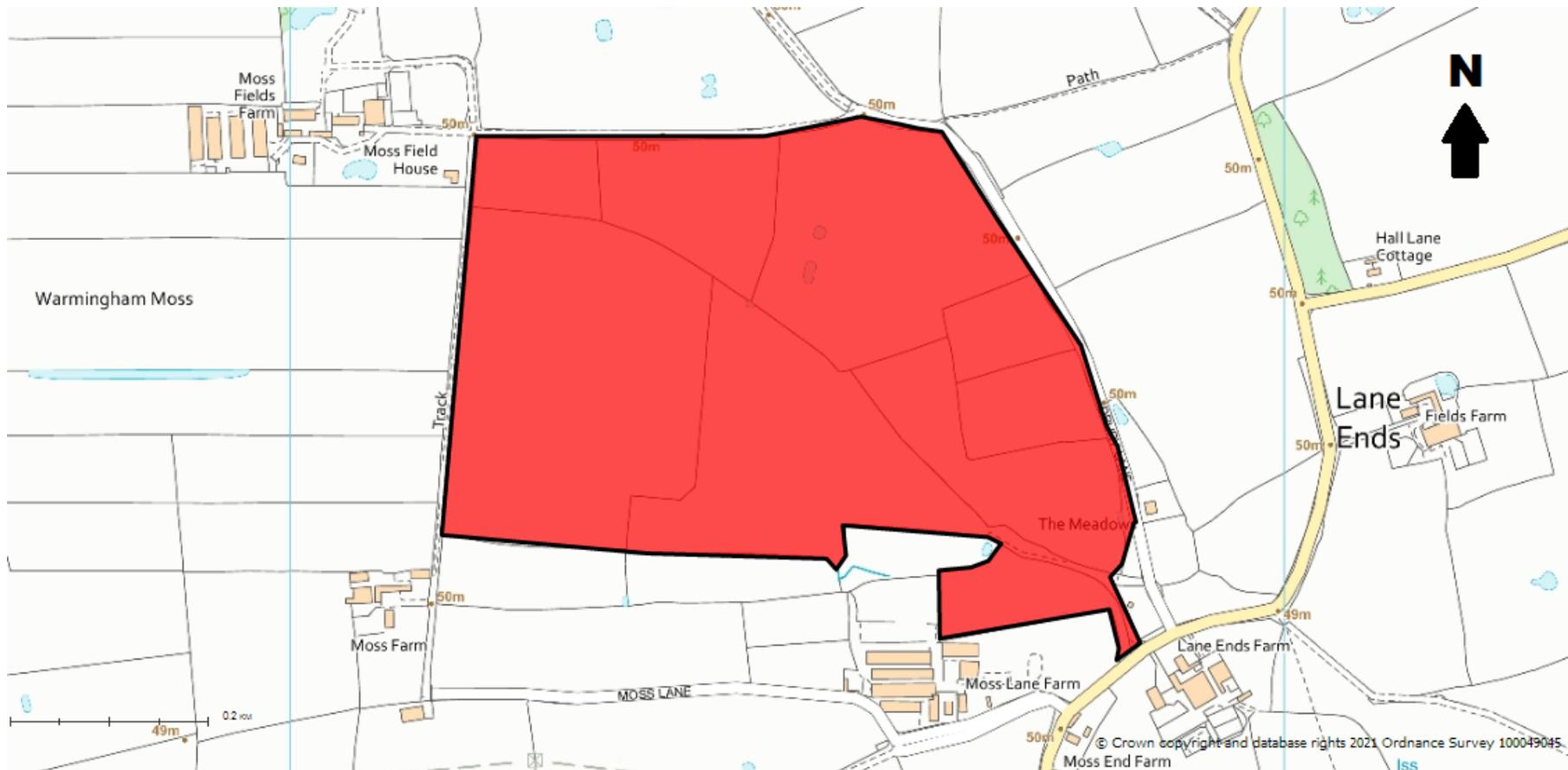
- 1. Time limit**
- 2. Approved plans**
- 3. Submission and implementation of a Landscaping Management Plan including height and management of hedgerows**
- 4. Tree protection measures**
- 5. Tree retention**
- 6. Protection of breeding/nesting birds**
- 7. Implementation of the reasonable avoidance measures detailed in the submitted Great Crested Newt Report**
- 8. Submission and implementation of a Biodiversity Enhancement Strategy**
- 9. Survey for the presence of hibernating Hedgehogs prior to removal of vegetation between 1<sup>st</sup> December and 31<sup>st</sup> March**
- 10. Compliance with the submitted Flood Risk Assessment**
- 11. Submission of a detailed strategy/design, associated management and maintenance for surface water drainage**
- 12. The first 20m of the access to the site from Drury Lane shall be bound hardstanding. This shall be created prior to any other development commencing on site**
- 13. The layby opposite the access to the site access shall be upgraded to current highway specifications and adoptable standards**
- 14. The hours of construction and deliveries at the site shall be restricted to the following:  
07:30 to 18:00 hours Monday to Friday  
07:30 to 14:00 hours Saturday  
No working on Sundays or public holidays**
- 15. Within 40 years following the development being brought into use or within 12 months of cessation of electricity generation, whichever is sooner, all equipment and structures shall be dismantled and removed from the site and the land restored to agricultural use**

**Informatives:**

**Public rights of way**

**Entry into s278 agreement for the off-site highway works**

**In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chairman (or in their absence the Vice Chairman) of the Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**





*Working for a brighter future together*

## Strategic Planning Board

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**Date of Meeting:** 27 January 2021

**Report Title:** Cheshire East Local Development Scheme 2020 - 2022

**Senior Officer:** Frank Jordan, Executive Director - Place

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### 1. Report Summary

- 1.1. This report seeks the Strategic Planning Board's views on an update to the Council's Local Development Scheme. These views will be reported to the Portfolio Holder for Planning in considering its approval. The updated LDS sets out a programme, up to 2022, for the preparation of documents to be included in the Cheshire East Local Plan.

### 2. Recommendations

- 2.1. That the Strategic Planning Board considers the update to the Local Development Scheme (Appendix 1) and recommends to the Portfolio Holder for Planning that it is approved and brought into effect.

### 3. Reasons for Recommendations

- 3.1. It is a legal requirement for the Council to prepare and maintain a LDS. National planning guidance indicates that the LDS should be regularly reviewed, kept up to date and made publicly available so that local communities and interested parties can keep track of Council progress in preparing its Local Plan.

### 4. Other Options Considered

- 4.1. There are no other options. The Council is obliged to prepare a LDS under section 15 of the Planning and Compulsory Purchase Act 2004.

### 5. Background

- 5.1. Appended to this report is an updated LDS setting out the programme, between 2020 and 2022, for the preparation of documents intended to form

part of the Council's Local Plan. The updated LDS would replace the current LDS which covers the period 2018-20.

- 5.2. LDSs enable local communities, businesses, developers, service and infrastructure providers, alongside other interested parties to find out what Local Plan documents are proposed and the timetable for their preparation.
- 5.3. The Council must also report progress against the LDS which is done annually through the Authority Monitoring Report.
- 5.4. The Local Plan for Cheshire East<sup>1</sup> will consist of the four key documents listed below.
  - **The Local Plan Strategy**, adopted July 2017, sets out overarching strategic objectives, policies, sites and locations for development.
  - **The Site Allocations and Development Policies Document** forms the second part of the Local Plan and will add detailed policies and non-strategic sites to the Plan. Public representations were invited to a revised Publication Draft version of this Plan at the end of last year ahead of its submission to the Secretary of State for examination.
  - **The Minerals and Waste Development Plan Document** will contain planning policies for minerals and waste including the allocation of specific sites and (in the case of minerals) areas where necessary. Its adoption is anticipated by 2023 which will be preceded by further public consultation and independent examination.
  - **The Crewe Hub Area Action Plan** will include policies and proposals to manage land-use change around Crewe Railway Station. A Publication version of the Plan was approved in March 2020 by the Cabinet. However, the public representation period could not be completed because of the onset of the Covid-19 situation. Consideration is currently being given to the economic impacts arising from the Covid-19 pandemic and whether any adjustments are needed to the proposed planning policies for the area. As such the timetable shown in the updated LDS for this Plan is a best estimate at this time.
- 5.5. The LDS highlights that local planning authorities are required to carry out a review of the policies within their local plans no later than 5 years from adoption to assess whether they need updating. It notes for the Local Plan Strategy this period ends on 26 July 2022. As would be expected, the

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<sup>1</sup> The portion of Cheshire East located within the Peak District National Park is subject to the Park Authority's planning policies.

updated LDS says that a new local plan would be prepared and adopted well ahead of 2030, which is the end of the Local Plan Strategy plan period. However, a specific timetable for a Local Plan update is not set out. This is because this timetable will depend upon the findings of the review and the scope of the changes necessary. It is also expected that the way in which the next Local Plan is prepared and the timetable for preparing it will be governed by the new legislative and policy framework envisioned in the Government's White Paper: Planning for the Future (August 2020). Although there may be significant reforms ahead, the LDS emphasises that the Council is committed to maintaining an up-to-date Local Plan through its timely update to best ensure that new development is achieved in a plan-led way.

## **6. Implications of the Recommendations**

### **6.1. Legal Implications**

6.1.1. The preparation of an LDS is a requirement of section 15 of the Planning and Compulsory Purchase Act 2004. This must specify (among other matters) the documents which, when prepared, will comprise the Local Plan for the area. It must be made available publicly and kept up to date so that local communities and interested parties can keep track of progress.

### **6.2. Finance Implications**

6.2.1. Provision is made within existing spatial planning budgets for the preparation of Local Plan documents.

### **6.3. Policy Implications**

6.3.1. The LDS sets out the programme and timetable for the production of Local Plan documents. It does not, in itself, set new planning policy.

### **6.4. Equality Implications**

6.4.1. The LDS sets out the programme and timetable for the production of Local Plan documents. The equality implications arising from new or revised planning policies is considered in developing each Local Plan document. An equalities impact assessment is integral to their preparation.

### **6.5. Human Resources Implications**

6.5.1. There are no new Human Resources implications arising from this report.

## **6.6. Risk Management Implications**

6.6.1. There are no significant risk management implications arising from this report, other than to note that there is a legal requirement to maintain an up to date LDS and that upon submission of a draft Local Plan for examination, the appointed Inspector will check whether its preparation is in line with the Council's LDS. Each Local Plan document noted in the LDS will be subject to its own risk management process.

## **6.7. Rural Communities Implications**

6.7.1. The LDS sets out the programme and timetable for the production of Local Plan documents. It does not, in itself, create new planning policies. Apart from the Crewe Area Action Plan, all the documents listed are borough wide (outside of the National Park) and so create planning policies for rural as well as urban areas.

## **6.8. Implications for Children & Young People/Cared for Children**

6.8.1. Whilst there are no direct implications for children and young people arising from this report specifically, planning policies can positively support the well-being of children and young people and cared for children. This could include by planning for the right amount and types of new homes, planning for appropriate new infrastructure alongside new development, the creation of green spaces and the achievement of good design.

## **6.9. Public Health Implications**

6.9.1. Planning policies can have considerable benefits for public health – so by ensuring plans and policies in place, the Council can better integrate land use planning with its public health obligations.

## **6.10. Climate Change Implications**

6.10.1. The LDS sets out the programme and timetable for the production of Local Plan documents. The timely introduction of planning policies can support the Council's objectives on climate change.

## **7. Ward Members Affected**

7.1. All Wards – implications are Borough Wide.

## **8. Consultation & Engagement**

8.1. The LDS itself is not subject to consultation. Each of the Plans listed in the LDS will be subject to informal and formal consultation, plus independent examination.

## 9. Access to Information

- 9.1. The Council's website includes the current [Local Development Scheme](#), prepared in 2018. Once approved, the new LDS will be published on the same section of the website.

## 10. Contact Information

- 10.1. Any questions relating to this report should be directed to the following officer:

Name: David Malcolm

Job Title: Head of Planning

Email: [david.malcolm@cheshireeast.gov.uk](mailto:david.malcolm@cheshireeast.gov.uk)

Appendix 1: Cheshire East Local Development Scheme 2020 - 2022

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# Appendix 1

## Cheshire East Local Plan

### Local Development Scheme

**2020 – 2022**

With effect from *DATE OF DECISION TO BE ADDED HERE*

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## 1. Introduction

- 1.1 This is the seventh Local Development Scheme, which sets out a programme and timetable for the preparation of documents to be included in the Cheshire East Local Plan up to 2022.

## 2. The proposed Cheshire East Local Plan

- 2.1 The adopted Local Plan, together with any Neighbourhood Development Plans that are 'made', will be the Development Plan for Cheshire East, and its policies will form the basis for planning decisions in the Borough.
- 2.2 The Local Plan for Cheshire East<sup>1</sup> will consist of four key documents. These are:
- The Local Plan Strategy (adopted July 2017) which includes overarching strategic objectives, policies, sites and locations for development;
  - The Site Allocations and Development Policies Document which will form the second part of the Local Plan, supporting the Local Plan Strategy through setting detailed policies and allocating non-strategic sites;
  - The Minerals and Waste Development Plan Document which will set out policies for dealing with Minerals and Waste including the identification of specific sites and areas; and
  - The Crewe Hub Area Action Plan which will set out policies and proposals to manage future development at Crewe Railway Station and its immediate environs. Unlike the other three documents which are Borough-wide (outside the National Park) it will only cover a small area in the environs of Crewe Railway Station.
- 2.3 The Local Plan is supported by a Policies Map which shows how policies will apply across the area. It will be updated when each part of the Local Plan is adopted.
- 2.4 Further information about Neighbourhood Development Plans in Cheshire East can be found at <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans>
- 2.5 Supplementary Planning Documents may also be prepared to provide guidance on the implementation of key policies.

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<sup>1</sup> The portion of Cheshire East located within the Peak District National Park is subject to the Park Authority's planning policies.

- 2.6 The policies in the adopted Local Plans of the former constituent local authorities that remain in use will be replaced as further parts of the Local Plan, listed in paragraph 2.2 above, are adopted.
- 2.7 Local planning authorities are required to carry out a review of the policies within their local plans no later than 5 years from adoption to assess whether they need updating. For the Local Plan Strategy this period ends on 26 July 2022. The Council intends to adopt a new local plan well ahead of 2030, which is the end of the Local Plan Strategy plan period. The period covered by the new plan will extend beyond 2030. The timetable for a Local Plan update will be informed by the findings of the review. However, it is now expected that the way in which this plan is prepared and the timetable for preparing it may be governed by the new legislative and policy framework envisioned in the White Paper: Planning for the Future (August 2020). The Council is committed to maintaining an up-to-date Local Plan through its timely update to best ensure that new development is achieved in a plan-led way.

### 3. Schedule of Development Plan Documents

Title	Description	Geographic Coverage	Key Policy context	Local Plan Preparation (Reg 18)	Publication	Submission	Pre-Examination meeting	Independent Examination	Inspector's Report	Adoption
Local Plan Strategy DPD <b>ADOPTED</b>	Vision, Objectives and strategy for the spatial development of the area, and includes strategic sites and strategic development policies	Cheshire East outside the National Park	NPPF, NPPG, National Planning Policy for Waste	April 2009 to March 2014	March / April 2014	May 2014	July 2014	September 2014 – June 2017	20 June 2017	27 July 2017
Site Allocations and Development Policies DPD	Detailed policies and non-strategic site allocations	Cheshire East outside the National Park	Local Plan Strategy, NPPF, NPPG	4 <sup>th</sup> Quarter 2016 to 3 <sup>rd</sup> Quarter 2019	Initial publication draft 3 <sup>rd</sup> Quarter 2019  Revised publication draft 4 <sup>th</sup> Quarter 2020	2 <sup>nd</sup> Quarter 2021	2 <sup>nd</sup> Quarter 2021	3 <sup>rd</sup> Quarter 2021	1 <sup>st</sup> Quarter 2022	1 <sup>st</sup> Quarter 2022
Minerals and Waste Development Plan Document	Policies for dealing with minerals and waste and the identification of specific sites for minerals / waste management	Cheshire East outside the National Park	Local Plan Strategy, NPPF, NPPG, National Planning Policy for Waste, National Waste Management Plan for England	4 <sup>th</sup> Quarter 2016 to 2 <sup>nd</sup> Quarter 2022	2 <sup>nd</sup> Quarter 2022	4 <sup>th</sup> Quarter 2022	1 <sup>st</sup> Quarter 2023	1 <sup>st</sup> Quarter 2023	2 <sup>nd</sup> Quarter 2023	3 <sup>rd</sup> Quarter 2023
Crewe Hub Area Action Plan	Policies to manage development	The Environs of Crewe	Local Plan Strategy, NPPF, NPPG	3 <sup>rd</sup> Quarter 2018 to 1 <sup>st</sup>	1 <sup>st</sup> Quarter 2020	3 <sup>rd</sup> Quarter 2022	4 <sup>th</sup> Quarter 2022	4 <sup>th</sup> Quarter 2022	1 <sup>st</sup> Quarter 2023	2 <sup>nd</sup> Quarter 2023

	around Crewe Railway Station and its immediate environs.	Railway Station		Quarter 2022	Representations period not concluded due to Covid 19 situation  Need to re-publish with possible revisions. Estimated 1 <sup>st</sup> Quarter 2022					
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## Appendix 1 Glossary of Terms

<b>Adoption</b>	The final approval of a Local Plan document by the Council after the document has been through all the stages in its preparation including independent examination. Once a Local Plan document has been adopted it becomes part of the statutory development plan which is the starting point for making planning application decisions.
<b>Area Action Plan</b>	Area Action Plans are a type of Development Plan Document providing a planning framework for a specific area of opportunity, change or conservation. Area Action Plans give a geographic or spatial dimension and focus for the implementation of policies for that area
<b>Development Plan</b>	This comprises all the Local Plan documents that have been adopted and the Neighbourhood Development Plans that have been 'made'. The development plan is, by law, the starting point for making planning application decisions.
<b>Independent Examination</b>	This is the process by which a Local Plan document is independently assessed by a Planning Inspector. It generally includes a round table discussion into whether the Local Plan document has met all of the relevant legal requirements and meets the tests of 'soundness' as set out in the NPPF (positively prepared, justified, effective and consistent with national policy)
<b>Inspector's Report</b>	This follows the examination of the Local Plan document. It sets out the Inspector's conclusions about whether the Local Plan document has met all the relevant legal requirements and is 'sound' (positively prepared, justified, effective and consistent with national policy). It is accompanied by a schedule of recommended Main Modifications - amendments that the Inspector considers need to be made to the Local Plan document to address any legal and/or 'soundness' issues.
<b>Local Plan</b>	This is the plan that guides the scale, type and location of development across the borough. It also includes policies to achieve good design, safeguard the environment, promote well-being and achieve economic and housing growth. It is drawn up by the Council, informed by public consultation and scrutinised through independent examination.
<b>Local Plan Preparation (Reg 18)</b>	This stage involves evidence gathering and initial public consultation to obtain feedback on emerging policy options and proposals.

- Local Development Scheme (LDS)** A programme setting out the Local Plan documents that the council intends to prepare and when.
- National Planning Policy Framework (NPPF)** This is the Government's national planning policy. Local Plan documents should be consistent with national planning policy.
- Publication** This is the stage at which the Council publishes its full, final draft of the Local Plan document for six weeks public consultation. It should be the version of the document that it intends to submit for examination.
- Submission** This follows the publication stage and is the point at which the Local Plan document is formally submitted for independent examination by a Planning Inspector.
- Supplementary Planning Document (SPD)** Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.