

Northern Planning Committee

Agenda

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| Date: | Wednesday, 7th December, 2022 |
| Time: | 10.00 am |
| Venue: | The Capesthorne Room - Town Hall, Macclesfield SK10 1EA |

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

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

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

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

3. **Minutes of the Previous Meeting** (Pages 3 - 8)

To approve the Minutes of the meeting held on 16th November 2022 as a correct record.

Please Contact: Gaynor Hawthornthwaite
E-Mail: gaynor.hawthornthwaite@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

4. **Public Speaking**

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

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

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

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **20/4065M - Land at MOSS LANE, MACCLESFIELD: Erection of 18no.100% affordable apartments within 2no. blocks with associated access, parking, landscaping and other works for Copperleaf /Jigsaw Homes (Pages 9 - 48)**

To consider the above planning application.

6. **21/2866M - HIGHER KINDERFIELDS FARM, HOLLIN LANE, SUTTON, SK11 0NN: Change of use of a garage/workshop into 5 accessible tourist units for Mr Mike Eardly (Pages 49 - 64)**

To consider the above planning application.

7. **21/6196M - HAWKSHEAD QUARRY, LEEK OLD ROAD, SUTTON, CHESHIRE, SK11 0JB: Proposed Additional Industrial Units for Small Scale Businesses within Hawkshead Heavy Industrial & Haulage Park for Mr Steve Bell, AM Bell (Properties) Ltd (Pages 65 - 88)**

To consider the above planning application.

Membership: Councillors M Beanland, L Braithwaite (Vice-Chair), T Dean, JP Findlow, A Harewood, S Holland, D Jefferay, J Nicholas (Chair), I Macfarlane, N Mannion, L Smetham and J Smith

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 16th November, 2022 in the The Capesthorne Room -
Town Hall, Macclesfield SK10 1EA

PRESENT

Councillor J Nicholas (Chair)
Councillor L Braithwaite (Vice-Chair)

Councillors T Dean, JP Findlow, A Harewood, S Holland, D Jefferay,
I Macfarlane, L Smetham, J Smith, M Beanland and M Hunter

OFFICERS IN ATTENDANCE

Nicky Folan – Planning Solicitor
Paul Wakefield – Planning Team Leader
Neil Jones – Principal Development Officer
Gaynor Hawthornthwaite – Democratic Services Officer

32 APOLOGIES FOR ABSENCE

Apologies were received from Councillor N Mannion and Councillor K Parkinson. Councillor M Hunter attended as a substitute for Councillor N Mannion and Councillor M Beanland attended as a substitute for Councillor K Parkinson.

33 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interests of openness, the following declarations were made:

Councillor J Smith in relation to application 21/4923M declared that she works with a member of Mobberley Parish Council but had not discussed or pre-determined the application.

Councillor D Jefferey in relation to application 22/1567M declared that an objection had been submitted on behalf of residents of Wilmslow, which is his political party, but had not discussed or had any input into the submission and had not pre-determined the application.

Councillor T Dean in relation to application 22/1567M declared that he knew the applicant and his ex-wife.

Councillor M Hunter declared that he was a Director of ANSA, and was not sure if they had been consulted, as part of the statutory consultations, but had not discussed or been involved in any decisions made by ANSA for these applications.

34 MINUTES OF THE PREVIOUS MEETING

That the minutes of the previous meeting held on 5th October 2022 be approved as a correct record and signed by the Chair.

35 PUBLIC SPEAKING

That the public speaking procedure be noted.

36 22/1567M - LITTLE STANNEYLANDS, STANNEYLANDS ROAD, WILMSLOW, CHESHIRE, SK9 4ER: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 8 DWELLINGS WITH ASSOCIATED GARAGES, PARKING, GARDENS, ACCESS AND LANDSCAPING FOR MRS KERREN PHILLIPS, JONES HOMES (NORTH WEST) LIMITED & MR FRANCIS LEE

Consideration was given to the above application.

(Councillor D Stockton, (Ward Councillor), Councillor J Newell (Wilmslow Town Council), Dr A Weinberg (Objector), and Mr L Evans (Agent) attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report, the verbal update and amended conditions, the application be DELEGATED back to the Head of Planning in consultation with the Chair (or in their absence the Vice-Chair) and the Ward Member, to APPROVE to secure details of 2 affordable units and maximise on site ecological mitigation, subject to a S106 agreement to secure:

- Contribution to biodiversity compensation = £15,953.70
- Provision of 2 affordable dwellings
- Management of open space

and the following conditions:

1. Commencement of development (3 years)
2. Development in accordance with approved plans
3. Materials as application
4. Implementation of landscaping scheme
5. Nesting bird survey to be submitted
6. Foul and surface water shall be drained on separate systems.
7. Surface water drainage details to be submitted
8. Contaminated land - verification report to be submitted
9. Ecological Enhancement details to be implemented
10. Imported soil to be tested
11. Steps to be taken in event of unidentified contamination

12. Car parking spaces to be provided and retained at all times thereafter
13. Development carried out in accordance with Flood Risk Assessment
14. Shared pedestrian/cycleway to be constructed
15. Construction management plan to be submitted
16. Implementation of bat mitigation.
17. Implementation of bluebell mitigation.
18. Updated badger survey
19. Implementation of hedgehog mitigation.
20. Phase II investigation implemented (contamination)
21. Tree Protection and Implementation Measures
22. Service/Drainage Layout detail
23. Access and visibility splays to be provided prior to occupation
24. Scheme to control dust and smoke to be submitted
25. Scheme to prevent birds being attracted to site to be submitted
26. All exterior lighting capped at horizon
27. No reflective materials/solar panels
28. Removal of Permitted Development rights (Class A-E) on plot 7

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

(Prior to consideration of the following item, the meeting adjourned for a short break)

- 37 **21/4923M - MOBBERLEY RIDING SCHOOL, NEWTON HALL LANE, MOBBERLEY, CHESHIRE, WA16 7LB: DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES ON SITE AND THE ERECTION OF 11 NO. DWELLINGS WITH ASSOCIATED ACCESS, PARKING, LANDSCAPING AND INFRASTRUCTURE FOR C/O AGENT, PH PROPERTY HOLDINGS LIMITED**

Consideration was given to the above application.

(Councillor C Leach, (Ward Councillor), Mr E Daniel (Supporter) and Ms D Barber (Agent) attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and the verbal update, the application be APPROVED subject to the S106 Agreement to secure the following:

- Education - $2 \times £17,959 \times 0.91 = £32,685$ (Secondary)
- Recreational Open Space $£1,000 \times 11 = £11,000$ towards the Jim Evison Playing Fields.
- Management of Open Space

And the following conditions:

1. Time Limit
2. Approved Plans
3. Submission of Materials
4. No dry roof verges
5. Window reveals
6. Details of windows, doors and rainwater goods
7. Details of boundary treatments
8. Removal of permitted development rights for extensions, alterations and fences, walls and gates.
9. The development shall be carried out in accordance with the submitted Arboricultural Implications Assessment (AIA) /Arboricultural Method Statement (AMS) (Mulberry Ref TRE/MRSNHL/Rev A dated 14/9/21).
10. Landscaping submission full landscaping scheme including boundary treatments and detail native large canopy trees.
11. Landscaping implementation
12. Breeding bird exclusion zone
13. Prior to the commencement of development a barn owl compensation strategy is to be submitted to and agreed with the Local Planning Authority.
14. The proposed development to proceed in accordance with the recommendation made by section 5.3 of the submitted Phase 1 Habitat Survey & Bat Surveys report (Rachel Hacking Ecology, June 2021)
15. Prior to the use of any building materials in the new development the applicant to submit a strategy for the incorporation of features to enhance the biodiversity value of the proposed development.
16. Submission of Landscape Management Plan
17. Travel Information Pack details to be submitted
18. No development (other than agreed demolition and site clearance works) shall commence until a Remediation Strategy is submitted to, and approved in writing, by the LPA.
19. No part of the development hereby approved shall be occupied or in use prior to submission and approval in writing of a Verification Report.
20. Detailed strategy / design limiting the surface water runoff generated by the proposed development, associated management / maintenance plan and managing overland flow routes to be submitted
21. Ground levels and Finished floor levels (FFLs) need to be approved in writing by the LLFA before any development (excluding demolition and site clearance) shall take place

22. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No. HYD638_MOBBERLEY.RIDING.SCHOOL_FRA, Dated 17/09/2021).
23. Visibility splays in both directions.

The meeting commenced at 10.00 am and concluded at 12.30 pm

Councillor J Nicholas (Chair)

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Application No: 20/4065M

Location: Land at MOSS LANE, MACCLESFIELD

Proposal: Erection of 18no.100% affordable apartments within 2no. blocks with associated access, parking, landscaping and other works

Applicant: Copperleaf /Jigsaw Homes

Expiry Date: 09-Dec-2022

Summary:

The application site comprises a triangular shaped portion of the South Macclesfield Development Area (SMDA) which at present is not developed. The site is positioned within Macclesfield Principal Town settlement boundary between 2no. established residential areas on Moss Lane. The site is allocated as a Greenway/protected open space as part of the SMDA a long-standing allocation dating back to 1998 with emerging SADPD policies allocating it specifically for protected open space alongside the relevant supplementary planning guidance. The site is known to be within a surface water flood risk area with clay, sand and peat soils. The site also has Tree Preservation Orders including a major landscape tree, a Sycamore which is easily seen from Moss Lane. The site is positioned approximately 800m from Danes Moss LWS/SSSI located to the south. The proposals broadly comprise the erection of 18no. 100% affordable apartments over 2no. blocks with associated access, parking, landscaping and other works.

The principle of the development is not accepted as it is considered that it would completely preclude the ability to protect open space as part of emerging SADPD policies and provide a greenway with ecological network benefits relating to the overarching, longstanding SMDA LPS 13 allocation, where the provision of affordable housing beyond policy requirements is not considered to present material circumstances which outweigh the issue with the principle of the development.

In terms of design and local character it is considered that the proposals represent the overdevelopment of a confined and irregular shaped site and do not present a high-quality residential scheme that responds to local characteristics.

With regard to the consideration of the impact of the development on tree life including Tree Preservation Orders it is considered that at this time there is insufficient information to demonstrate that the layout, specifically regarding the rear block of apartments presents a sustainable relationship with a protected and high amenity tree, T6 Sycamore, a major landscape tree.

Due to the layout and scale of the buildings proposed it is considered that this would heavily restrict the open views towards the predominant Sycamore on site which is a key landscape characteristic of this site, alongside loss of its otherwise open and inclining nature (north east to south west). As such it is considered that appropriate landscaping could not be achieved in combination with the proposals to mitigate the harm caused by them.

In terms of flood risk and water management it is considered that there is insufficient information presented relating to the consideration of flood risk and water management for the site and impacts on the immediate surrounding area and watercourses as a result of the development, in an area with existing drainage, flooding and water management problems.

Taking into account these points it is recommended that the application is refused as it is not considered to be in compliance with, or there is insufficient information otherwise to confirm compliance with policies and guidance regarding the principle of the development, design and local character, tree protection, landscape character and flood risk/water management.

Summary recommendation:

The application is recommended for refusal.

Reason for committee call-in:

This item has been referred to the Northern Planning Committee at the discretion of the Head of Planning, as the proposal was originally submitted as a development of over 20 residential units, which would require a committee decision.

Description of site and context:

The site is located to the west of Moss Lane, Macclesfield comprising a triangular-shaped plot of around 0.4ha in size. The site is enclosed by a metal post and rail fence to its Moss Lane frontage and inclines from north-east to south-west. There is a prominent tree covered by Tree Preservation Order to the north-western boundary of the site G3 – a group comprising 3no. Sycamore and 2no. Alder (Macclesfield – Park End Farm, Moss Lane No1) Tree Preservation Order 1998 and T1 Sycamore to the south (Macclesfield – Weston Park Nursing Home/Moss Lane Farm, Moss Lane) Tree Preservation Order 1998, with other boundary trees and hedgerows and site trees present. The site has an open vegetated appearance when viewed from public vantage points on Moss Lane and from the informal pathway running to the northern boundary of the site which leads to a playground known as Franklin Close Play Area to the west. Beyond the site edged red to the east is Macclesfield FP15 public right of way. To the north, east and south of the site are predominantly residential areas of Macclesfield with most completed in the 1990s/2000s of mostly two-storey scale finished in semi-detached and detached styles with some flats made to appear as if semi-detached dwellinghouses. The predominant facing materials in the area are red facing brick walls, upvc fenestration and grey tiles roofs, thus typically domestic in profile. The site is noted to be within the South Macclesfield Development Area and as emerging Protected Open Space designations. Further beyond the site is Henshaw Recycling/Processing Centre and Weston Park Care Home. Around 800m to the south is the Danes Moss Local Wildlife Site and SSSI.

Details of the Proposals:

The original proposals were for the *'erection of apartment block containing 12no. two-bedroom and 24no. one-bedroom apartments with associated external works, car parking and landscaping'*. Following extensive consultation the proposals were amended to *'erection of 24no. 100% affordable apartments (16no. one bedroom apartments and 8no. two bedroom apartments)'* and then again to *'erection of 18no. 100% affordable apartments within 2no. blocks with associated access, parking, landscaping and other works'*, the latter of which

represents the current set of proposals. The following assessment is based upon the revised scheme as per the documents listed in Letter ref:20-619 from Emery Planning dated 18th November 2022.

The proposals are brought forward, owned and managed by Adactus Housing Association with the Copperleaf Group Ltd, a registered provider and part of the Jigsaw Homes group. One block comprises 12no. two-bedroom apartments (45sqm each) and the other 6no. two-bedroom 'cottage' flats split between 3no. 57sqm and 3no. 63sqm flats. The two-bedroom apartments block is proposed as a gable and valley style design with communal hallways. The 'cottage' flats block is proposed in a gable style design with each unit having their own entrance. It is stated that all apartments meet Homes England funding requirements of 85% of Nationally Described Space Standards. The proposed tenure is affordable rent. Both blocks are proposed in a two-storey format and it is indicated proposed external facing materials are to be walls in brick and roof in tile.

A new vehicular and pedestrian access into the site from Moss Lane will be created which will lead to various areas of surface parking in the centre of the site for 25no. vehicles including 2no. disability spaces. The site access amendment secures visibility of 2.4m x 43m at a width of 5.5m with 2no. 2m footways provided either side for pedestrians. A new pedestrian link to the north of the site leading from the parking area is proposed to link with the existing public footpath running to the north-western boundary of the site. A pathway from the car parking area to the south-eastern boundary linking to Moss Lane is also proposed. To the entrance dropped kerbs for pedestrians are planned. 1no. bin store containing 8no. Eurobins is proposed to the west of the proposed site entrance off Moss Lane. 2no. cycle stores are proposed to the south of the rear block of apartments. 1no. bin store containing 4no. Eurobins and 1no. cycle store is proposed to the south-east of the block of 'cottage' flats blocks to the Moss Lane frontage. It is intended that bin collection take place from Moss Lane.

To the south-west of the site a wildflower meadow also suitable for surface water collection is proposed alongside private amenity areas for the development. Other aspects of private amenity areas and landscaping are proposed to the rear of the 'cottage' flats and to the frontage. In respect of drainage a SuDS basin to attenuate land drainage is proposed to the south-west of the site for some surface water. Surface water is also proposed to be handled via cellular storage crates connected via pipework to a permeable paving area. The surface water is proposed to be handled via hydro-brakes to then connect into an existing culverted watercourse beyond the site edged red. The foul drainage is proposed to be handled via a Foul Pumping Station stated to be 'Jupiter 2.5m or similar – design by others' to then connect into existing mains sewers beneath Moss Lane. A landscaping scheme supports the proposals showing around 40no. new trees to be planted amongst other hedgerow, wildflower and shrub planting.

Relevant Planning History:

21/6430M - Details of access, appearance, landscaping, layout and scale for Phase 10 - relocation of existing demolition / reclamation yard operational facilities (Use Class Sui Generis). The Outline Application was an EIA application and an ES was submitted at that time.
– unregistered RM application

21/6429M - Details of access, appearance, landscaping, layout and scale for Phase 9 - relocation of existing demolition / reclamation yard operational facilities (Use Class Sui

Generis). The Outline Application was an EIA application and an ES was submitted at that time.
- – unregistered RM application

21/6428M - Details of access, appearance, landscaping, layout and scale for Phase 6 - 146 dwellings (Use Class C3). The Outline Application was an EIA application and an ES was submitted at that time.- unregistered RM application

21/6427M - Details of access, appearance, landscaping, layout and scale for Phase 5 - a one form entry Primary School (1,300 sqm - Use Class D1). The Outline Application was an EIA application and an ES was submitted at that time. – unregistered RM

21/6422M - Details of access, appearance, landscaping, layout and scale for Phase 8 - 179 dwellings (Use Class C3). The Outline Application was an EIA application and an ES was submitted at that time. - unregistered RM

21/6421M - Details of access, appearance, landscaping, layout and scale for Phase 7 - 325 dwellings (Use Class C3). The Outline Application was an EIA application and an ES was submitted at that time. – unregistered RM

21/5940M - Non-material amendment on application condition 2 - 17/1874M - Demolition of existing structures and redevelopment of site including up to 950 homes; a one form entry primary school (use class D1), retail development (use class A1) of up to 4000sqm; employment floorspace comprising offices (use class B1a) of up to 500sqm and warehousing (use class B8) up to 10,000 sqm or relocation of existing demolition / reclamation yard operational facilities (sui generis); associated landscaping, roads and related works - outline application, all matters reserved except site accesses from Congleton Road, Moss Lane and Moss Lane/Star Lane. – approved with conditions – 15th December 2021

19/1796M - Phase 1 primary infrastructure works comprising of enabling works, new highways, footpaths/cycleways, public open spaces, ecology areas and associated hard and soft landscaping, drainage and servicing works pursuant to outline planning permission 17/1874M.
– RM – awaiting determination

17/1874M - Demolition of existing structures and redevelopment of site including up to 950 homes; a one form entry primary school (use class D1), retail development (use class A1) of up to 4000sqm; employment floorspace comprising offices (use class B1a) of up to 500sqm and warehousing (use class B8) up to 10,000 sqm or relocation of existing demolition / reclamation yard operational facilities (sui generis); associated landscaping, roads and related works - outline application, all matters reserved except site accesses from Congleton Road, Moss Lane and Moss Lane/Star Lane. – approved with conditions and s106 – 15th January 2019

14/2588S – EIA Screening Request Opinion for Application 14/0282M - Demolition of existing structures and redevelopment of site including up to 325 residential units, Class A1 retail store max 7,432 square metres (80,000 sq ft) GIA, A Class A3-A5 unit, replacement sports pitches/facilities including a new clubhouse, with main vehicular access to be provided directly off Congleton Road, associated landscaping and other works - Outline application, all matters reserved. – not determined.

14/0282M – Demolition of existing structures and redevelopment of site including up to 220 residential units, Class A1 retail store max 7,432.sq.m (80,000 sq.ft) GIA, A class A3-A5 unit, replacement sports pitches/facilities including a new clubhouse, with main vehicular access to be provided directly off Congleton Road. Associated landscaping and other works - outline application, all matters reserved. (Voluntary Environmental Statement submitted) – approve subject to a section 106 agreement and conditions – 26th August 2014

09/1969T – prune two sycamores – decline to determine – 25th August 2009

Relevant Policies and Guidance:

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 Well-Being

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

SE8 Renewable and Low Carbon Energy

SE9 Energy Efficient Development

SE10 Sustainable Provision of Materials

SE12 Pollution, Land Contamination and Land Instability

SE13 Flood Risk and Water Management

CO1 Sustainable Travel and Transport

CO4 Travel Plans and Transport Assessments

Appendix C – Parking Standards

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

Macclesfield Borough Local Plan – saved policies (MBLP)

NE11 Nature Conservation

NE12 SSSI's. SBI's and Nature Reserves

NE14 Nature Conservation Sites

NE15 Habitat Enhancement
NE17 Nature Conservation on Major Developments
NE18 Accessibility to Nature Conservation
RT1 Protection of Open Spaces
RT2 Incidental Open Spaces
RT5 Open Space Standards
RT6 Proposed Open Space
RT7 Cycleways, Bridleways and Footpaths
RT8 Access to Countryside
DC3 Design – Amenity
DC6 Design – Circulation and Access
DC8 Design – Landscaping
DC9 Design – Tree Protection
DC15 and DC16 Provision of Facilities
DC17, 19 and 20 – Design – Water Resources
DC35 Residential development – Materials and Finishes
DC36 Road Layouts and Circulation
DC37 Landscaping
DC38 Residential development – Space, light and privacy
DC40 Childrens Play Provision and Amenity Space
DC41 – Infill housing development or redevelopment
DC63 Contaminated Land Including Landfill Gas

Other material policy considerations

National Planning Policy Framework 2021 (NPPF)
National Planning Practice Guidance
Cheshire East Borough Design Guide 2017 SPD (CEDG)
South Macclesfield Development Area December 1998 (SMDA 1998)
Trees and Development SPD (TSPD)
Designing Out Crime SPD (DOC)
Section 106/ Planning Obligations (S106/PO SPD)
Community Infrastructure Levy (CIL)
Open Space Assessment (OSA) 2013
Strategic Housing Market Assessment (SHMA) 2013
Cheshire East Residential Mix Assessment (2021)
Cheshire East Annual Monitoring Report 2020/21
Housing Development Study 2015 (HDS)
Housing completions and supply summary 2021/22 March 2022
Housing Monitoring Update 2020/21 March 2022
Cheshire East Green Space Strategy 2013
Cheshire East Green Space Strategy Update 2018
Cheshire East Green Space Strategy Update 2019
Cheshire East Green Space Strategy Update 2020
Cheshire East Green Infrastructure Plan 2019
Green Infrastructure Assessment of Cheshire East 2018

Site Allocations and Development Policies Document

The Site Allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Council received the Inspector's Report on 17th October 2022, completing the

examination stage of the Plan. The Report concludes that the SADPD provides an appropriate basis for the planning of the Borough, provided that a number of Main Modifications are made to it. The Council can now proceed and adopt the Plan, which is expected to be decided at the Full Council meeting on 14th December. Having regard to paragraph 48 of the National Planning Policy Framework, relevant policies, as amended by the Main Modifications, may be given substantial weight in determining planning applications.

Site Allocations and Development Policies Document September 2020 - Emerging Plan – substantial weight attached (SADPD)

PG9 Settlement Boundaries

GEN1 Design Principles

GEN7 Recovery of planning obligations reduced on viability grounds

ENV1 Ecological network

ENV2 Ecological implementation

ENV3 Landscape character

ENV5 Landscaping

ENV6 Trees, hedgerows and woodland implementation

ENV7 Climate change

ENV8 District heating network priority areas

ENV12 Air Quality

ENV14 Light pollution

ENV15 New development and existing uses

ENV16 Surface water management and flood risk

ENV17 Protecting water resources

HOU1 Housing mix

HOU2 Specialist housing provision

HOU3 Self and custom build dwellings

HOU6 Accessibility and wheelchair housing standards

HOU10 Amenity

HOU11 Residential standards

HOU12 Housing density

HOU13 Housing delivery

HOU14 Small and medium-sizes sites

INF1 Cycleways, bridleways and footpaths

INF3 Highways safety and access

INF6 Protection of existing and proposed infrastructure

INF9 Utilities

REC1 Green/open space protection

REC2 Indoor sport and recreation implementation

REC3 Green space implementation

REC5 Community facilities

CONSULTATIONS (EXTERNAL TO PLANNING)

Revised plans September 2022:

LLFA

23rd November 2022 – object to the proposals based on the wider planning constraints at the location and the localised concern regarding pluvial flooding. Recommend refusal on the

grounds of insufficient information as the following information to support a drainage strategy and water management for the site has not been provided:

- Site specific hydraulic catchment modelling up to 1 in 100 years +CC%% to challenge publicly available Environment Agency modelled flood maps.
- Seasonal groundwater monitoring, to reflect any fluctuation in groundwater during the winter periods (flood mitigation works (pond be level)).
- Proposed basin cross-sections for the compensatory pluvial flooding proposals.

2nd November 2022 - object to the proposals on the ground of insufficient information. Reviewed the Flood Risk Assessment and have reservations regarding the proposed flood mitigation works. Imperative to ensure the correct volumes of pluvial flooding have been modelled and included within mitigation works to avoid any flooding to existing or proposed development at this location.

30th July 2021 – object on grounds of surface water risk how it can be managed in the site boundary without causing flooding impacts.

27th October 2020 - object on grounds of surface water risk how it can be managed in the site boundary without causing flooding impacts. Recommended a Flood Risk Assessment be undertaken in order for the objection to be removed.

Environmental Protection

4th October 2022 - no further comments to make from previous comments provided regarding Air Quality and Environmental Protection.

Environmental Health Officer – 18th November 2022 – no objections subject to the use of conditions to cover: piling (prior to commencement if applicable); site specific dust management plan prior to commencement; electric vehicle charging point provision on a 1no. per dwelling basis; ultra low emission boilers; prior to commencement risk assessment; prior to occupation verification report; soil importation onto site prior to importation testing and reporting of previously undiscovered land. Informatives also recommended to cover: Environmental Health Act 1990 and contaminated land.

13th May 2021 – no objection subject to conditions

17th December 2020 – object to the proposals on the grounds of insufficient information relating to contaminated land.

Education

1st November 2022 – no comments or contributions requests to make as scheme is now mostly one-bedroom units.

14th May 2021 - no objection subject to securing financial contributions/planning obligations to mitigate for demands on education as a result of the proposed development - 12 x 2 bed units would need a £32,685 provision based on a need for 2no. secondary child places.

Strategic Housing

12th September 2022 - no objections to the proposals.

7th December 2020 - No objection – provides 100% affordable scheme when policy seeks requirement of 11no. dwellings for 36no. proposed. Policy SC5 seeks that Council expects a 65/35 ratio of social rented and intermediate affordable housing as such 23no. units should be affordable rent and 13no. units as intermediate tenure. Applicant did not provide affordable housing scheme with the application and at that time the split would be unknown. Further to re-consideration they considered that they could not sustain an objection based on tenure as the proposals were proposed in the same block and having two types of tenures in one block can cause issues.

Public Rights of Way Unit

28th September 2022 - no objections subject to use of informatives attached to any approval of the development to ensure ongoing protection and usage of the PROW during construction of the development.

19th October 2020 - no objections– subject to informatives attached to any approval to keep the PROW Macclesfield no. 15 unrestricted.

CEC Highways

3rd October 2022 - no objections to the development.

13th May 2021 – object to the development on grounds of lack of parking and visibility

3rd November 2020 – object to the proposals on the grounds of insufficient information due to lack of suitable visibility splay drawings relating to the access as such unable to conclude the access is safe in highways terms.

ANSA

Object to the proposals for the following summarised reasons – fully agree with the comments provided by the Spatial Planning/Planning Policy Officer – the proposal for the SMDA has included the site for many years as a number of greenways connecting SMDA to Moss Lane and surroundings and has always been seen as a crucial element. To function well as greenways, supporting and encouraging use by a wide range of the local community, year-round, sufficient space must be allocated to enable good, considerate and appropriate design. Whilst the site is not currently shown on the existing adopted policies map but until SADPD is adopted, RT2 of the MBC Local Plan also applies being a carried over policy. acknowledge the applicant has made some improvements to the design, reducing bulk and footprint of the development, visually opening up the scheme and removing the negative impact of buildings overpowering and dominating the first section of the greenway. No room for planting or landscaping along the proposed car park boundary which would be desirable in any scheme to provide buffers and helped green and visually widen and define the entrance to the existing walkway. The D&A reference the impact of development on the greenway, this is the most indicative of the failure of the applicant to understand the relationship between the two and opportunity to either positively or negatively impact upon it. The application does not contain any proposed POS, as required by SE6 of CELPS, along with ROS, GI connectivity and allotment provision. Com sums for off-site provision will be required for play and amenity at £3000 per family dwelling towards additions and enhancements on adjoining existing open space and play area known as Rotherhead Drive/Franklin Close. Public Open Space coms ums

would be £1000 per family dwelling and £500 per 2 bed space @ £3,000 total – directed towards Congleton Road Playing Field and supporting infrastructure in line with the PPS or PPOSS due for adopting in 2023 replacing the PPS. The overriding concern is the loss of open space, contrary to policy and the negative impact this will have on the adjacent open space and future ability to provide a much-needed greenway.

14th May 2021 – object to the proposals - The site would have to provide POS and ROS and is part of LPS13 SMDA as greenway and as such is contrary to open space, green infrastructure, outdoor recreation and the allocation policies.

United Utilities

5th October 2022 - no objections to the development subject to the use of planning conditions to secure detailed drainage for the site on a prior to commencement basis and a prior to occupation drainage scheme implementation and maintenance for the lifetime of the development. The submitted drainage layout is acceptable in principle alongside the Flood Risk Assessment however insufficient detail on the drainage design. A proposed foul pumped rate needs inclusion on drainage plan and as it appears foul rising main is proposed to directly connect into UU existing combined network they require a break chamber and gravity connection into existing manhole as such levels of this are required on amended design.

29th April 2021 - no objection subject to conditions

27th October 2020 – no objection subject to conditions

NHS

2nd November 2022 – no objections subject to an s106 to secure financial contributions/planning obligations to mitigate the impact of the development on existing services with a total contribution of £10,368 toward Waters Green Medical Centre improvements. The split is 12 x one-bedroom units @ £6,048 and 6 x two-bedroom units @ £4,320. Options for improvements as previously identified in the 10th January 2022 response.

10th January 2022 – no objections subject to securing financial contributions/planning obligations

12th May 2021 - no objections subject to securing financial contributions/planning obligations

Natural England

7th October 2022 - No specific comments to make. ‘the lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the proposals are not likely to result in significant impacts on statutory designated nature conservation sites or landscapes’.

Cheshire Wildlife Trust

20th September 2022 - object to the proposals for the following reasons:

- Following publication of Government’s Net Zero: Build Back Greener Strategy 2021 and the England Peat Action Plan 2021, it is indisputable that the loss and/or modification of peat deposits in any capacity should be avoided. The development of peat not only destroys existing biodiversity and releases significant quantities of greenhouse gases (GHGs), but it also undermines any future restoration potential for biodiversity or carbon

sequestration, resulting in the permanent loss of an important and finite natural capital resource (regardless of condition).

- CWT does not support the principle of developing on peat and (in line with recommendations from Natural England appended to this response, advise instead its importance instead be considered in the delivery of the Local Nature Recovery Strategy, ambitions around Net Zero and the Climate Emergency declared by Cheshire East Council.
- Peat extraction is not supported under CELPS policy SE10 Clause 9. Whilst a mineral policy, this clause was cited in a decision by CEC to refuse residential planning application ref:19/3098M due to the removal of peat and deterioration of air quality through the release of GHG's.

Cheshire Archaeology

9th September 2022 - no objection to the proposals.

Cadent Gas

13th October 2020 - no objections subject to informatives on their letter requiring input separate to planning.

Councillor Wilson and Macclesfield Town Council

Object to the proposals for the following summarised reasons:

- Soil analysis shows there is from 0.4 – 1m thick peat present on the site, building on peat is not supported. Natural England do not support the development due to the building on peat and thus object.
- Under provision of parking compared with Appendix C of CELPS with lack of electric vehicle charging points.
- Development will lead to an increase in volume of traffic, contributing to an increase in pollution, traffic and parking issues in the area with no Transport Statement considering these elements.
- Development will result in loss of open space and wildlife habitat following removal of on-site vegetation and proposals for biodiversity net gain will need to be achieved off-site elsewhere in Cheshire which is not acceptable.
- Unclear whether development will have detrimental impacts on existing water supply, drainage, flood risk and insufficient water pressure issues experienced in the immediate area.
- Development will lead to detrimental impacts on residential amenity due to overlooking and loss of privacy to neighbouring properties.
- Proposed bin store locations are problematic next to footpath from Rotherhead Drive to the play area.
- Unclear about the site and its inclusion regarding provision of green infrastructure and landscaping with regards to proximity of Moss Lane development to public footpaths and the South Macclesfield Development Area.
- Positive that it is an affordable housing scheme with affordable rent provided of which keen to improve quality and quantity availability of affordable housing with no concern over the use of Jigsaw Homes.

Macclesfield Town Council

4th May 2021 - object to the proposals for the following summarised reasons:

- Increase in volume of traffic and related pollution and parking issues already existent in the area, there is an insufficient provision of parking at the site in line with CELPS guidance.
- The proposals represent overdevelopment with design out of keeping with the properties in the area
- The development may increase issues relating to drainage, flood risk and insufficient water pressure already experienced in the area.
- The development would result in the overlooking of loss of privacy to neighbouring properties.
- The development would cause adverse impacts on nature conservation.
- The proposals do not adequately consider the impacts of development on tree life and as such there is insufficient information.
- The proposals do not adequately consider the impacts of development on landscape character and do not have a supporting landscaping scheme and as such there is insufficient information.
- The proposals are unclear as to the details on the types of affordable housing, tenure and management.
- The proposals are unclear in terms of need for providing green infrastructure, landscaping and improvements to the northern footpath and the sites relationship with the wider SMDA.
- The proposals do not adequately consider the impacts of development on the local highways network and are not supported by a Transport Statement and as such there is insufficient information.
- The contaminated land report is not accessible and content is unavailable and as such there is insufficient information to consider these impacts on existing neighbours and future occupants. In the 2020 version Environmental Health recommended refusal on contaminated land.
- Lack of electric vehicle charging points.
- Little change to the design apart from roof pitch, window design and inclusion of balconies.
- There are many objections from local people in respect of the proposals.
- There is not information relating to flood risk mitigation and already existing problems for homeowners neighbouring the development relating to water pressure.
- There is insufficient information in regards to biodiversity net gains and lack of survey work relating to ecology and protected species as per CELPS policies.

10th November 2020 – object to the proposals for the following summarised reasons:

- Increase in the volume of traffic, contributing to an increase in pollution and exacerbating parking issues in the area.
- Overdevelopment, with the design out of keeping with properties in the area.
- Concerns over drainage, flood risk and insufficient water pressure of the supply to the building and to nearby properties who are already experiencing poor water pressure.
- Loss of open space and wildlife habitat.
- Overlooking and loss of privacy to neighbouring properties.
- An adverse impact on nature conservation.
- Delays and inadequate provision of notice to neighbours of the planning application.
- Lack of clarity on how the affordable units would be achieved and what the split of tenure would be.

- Lack of clarity on the impact of the SMDA allocation across the site and the impact the development would have in terms of providing green infrastructure and landscaping.

20th October 2020 – raised no objections however noted concerns about flat roof design being out of keeping with the area; EV charging points should be included within the design and that a sprinkler system be included in the design.

Councillor Puddicombe

Object to the proposals for the following summarised reasons:

- Whilst welcoming affordable housing provision and the amendments being an improvement on earlier designs there are too many concerns to support it.
- Two-bedroom properties described as ‘cottages’ are clearly apartments, though the overall reduction in the number of apartments is positive.
- Development will lead to detrimental impacts on residential amenity due to overlooking, loss of privacy and proximity to bin storage areas to neighbouring properties.
- Development proposes an insufficient level of car parking with regards to CEC parking standards.
- Development does not propose electric vehicle charging points.
- Development may lead to additional traffic generation where Moss Lane is already under pressure at peak times from heavy commercial traffic and additional traffic from close by new development, as well as being used as a route from London Road across to Congleton Road with proximity to the latter junction a concern. Longstanding issue experienced by existing homeowners.
- Development may worsen existing water pressure problems.
- Development would lead to biodiversity net loss where there is already loss in south Macclesfield notwithstanding mitigation proposed via legal agreement to secure off-site provision ‘within Cheshire’.
- Site adjacent to South Macclesfield Development Area and its environment sensitivities. Soil analysis confirms presence of peat on this site and Natural England have confirmed importance of that and it has been used by the LPA as a reason to refuse approval under ref: 19/3098M.

OTHER REPRESENTATIONS

Revised plans September 2022:

Macclesfield Civic Society – made an observation as follows:

- Overcomes previous highways objections.
- Scale of development is appropriate, and layout integrates the scheme into established pattern of development in the locality.
- Increased number of affordable housing units in line with housing policy objectives.
- Subject to landscaping and appropriate materials scheme has merit.
- Ecological considerations may be related to concerns which have been expressed regarding the wider South Macclesfield Development Area – these should be viewed critically but also pay due regard to the nature of adjacent development.

32 no. letters of objections were received from the public summarised as follows:

Principle of the development:

- The site is greenfield and therefore should not be developed before brownfield and other sites within the town centre are as per priority in local plan.
- The site is allocated for open space and greenway as part of the wider South Macclesfield Development Area (SMDA).
- The development is not required as nearly 1000 homes are being built as part of the SMDA which has extant approval.
- Insufficient information on the type, management and intended occupants of the affordable housing.

Design and character:

- The development is not in keeping with the character of the immediate area.
- Apartments are not a characteristic feature of residential development on Moss Lane, which is currently family housing of two-storey semi-detached and detached nature.
- The size and scale of the development represents overdevelopment on a small, triangular piece of land and in comparison to neighbouring development.
- Bin storage location next to building entrances and immediate neighbouring development is out of keeping with character of the area including that on the site entrance.

Highways and parking:

- The development will create too much traffic on an already busy highway of Moss Lane as a result of recent residential developments elsewhere on Moss Lane.
- The intensification of the site will worsen existing surfacing issues on Moss Lane due to additional usage as a result of this development and others recently completed.
- The location of the access on a bend on Moss Lane is dangerous due to visibility for vehicles and pedestrian users.
- The development would add pressure onto this tributary road that leads to Congleton Road roundabout where traffic problems are already experienced.
- The development is not in a sustainable location due to lack of public transport options for the site such as adequate bus services.
- The development would be inappropriate unless traffic calming mitigation measures can be secured by s106 etc.
- The development proposes an insufficient parking provision compared with Appendix C of the CELPS.

Residential amenity and pollution:

- The development will add to noise, vibration, fumes and air quality disturbances which are already an issue from ongoing housing construction nearby (Barratt and Eccleston Homes sites) and the activities of Henshaws.
- Bin storage location next to building entrances and immediate neighbouring development is contrary to policies as if not maintained they could be detrimental to residential amenity standards due to smells, vermin etc.
- The layout, scale and orientation of the development will lead to overlooking, privacy impacts and overshadowing and as such represents inappropriate development.
- The site is liable to subsidence and is unstable as such is unsuitable for development.
- The development does not propose any EV charging points as such cannot be considered to be sustainable.

Flood risk and water management:

- The development will exacerbate existing water pressure issues experienced by existing residential neighbours with United Utilities unable to fix ongoing issues.
- The development will worsen existing foul sewer problems on Moss Lane where the existing sewer leaks and creates a foul stench when East Park pump via Craig Road.
- The development is proposed on a site known to flood due to surface waters collecting on it, with peat known to exist below the surface as such further development may worsen an existing poor situation.
- The indicated attenuation basin/wildflower meadow is of an insufficient size to attenuate surface water for the development.

Nature conservation, biodiversity and geodiversity:

- The development will irreparably damage wildlife and a green space in a built-up area without sufficient mitigation proposed.
- The development will result in a loss of habitat which links with Danes Moss SSSI and result in loss of irreplaceable peat habitats of which Natural England are against building on peat.
- Cheshire Wildlife Trust note the findings of peat on the site and that its extraction is not supported under CELPS SE10 Clause 9.

Trees and Landscaping:

- The proposed trees will cause more car accidents as they block visibility splays when exiting onto the highway and be detrimental to neighbouring properties due to growing branches and root impacts.
- The development will encroach onto the root protection area of a TPO tree which may result in harm to it and as such is contrary to local policies.

Outdoor sport and recreation:

- The development would result in a loss of existing green space for dog walkers and other activities and would also impact mental health.

Other considerations:

- Work is being undertaken without the benefit of planning permission.
- The development is unsuitable as there is not adequate services in place such as schools, supermarkets, doctors, dentists, playgrounds etc. to support it.
- Tenants of the properties may cause anti-social behaviour and increase in criminal activities.
- The development will detrimentally impact house prices in the area and lead it to become undesirable.

2021 consultation on revised plans:

42no. letters objecting to the development were received from the public summarised as follows:

Principle of the development:

- The development is proposed on greenfield land whereas brownfield land should be targeted for this type of development closer to the town.

- The SMDA is already providing 950 homes as such further development on this site is not required.
- The development is proposed on Green Belt land where no very special or exceptional circumstances exist to permit the development.
- The development would prevent the intended creation of green infrastructure, pathways, POS and LEAP for the SMDA. Also noting approval of SMDA under 17/1874M.

Housing types:

- Concern over affordable rent housing causing a transient population due to lack of mix of tenures.
- Area is mostly family housing with old persons homes and as such apartments are not a typical type.

Design and Character:

- The development is too dense and represents overdevelopment.
- The proposals will create 48no. bedrooms for 96no. people on to small a site at around 37sqm per person which results in inadequate internal layouts and open space.
- The proposals do not reflect the character of the immediate area and is not in keeping with local themes in terms of architectural style and scale.
- Three storey development is not the typical scale for the area of which local themes are two-storey detached and semi-detached houses. Apartments are not typical in this area and are too urban looking for a sub-urban location.
- Large car parking area would detrimentally impact local character and provide poor outlook for occupants and neighbouring form. Future residents would unlikely want an open space backing onto car parking due to security and any fence would not be in keeping with the immediate area.
- Bin storage areas are located poorly and unlikely to be used properly due to distance from properties and may be unsightly. Amount of bin storage is insufficient as in Macclesfield there are 3no. bins per property. Location of bin store is unacceptable and needs to border the new buildings and not existing properties.

Residential amenity and pollution control:

- The development will cause loss of light to external amenity areas of neighbouring development and cause overshadowing to external amenity areas and habitable rooms alongside loss of privacy particularly to Whitfield Drive, Langley Drive, Moss Lane and Rotherhead Drive.
- Construction of the Henshaws sites is already disruptive from noise, fumes, dust and vibration and further development at this site will worsen this as a result of additional vehicle usage.
- There is no provision for EV charging point provision as such the development cannot be considered to be sustainable.

Highways and parking:

- The development will result in additional vehicles usage in the area on an already congested and heavily used highway of Moss Lane which is a cut through for all types of traffic such as construction/schools between Congleton Road and London Road.
- Moss Lane is problematic for speeding drivers which is particularly bad at this stretch of road.

- This development will add to queueing on Moss Lane leading to the Congleton Road junction and Flying Fields Drive roundabout, which locals already consider inadequate and dangerous.
- Moss Lane is in disrepair with pot-holes, ditches and sunken grids and needs updating and the development will worsen this as a result of intensification.
- Insufficient visibility and turning at the site entrance planned on a bend in the road of Moss Lane will lead to dangerous traffic conditions for drivers and pedestrians.
- Lack of public transport options in the area means it is not a good location for affordable or social housing and is thus not sustainable.

Trees and Landscaping:

- Loss of amenity grassland, greenspace and open space on Moss Lane which is otherwise built up, the site provides green visual relief.
- The proposals show that some protected trees are to be removed as part of the development contrary to policy seeking to retain them and noting the application is not supported by a tree survey as such there is insufficient information regarding the impacts of the development on tree life.
- The application is not supported by a landscaping scheme as such there is insufficient information regarding the impacts of the development on overall landscape character.

Outdoor sport and leisure:

- The loss of the site would be to the detriment dog walkers and children/families who use it for leisure and on the way to playing grounds to the west.
- The site is meant to be for public open space as part of South Macclesfield Development Area.
- The development would result in the loss of footpaths near and within the site.

Nature conservation, biodiversity and geodiversity:

- The proposals would detrimentally impact local wildlife such as foxes, hedgehogs, birds, bats, insects, newts, voles, dormice, frogs, dragonflies, birdlife, badgers, grassland habitat, flora and fauna.
- The development will detrimentally impact Danes Moss which is still recovering from previous landfilling of which further development at this site will impede recovery.
- The land comprises an area of lowland bog and marshland which is prone to flooding and a habitat for wildlife and protected species. Considered as a protected extension of Danes Moss Nature Reserve which has been a local wildlife site and SSSI since 1992.
- Ecological Survey confirms trees on northern boundary have the potential to host bats and as such case law confirms that the application cannot be determined until these trees have been adequately surveyed and any impacts mitigated.
- A scheme for biodiversity enhancement is required to demonstrate the application can achieve the overall 'net gain' for ecology and biodiversity as per national and local planning policies.
- The Ecological Survey states the development would result in a 92.38% loss in habitat units contrary to local and national policy.

Flood risk and drainage:

- The properties in this immediate Moss Lane area already experience bad water pressure and this development may worsen that. United Utilities already do not provide adequate support for this.
- Site is in a surface water flood risk area made worse by highways and due to this land levels will need raising and this may impact amenity. Full drainage scheme should support the application and as such there is presently insufficient information.

Other comments:

- Tenants of the properties may cause anti-social behaviour and increase in criminal activities.
- The development will detrimentally impact house prices in the area and lead it to become undesirable.
- The application should be aligned with modern legislation such as Clean Neighbourhoods, Environment Act, Bribery Act and International Law.

Planning obligations:

- What obligations/financial contributions will be in place to mitigate for the needs generated by the development regarding education, healthcare, play spaces etc. as schools and health care is already oversubscribed/over-populated.

Responses from the 2020 consultation:

161no. Letters objecting to the development were received from the public summarised as follows:

Principle of the development:

- The development is proposed on greenfield land whereas brownfield land should be targeted for this type of development closer to the town.
- The SMDA is already providing 950 homes as such further development on this site is not required.
- The development is proposed on Green Belt land where no very special or exceptional circumstances exist to permit the development.
- The development would prevent the intended creation of green infrastructure, pathways, POS and LEAP for the SMDA. Also noting approval of SMDA under 17/1874M.

Housing types:

- Concern over affordable rent housing causing a transient population due to lack of mix of tenures.
- Area is mostly family housing with old persons homes and as such apartments are not a typical type.

Design and Character:

- The development is too dense and represents overdevelopment.
- The site shape is not characteristic of immediate neighbouring plot forms.
- The proposals do not reflect the character of the immediate area and is not in keeping with local themes such as the inclusion of large windows, only amendment appears to be regarding the roof.
- Three storey development is not the typical scale for the area of which local themes are two-storey detached and semi-detached houses. Apartments are not typical in this area.

- Large car parking area would detrimentally impact local character and provide poor outlook for occupants and neighbouring form.

Residential amenity and pollution control:

- The additional vehicles will cause detrimental impacts on noise and air pollution.
- The development will cause loss of light and privacy to external amenity areas of neighbouring development and cause overshadowing to external amenity areas and habitable rooms. Particularly to Whitfield Drive, Langley Drive, Moss Lane and Rotherhead Drive.
- Construction of the Henshaws site is already disruptive from noise, fumes, dust and vibration and further development at this site will worsen this.
- Positioning of waste/bin collection areas may cause bad smells and vermin if not properly maintained.
- No information on how construction will be managed and contractors vehicles will park etc.
- The front of the site used to be an old dump/pit for medical waste associated with an old fever hospital that existed on part of the wider site which may still present hazards to human health if the site is developed, a toxic waste survey should be undertaken.
- Insufficient information on how waste/recycling will be serviced/managed for the development.

Highways and parking:

- The development will add another 40no. vehicles to the area on an already congested and heavily used highway of Moss Lane which is a cut through for all types of traffic such as construction/schools between Congleton Road and London Road.
- Moss Lane is problematic for speeding drivers which is particularly bad at this stretch of road.
- This development will add to queueing on Moss Lane leading to the Congleton Road junction and Flying Fields Drive roundabout, which locals already consider inadequate and dangerous.
- Moss Lane is in disrepair with pot-holes, ditches and sunken grids and needs updating and the intensified development will make this worse alongside HGV movements from Henshaws etc.
- Insufficient visibility and turning at the site entrance planned on a bend in the road of Moss Lane will lead to dangerous traffic conditions for drivers and pedestrians.
- Lack of public transport options in the area means it is not a good location for affordable or social housing.

Trees and Landscaping:

- The proposals show that some protected trees are to be removed as part of the development contrary to policy.
- The development will result in the loss of amenity grassland, greenspace and open space on Moss Lane which is otherwise built up, the site provides green visual relief.
- The feature Sycamore tree in this site is likely to be 100 years old as such it needs to be protected for the future and no trees or shrubs felled on site to make way for the development.

- The development would detrimentally impact the visuals and route of the PROW to the north/north west edge of the land which enjoys open views across this site and allows users to feel safe/secure which would be lost as a result of the development.
- The land forms part of a Woodland Priority Habitat Network and should be protected from development.
- Full Biodiversity Surveys and Ecological Impact Assessments need to support the application and without this the application should be refused on the grounds of insufficient information.
- The impact of the loss of trees and landscaping will detrimentally impact mental and physical health.

Outdoor sport and leisure:

- The loss of the site would be detrimental dog walkers and children/families who use it for leisure and on the way to playing grounds to the west.
- The site is meant to be for public open space as part of South Macclesfield Development Area.
- Concern about loss of footpaths near and within the site.

Nature conservation, biodiversity and geodiversity:

- The proposals would detrimentally impact local wildlife such as foxes, hedgehogs, birds, bats, insects, newts, voles, dormice, frogs, dragonflies, birdlife, badgers, grassland habitat and flora and fauna.
- Development will impede and detrimentally impact Danes Moss.
- The land comprises an area of lowland bog and marshland which is prone to flooding and a habitat for wildlife and protected species and should be considered as a protected extension of Danes Moss Nature Reserve which has been a local wildlife site and SSSI since 1992.
- Unsure how foundations and levels will be created noting soil types.
- Development contrary to policy SE3 of the CELPS.

Flood risk and drainage:

- The site and Moss Lane generally has bad drainage and grass lands on this bend are already very boggy and easily gets saturated with water after rain.
- The properties in this immediate Moss Lane area already experience bad water pressure and this development may worsen that. United Utilities already do not provide adequate support for this.
- The area often smells due to issues with insufficient sewerage removals from new surrounding estates and this development will only worsen this.

Other comments:

- Internet service to the development requires improvement as it is an existing issue in the area with regards to the provision of adequate infrastructure.
- Tenants of the properties may cause anti-social behaviour and increase in criminal activities.
- The development will detrimentally impact house prices in the area and lead it to become undesirable.
- The development would detrimentally impact outlooks and views from immediate neighbouring properties.

- Sufficient public notification and publication of the application has not been undertaken.
- What measures will be taken in respect of subsidence as a result of the development and mitigation/financial for neighbouring properties if this occurs.
- The application should be aligned with modern legislation such as Clean Neighbourhoods, Environment Act, Bribery Act and International Law.

Planning obligations:

- What obligations/financial contributions will be in place to mitigate for the needs generated by the development regarding education, healthcare, play spaces etc. as schools and health care is already oversubscribed/over-populated.

Macclesfield Civic Society – made an observation – mixed character to recent development on the south side of Moss Lane though it is largely reflect in developments of two storey houses with pitched roofs. It is not considered that the three storey flat roof apartments respect the prevailing character of adjacent development and would appear as an unacceptable visual discontinuity. The elevations also come across as bland and uninteresting.

OFFICER APPRAISAL

The following Officer Appraisal is based upon the revised submission dated August 2022, September 2022 and October 2022 as per the Letter Schedule of Documents list ref:20-619 prepared by Emery Planning dated 18th November 2022.

Principle of the development

The development proposal comprises the erection of 18no. 100% affordable dwellings in the form of one and two-bedroom apartments/flats. The site is located in Macclesfield.

The policies map supporting the CELPS and MBLP indicates the site to be within the LPS 13 (CELPS) the South Macclesfield Development Area (SMDA). The areas immediately north, east and south of the site are predominantly residential areas with other areas to the north-east of Moss Lane noted as Existing Open Space as per MBLP policy constraints.

The LPS 13 wording in the CELPS the development principles for the SMDA include:

- The provision of green infrastructure and open space to offer multi sports and recreation opportunities.
- Incorporation of green infrastructure.
- Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities.
- Greenways which are safe and attractive and comfortable for users.
- Existing trees, water courses and natural habitat to be retained and enhanced as appropriate.
- Necessary infrastructure, open space and structural planting to include additional tree planting must be provided.

Further to these comments in LPS 13 justification paragraph 15.193 it states '*due to the scale of the development and its location on the urban fringe the retention of large areas of open space and play facilities across the site will be considered important for recreation purposes.*'

As noted in justification paragraph 15.194 of LPS 13 in the CELPS, the site has been subject to a long-standing allocation for development since the Macclesfield Borough Local Plan 1997,

carried forward in the MBLP 2004, then into CELPS with the SMDA 1998 supplementary planning document/guidance underpinning this. It is in the SMDA 1998 where the foundation for the site in question allocation for protected open space as part of the overall aims to create protected open space and greenways for the SMDA wider site comes from, in Plan 4 of the supporting SPD. The SMDA 1998 has the site as part of a proposed greenway, strategic footpath and cycle networks in Macclesfield, part of which runs through the site to connect to the existing Moss Lane/Ash Grove greenway on Plan 6 Strategic Footpaths and Cycleways Networks in the SMDA 1998. The aim of this is to connect the urban parts of Macclesfield with surrounding countryside including up to Danes Moss as per paragraph 6.8 of the SMDA 1998 *'Congleton Road Linear Park Extension running from Moss Lane in a southward direction alongside the western boundary of Weston Park Close Care Centre to connect with the existing east-west greenway.'* It is proposed that the greenway would link with the footpaths and cycle ways planned beyond the site edged red but forming part of the east/west greenway extension to ensure proper width, landscaping and natural open feel as indicated within the SMDA 1998.

Whilst this site is allocated under the SMDA LPS13 (or SMDA 1998) it is not directly targeted for residential or other built development, it is worth noting that the wider SMDA allocation sought to provide 1050 dwellings over the Local Plan Strategy Period 2017-2030. The LPS 13 goes on to mention at point (e) that the site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 Affordable Homes. Policy SC5 Affordable Homes of the CELPS states *'In residential developments affordable housing will be provided as follows:*

i.in development of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable.'

In related housing policies within the CELPS, Macclesfield is highlighted as a Principal Town settlement in policy PG2 Settlement Hierarchy where *'significant development will be encouraged 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.'* Policy PG7 of the CELPS highlights Macclesfield is expected to accommodate 4250 new homes.

At this time the Council has a supply of deliverable housing land in excess of the minimum of 5 years required under national planning policy. As a consequence of the decision by the Environment and Communities Committee on 1 July 2022, to carry out an update of the Local Plan Strategy (LPS), from 27 July (the fifth anniversary of its adoption), the borough's deliverable housing land supply is now calculated using the Council's Local Housing Need figure of 1,070 homes/year, instead of the LPS annual housing requirement of 1,800 homes. The 2020 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities on the 14 January 2022 and this confirmed a Housing Delivery Test Result of 300% for Cheshire East. Under-performance against either of these can result in relevant policies concerning the supply of housing being considered out-of-date with the consequence that the 'tilted balance' at paragraph 11 of the NPPF is engaged. However, because of the Council's housing supply and delivery performance, the 'tilted balance' is not engaged by reference to either of these matters.

Turning to the MBLP relevant policies and the Cheshire East Open Space Assessment the development site is immediately south of an area of Amenity Greenspace known as Rotherhead

Drive/Franklin Close noted as being 'amenity area comprising trees/shrubs, footpaths and children's play area' of 1.17ha size, overall quality rating of good with comments on its status as of June 2018 being 'ageing site, full refurb and expansion required'. Its secondary typology is noted for the provision of amenity space for children and teenagers.

In respect of emerging policies the SADPD is now in final stages following the Inspectors final comments on the main modification and as such substantial weight is afforded to the relevant emerging policies and constraints. The site's allocation with regards to SADPD policies indicating it as within the Macclesfield settlement boundary policy PG9, LPS13 allocation South Macclesfield Development Area, Protected Open Space policy REC1 Green/open space protection and Ecological Network Restoration Area/Ecological Network Core Area policy ENV1 Ecological network.

REC 1 states '*1. Development proposals that involve loss of open space, as defined in Criterion 2 below, will not be permitted unless:*

i.an assessment has been undertaken that has clearly shown the open space is surplus to requirements; or

ii. it would be replaced by equivalent or better open space in terms of quantity and quality and it is in a suitable location; or

iii. the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss.

2.The types of open space to which this policy applies includes: existing areas of open space shown on the adopted policies map, such as formal town parks, playing fields, pitches and courts, play areas, allotments and amenity open space; other incidental open spaces, which are too small to be shown on the adopted policies map, but which are of public value for informal recreation or visual amenity; and open spaces provided through new development yet to be shown on the adopted policies map.'

Taking into account the allocation, policies and guidance it appears clear that the principle of the development conflicts with the overarching SMDA allocation to provide open space/greenways in this location, unless material considerations indicated otherwise.

In the applicants supporting Planning Statement (PS) part of their case to approve the application is that the development would make an important contribution to addressing the substantial shortfall in affordable housing secured by the Council for ref: 17/1874M (circa 200no. affordable dwellings) and as such these proposals should attract significant positive weight in the decision-making process. They state that under 17/1874M which covers the majority of the SMDA allocation that the permission only secured approval for 950no. dwellings with only 11% or 105no. brought forward as affordable units due to viability constraints, as such the current proposals are attractive. They note that LPS13 seeks provision of affordable housing as per policy SC5 of the CELPS of 30% provision which would equate to 285no. affordable dwellings for 17/1874M, thus the approval has a shortfall of 175no. affordable dwellings across the overall SMDA allocation. They also note that from approval 15/2010M Barratts housing scheme off Moss Lane that approval approved only 15no. affordable units out of 150no. dwellings which is a shortfall of 30no. affordable units against affordable housing policy standards. In the PS it is stated that the proposals would help addressing the identified needs within the CEC SHMA (2013) key points made of which were: 1,242 households in need in Macclesfield; annual affordable housing requirement of 1,401 per annum across the borough; net annual affordable housing requirement for 80no. one bedroom older person apartments

and 103no. two bedroom apartments in Macclesfield; overall need of 31.8% to be one bedroom and 39.6% to be two bedroom for all affordable units. The applicants also note that the Cheshire East AMR 2019/20 showed annual average affordable housing delivery of 582no. affordable per annum, which has fallen below identified needs, with the SADPD not identifying new site allocations for Macclesfield. The applicants also note that as Adactus have already exchanged contracts for the site, construction could begin quickly upon any grant of planning permission ensuring front loading of affordable housing units relating to the wider SMDA. For all of these combined reasons the applicants consider present heavy weighting in favour of granting planning permission.

Within the PS it is also stated that in terms of open space they consider that a more than sufficient amount has already been provided for allocation/policy LPS13 through the approved sections of the SMDA. The applicants also state in the PS that they do not consider that the site's allocation as open space accords with the definition of open space in the glossary of the NPPF and even if it was considered to be open space that there is a surplus for the purposes of paragraph 99 of the NPPF. Further to this they consider that the benefits associated with the 100% affordable housing scheme outweigh any alleged harm as a result of the loss of the site for open/green space which is not accessible to the public and enjoys limited visual value being an infill site enclosed by existing housing developments to the north and south. The applicants state in paragraph 6.9 of the PS that *'the site is not accessible to the public and there is not evidence that the land is of any community or public value of open space. There is no obligation on the landowner to manage the land in any particular way in planning terms or allow public access and recreational opportunities, The site does not conform to the definition of open space at Annex 2 of the Framework, which states the following: "all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity"'*. In paragraph 6.14 of the PS the applicants state that the *'site forms part of a much larger area of 'open space' that reflect the parameters set out through planning permission 17/1874M for the SMDA. It is assumed that our client's site has been included in this much larger area of open space in error given that our client's site does not form part of the green infrastructure parameters for planning permission 17/1874M (the boundary should have been drawn to reflect the boundary of the approved scheme rather than encroaching into our client's site)'*.

Further to this the applicants consider that even if the site were to be considered as open space, they consider sufficient provision of open space has been provided within the wider 17/1874M approval @17.6ha comprising 5.6ha of sports area, 0.63ha of equipped play and 11.37ha of structural landscaping all subject to management and maintenance such that it is secured as 'open space' in perpetuity. They also note 5no. equipped play areas with 4no. LEAPs and 1no. NEAP and MUGA are proposed, 1no. of the LEAPS proposed less than 200m from the proposed site. The applicants state that the provision of open space on the wider SMDA exceeds the amenity greenspace, natural greenspace and semi-natural green space provision more than double the requirement under the Cheshire East Green Space Strategy. They also argue there are several other natural/semi-natural/amenity greenspace areas within walking distance of the site including Congleton Road Linear Park (75m away), South Park (650m away) and Land off Ridge View (400m away). To this end they consider there is a surplus of open space with regards to paragraph 99 of the Framework.

The applicants consider that permission should be granted in accordance with paragraph 11(c) of the NPPF with regards to the affordable housing and open space arguments presented.

The proposals are noted to exceed the on-site affordable housing provision expected for a residential development of its size, providing 100% affordable housing provision instead of 30% on site provision when read against policy SC5 of the CELPS and would be within a Principal Town location where residential development is targeted for provision with regards to PG2 and PG7 of the CELPS. It is noted that the Strategic Housing officers support the proposals due to their tenure, size and type meeting the direct needs for one and two-bedroom apartment units required for Macclesfield. In addition, it can be said there has been an under-delivery of affordable housing both generally and specifically in terms of the type of dwellings proposed for Macclesfield and Cheshire East more widely on an annual basis. These points attract positive weight in favour of the proposals.

Notwithstanding the applicant's commentary, whilst the site is beyond the site edged red of approved Outline application ref: 17/1874M and that of the more recently submitted, awaiting determination Reserved Matters applications following on from that, the site is still encompassed with the LPS13 allocation area. As noted by the Planning Policy Officer Reserved Matters application ref:19/1796M highlights the area immediately south-west of this proposed site to form the ecological and landscaping buffer area forming part of the 'access gateway' for the overall SMDA from Moss Lane which encompasses this site. The site has been included as part of the SMDA and protected open space with regards to LPS 13 of the CELPS and REC1 of the SADPD, with both of these plans and that of both iterations of the MBLP (1997 and 2004) worked, revised and consulted on extensively with land owners, public, members and consultees subject of rigorous testing and evaluation prior to their inclusion within the plans of which the CELPS is part of the adopted plan and emerging SADPD. The CELPS strategy period is from 2010-2030 as such the approval 17/1874M with smaller red edge not including this site but the majority of the remaining SMDA allocation, was approved in early 2019, almost two years after the formal adoption of the plan, of which many years of modifications following Inspectorate review had been undertaken prior to adoption. This indicates no error was made in including the development site within the overall marked allocation area boundary.

Whilst the applicants argue that with regard to open space provision for the borough that the site is not required as sufficient open space is already afforded for elsewhere in the SMDA, the site forms part of an important and intrinsic access regarding the provision of a green infrastructure gateway to the allocation from the east off Moss Lane to connect with the wider urban settlement to the east and countryside to the west/south of Macclesfield (including access to Danes Moss SSSI), also being an important green, vegetated and natural buffer between existing residential development and that of the SMDA. To this end to approve this development would preclude this key component of the SMDA from occurring altogether. Given the very recently assessed emerging plan it cannot be said at this time, despite the applicant's argument, therefore, that the site is surplus to open space requirements either. The existing site may also be considered as perhaps existing incidental open space/amenity area with regards to policy RT2 of the MBLP, of which protection is offered to its retention as noted by ANSA who agreed with the comments made by the Planning Policy Officer. Whilst the affordable housing under-delivery both in respect of the SMDA and wider borough calculations do bare positive weight in considerations, it is worth noting that for the SMDA wider approvals this had undergone viability testing and as such development of this site will as with all applications, be assessed under its own merits. At this time the Council can otherwise demonstrate a five-year housing land supply and as such it is considered that the proposals would be contrary to the aspirations of this long-standing strategic allocation for Macclesfield

and therefore the principle of development is not accepted. It is therefore considered that the proposals are contrary to policies MP1, SD1, SD2, SC1, SC3, SE1, SE6 and allocation LPS 13 of the CELPS, NE18, RT2, RT5, RT7 and RT8 of the MBLP, INF1 and REC1 of the emerging SADPD, the SMDA 1998 and paragraph 99 of the NPPF.

Impact of the development on housing mix, design and local character:

Between them the listed policies and guidance seek that new development is of an appropriate size, scale and design that is commensurate to the character of the area in which it would be situated, whilst championing higher quality design to enhance and improve the wider borough. In addition these policies seek an appropriate mixture of dwellings in terms of their types, facilities and tenure so that new development may contribute to the creation of sustainable and mixed communities in line with the specific needs for that settlement or location.

During the course of the application concern was raised during the public consultation periods at the provision of affordable rent tenure units in a private market residential area, the provision of apartment style dwellings in an area of house style dwellings of semi-detached and detached nature and how the site will be managed.

With regards to policies SC4 and SC5 of the CELPS and HOU1, HOU2, HOU6, HOU11 and HOU12 of the emerging SADPD and the housing needs evidence base as aforelisted, the proposals present a 100% affordable rent tenure which exceeds the 30% provision expected for a Principal Town location such as Macclesfield. As per the consultation response from Strategic Housing they note that one and two-bedroom dwellings from latest data from Cheshire Homechoice is the predominant need for Macclesfield at this time. Whilst policy SC5 seeks a balance of tenures for affordable housing provision of 65% affordable or social rent and 35% intermediate affordable housing, the Strategic Housing officer considers at this time that it would be unreasonable to seek the split of tenures in blocks of apartments with regard to the effective management of these and as such raises no objections to the types, mix, tenures and sizes of the units proposed.

Turning to the overall design of the development, looking at the proposals dated August 2022 whilst there are significant reductions in the number of dwellings proposed at the site, amount of hardstanding vs. landscaping and the reduction in scale, number of storeys and massing of the blocks to two storeys which are welcome improvements, the scheme as a whole is considered to represent the overdevelopment of a confined, irregular shaped site. It is not clear where the 'cottage' flats to the frontage in a staggered terrace formation is derived from and does not appear akin to anything within the immediate area which is predominantly semi-detached and detached houses of two storey form. The development of flats to the north was considered to be more successful as it appears as semi-detached houses with ground and first floor entranceways. The individual entrances and landscaping relationship of these units is beneficial; however their placement and width would be too predominant with regards to the scale/massing themes of development in the immediate area, this goes too far for the rear block. The Design Officer also considered that the rear apartment block presents too large a mass and is thus disproportionate in scale when considering the context. Whilst the 2no. blocks read together would have consistency in terms of materials choices it is considered that they fundamentally lack any ornamentation, materials or feature narratives taken from immediate local style and are not distinctive enough to create a sense of identity both read together and with the wider area so as to contribute to local distinctiveness. This is considered to present a lack of cohesion across the site. The proposed recessed brick detailing while offering some

visual relief is a dated feature and is not considered to have grounding in traditional context or contribute to local distinctiveness.

Further to this the Design Officer considered that the staggered formation and orientation of the cottage flats, which appears to be laid out this way to prevent amenity impacts, unfortunately results in the building line being forwards of that set by development either side and the side elevation when seen travelling from the east and west would be overly prominent and jarring in the streetscene. In addition, when comparing the existing land levels with the proposed finished floor levels/external ground levels indicated on supporting drainage documents it would appear significant amendments to levels would be required going for instance for the 'cottage flats' area from around 157m to 158.9m. No other supporting sections are provided. The overdevelopment of the site can also be seen from attempts to squeeze in the necessary supporting infrastructure. This can be seen from the awkwardly placed bin and cycle stores at prominent positions close to the street frontage or immediately adjacent to neighbouring properties boundaries/ entrances to the blocks themselves and the large area of parking courtyard with some parking directly on the entrance. The design of the bin and cycle stores whilst of suitable single storey nature are displeasing visually offering blank elevations with no ornamentation and of little architectural merit.

Whilst there is a large area of parking to an existing neighbouring residential development of flats to the north, this is not a positive or successful example of urban design and something not encouraged in recent design guidance both locally and nationally, the only benefit of it being passive surveillance, however otherwise presenting an unsightly heavy form or hard landscaping and parking vehicles offering poor outlook for future occupants. Poor outlook would also be relevant to the units facing directly onto bin and cycle stores. The betterment in connectivity with the surrounding SMDA and existing residential areas in terms of footpath connections to existing and proposed footway/cycleway networks is welcomed, though as some of the pathways extends beyond the site red edge (application area) this would require careful securement through relevant legal agreement for planning obligations to secure the connection and long-term management.

Following this feedback, the applicants provided a slightly amended scheme (though not requested by officers) dated 31st October 2022 presenting minor amendments to fenestration and detailing of the blocks, the placement of the rear block regarding the TPO Sycamore and enhancements to the bin/cycle stores. This was reviewed again by the Design Officer and they still object to the proposals as they noted that whilst the minor changes are positive, they do not substantially change the scheme in a manner which would result in design support.

Taking these points into consideration it is considered that the proposals represent overdevelopment of a confined and irregular shaped site and do not present a high-quality residential scheme that responds to local characteristics. The development is therefore considered to be contrary to policies and guidance SD1, SD2 and SE1 of the CELPS, DC35, DC36 and DC41 of the MBLP, GEN1 of the emerging SADPD and the CEDG.

Impact of the development on residential amenity, contaminated land and pollution control:

Between them the listed policies and guidance seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally

affect amenity or cause harm. Developers will be expected to minimise and mitigate the effects of possible pollution arising from the development itself, or as a result of the development (including additional traffic) during both the construction and the life of the development. Where adequate mitigation cannot be provided, development will not normally be permitted.

During the public consultation concerns were raised as to significant impacts on existing neighbouring residential amenity regarding overlooking, privacy loss, overshadowing, noise, dust, vibration, fumes, air quality and odours as a result of the construction of the development and the development in general. Concern was also raised at the lack of electric vehicle charging point provision shown on the proposed drawings.

In respect of contaminated land and pollution the application is supported by a relevant Phase I assessment which has been reviewed by the Environmental Health team who raise no objection to the proposals subject to the use of conditions to secure further assessments, remediation and mitigation methodologies on a prior to commencement basis and further to this verification of any recommended mitigation measures (if applicable) on a prior to occupation basis, noting the sensitive residential end use. In regards to amenity impacts during the construction of the development which are a material consideration for planning, the Environmental Health Officer also recommended prior to commencement conditions for piling method statement submission and for construction management so as to ensure neighbouring residential amenity is protected for the duration of the construction period of the development.

Further to this with regards to air quality improvements and moving to sustainable transport methods, whilst electric vehicle charging points are requested for inclusion via planning conditions given sufficient detail is not included within the submission, the inclusion of this for new dwellings is now covered under Building Regulations and therefore the use of planning condition to secure this no longer meets the tests for the use of conditions as it is not necessary to use it to secure this detail. This is the same circumstance for the Ultra-low boilers requested for securement by condition, which would otherwise not be reasonably enforceable and as such these will also not form a condition of any approval of the development.

Turning to the consideration of spatial distancing, orientation and scale of the development with regards to overlooking, privacy, overbearing nature and light/shadowing, it is considered that the development would not result in detrimental impacts on these grounds both with regards to immediate existing neighbouring properties and the two blocks themselves. It is also considered that subject to suitable conditions for bin/recycling management that the placement of bin stores regarding proximity to existing neighbouring form boundaries would be acceptable relating to odours considerations and noting that the storage proposed is of sealed nature, i.e. a fully enclosed building. It is considered that subject to the use of conditions that the proposals are in compliance with relevant residential amenity, contaminated land and pollution control policies and guidance.

Impact of the development on highways safety and parking:

Between them the listed policies and guidance seek that new development deliver safe, sustainable, high quality, integrated transport systems that encourage a modal shift away from car travel to public transport, cycling and walking; supportive of the needs of residents and businesses and preparing for carbon free modes of transport. In this Principal Town location of Macclesfield for one-bedroom dwellings 1no. vehicular space and for two-bedroom dwellings 2no. vehicular spaces for parking are expected as per Appendix C of the CELPS. Each surface

parking bay as a minimum is expected to have dimensions 4.8 x 2.5m with relevant aisle widths of 6.9m for two-way routes and 6m to single-way route. In addition 1no. space of 3m x 1.5m dedicated for a powered two wheeler would be expected as there the development would generate a vehicular parking requirement of in excess of 20no. with regards to Appendix C of CELPS.

During the course of the application comments objecting to the development on highways grounds were received relating to: the placement of the access to the site on a bend; insufficient visibility of the site access; placement of parking on the entrance to the site; insufficient provision of car parking for the development; lack of EV charging, highways safety issues relating to the location of the access and pedestrian users of the pedestrian refuge island and intensification on the highway network which is already in poor repair and has heavy traffic as a result of the development.

The proposals now include 25no. vehicular parking spaces and 2no. disabled spaces, 3no. cycle parking sheds, 2m pavements either side of the access and a 5.5m access with 2.4m x 43m visibility splays. As per the CELPS Parking Standards the development should include 12no. parking spaces for the one-bedroom units and 12no. spaces for the two-bedroom units, as such the proposals comply with the CELPS. The dimensions of the spaces also meet CELPS standards. The Highways Officer has reviewed the proposals and raises no objections. They consider the revised access and visibility suitable for the development and safety of the immediate highway on Moss Lane and that the refuse collection arrangements are satisfactory close to the highway. They note that the provided vehicle tracking diagrams highlight that the existing pedestrian refuge on Moss Lane does not affect the swept paths of vehicles exiting the site. The Highways Officer also notes that in respect of the traffic impacts of the proposal that the 18no. units now proposed fall well below the threshold that would normally require a Transport Statement to be submitted. They go on to say that the peak hours trip generations will be less than 8 two-way trips and can quite easily be accommodated on the local road network without causing capacity problems. Conditions would be recommended to secure: the parking provision (including cycle parking), access and pedestrian infrastructure as shown on the submitted drawings on a prior to occupation basis and maintenance for the lifetime of the development thereafter; provision of 1no. electric vehicle charging point per dwelling equating to 18no with submission of specification/location of this and implementation as such on a prior to first occupation basis and the prior to occupation submission/provision of 1no. two wheeled parking space in line with approved details. Subject to the use of conditions it is considered the proposals are in compliance with highways safety and parking standards policies and guidance.

Impact of the development on biodiversity and geodiversity:

Between them the listed policies and guidance seek that all development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. Where appropriate, conditions will be put in place to make sure appropriate monitoring is undertaken and to ensure mitigation, compensation and offsetting is effective. Biodiversity net gains are expected from major development such as this. SADPD Emerging Plan Policies Map has the site as Green/Open Space protection under REC 1 – Green/open space protection, Ecological Network ENV1 as an Ecological network restoration area and Ecological network core area April 2019 edition alongside its allocation as LPS13.

Specific to this site LPS 13 of the CELPS states '*1. The site will be developed only where it can be demonstrated that there is no significant harm on the Danes Moss SSSI, particularly in relation to changes in water levels and quality, species populations and recreational pressures. This should include a full assessment of direct and indirect impacts of the development on features of special interest. Where impacts after mitigation cannot be avoided, development proposals will not be permitted.*'

LPS 13 justification paragraphs also state 15.199 '*The site is in close proximity to the Danes Moss SSSI and any new development will need to be respectful of this fact. The council will expect all existing landscape features to be retained, where possible, as well as the retention of any trees subject of a Tree Preservation Order unless there are exceptional circumstances for their removal. An extensive network of green infrastructure will be required on site, particularly to the south in order to integrate the site successfully into the area and to help mitigate any impacts on the SSSI. A comprehensive landscaping scheme will be required to soften the urban edge and ensure the site responds positively to the character and appearance of this area as well as providing an appropriate buffer between the built form and the SSSI. Dependant on the layout of the site a structural landscape buffer with appropriate planting may also be considered necessary adjacent to the railway line in order to assist mitigation of noise.* 15.200 *The site has also been identified as a site having ecological potential. A more detailed consideration should be given to this through the submission of an ecological survey and incorporation of mitigation measures.*

15.205 *The council expects that the following are considered in the context of the ecological value of the site due to its proximity to the Danes Moss SSSI:*

- *Impact on natural hydrological function, pathways, groundwater and surface water*
- *Impact on recharge to groundwater and consequent impact on site*
- *Impact on water resources*
- *Impact on water chemistry*
- *Impacts on nutrient status*
- *Risks from pollution during construction (e.g. spillages or minor pollution incidents and the storage*
- *of oils and fuels)*
- *Impacts from changes to air quality from construction and 'end use' traffic emissions resulting*
- *in potential for increased nitrogen deposition*
- *Impacts from dust generated during the construction work*
- *Impact of increased foot traffic on the sensitive fen meadow vegetation'*

During the course of the application concern was raised from the public, local groups and consultees such as the Cheshire Wildlife Trust that the development of this site would detrimentally impact nature conservation, biodiversity and geodiversity both with regards to the site's individual properties of bog characteristics and unmanaged shrubs and grasses with regards to species habitats and foraging but also regarding the potential impacts of the development on Danes Moss SSSI and also the impact any extraction of peat as a result of the development may have on this and climate change with regards to the release of greenhouse gases.

The application is supported by: Biodiversity Impact Assessment Revision C by Rachel Hacking Ecology dated November 2022; Soil Analysis (Worms Eye) – Report ref: Moss Lane/SK11 7GR/2021 and letter dated 27th September 2022; Ecological Assessment Report (March 2021)

by Kingdom Ecology; Biodiversity Net Gain Note Rachel Hacking Ecology Ltd – Report ref:Rev B and Worms Eye Ltd Contaminated Land Report.

The Ecological Assessment Report (March 2021) (EAR) notes the site comprises continuous bramble scrub which has developed on a patch of derelict grassland. The site boundaries are noted as hedgerow with a mixture of young/semi-mature/mature trees. There is mown amenity grass land forming a pathway to a play space to the west and other trees beyond the red edge within other areas of the SMDA. Danes Moss Local Wildlife Site is noted as being approximately 800m to the south of the site. The EAR notes that within the recommendations section that the development should seek to enhance existing areas of hedgerow with planting to fill gaps along the hedge line with native species and that landscaping proposals provide new trees/planting/shrubbery to enhance foraging opportunities for birds and invertebrates. The EAR recommends conditioning when works can take place to clear vegetation/work on trees and hedgerows or to maintain them to certain times of year or with specialist supervision agreed upon on a prior to commencement of works basis. The EAR also recommends the retention of trees identified as having bat habitat/roosting potential as otherwise indicated, with suitable bat and bird box enhancements incorporated into a scheme for biodiversity enhancement. Regarding hedgehogs it is also recommended that bramble scrub be checked for their presence before clearance and any encountered moved to another area prior to works to remove them. Whilst badgers were not recorded on the site recommendations are also made if they were to be encountered during construction. It is also recommended that external lighting proposals are sought via condition to ensure that they do not contradict biodiversity enhancements such as bat box inclusion.

The supporting Soil Analysis report noted the limited presence of below ground peat ranging from 0.4m to 1m thick in some of the areas surveyed. The Soil Analysis report notes that at the northeast and southwest, shallow soils comprised organic topsoil and further to this at the centre of the site there was about 0.5m of topsoil overlying obvious peat strata which extends up to about 1.0m to 1.5m deep (0.4m to 1.0m thick) and where peat was encountered, clay was seen below the peat. The Soil Analysis report concludes that although peat was encountered, there were no significantly thick layers and only a limited amount was seen in the trial holes across the centre of the development area with no notable peat strata seen at the northeast and southwest of the development area.

With regards to concerns regarding the extraction/removal of peat from the site with regards to the emission of greenhouse gases and impacts on Danes Moss LWS/SSSI the recent allowed appeal APP/R0660/W/21/3282191 following LPA ref:19/3098M refusal at committee for the development of Land between Chelford Road and Whirley Road, Macclesfield is very relevant to this site. That site, as with this, was allocated for residential development within the Local Plan and also contained elements of below ground peat. There were 2no. reasons for refusal relating to peat as follows on the Decision Notice for ref:19/3098M:

'2. The proposed development would require the extraction of peat deposits from the site which would have unacceptable adverse impacts on the environment contrary to Policy SE10 of the Cheshire East Local Plan Strategy and the National Planning Policy Framework.'

'3. The proposal would result in increased levels of air pollution through the release greenhouse gasses contrary to Policy SE12 of the Cheshire East Local Plan Strategy and the National Planning Policy Framework'.

In the Inspectors decision they consider that for that site there would be no conflict with policy SE10 of the CELPS or paragraph 211(d) of the NPPF, which do not support proposals for peat

extraction from new or extended sites, as the application comprises a housing scheme and was not a proposal for mineral extraction. They noted that any peat disturbance or removal would be limited to facilitate the safe and stable development of the site and not form peat extraction. It is considered this same principle can be applied for the site in question and as such it is not considered that the proposals would conflict with policy SE10 of the CELPS or paragraph 211(d) of the NPPF either for the same reasons. Further to this, in respect of the disturbance and removal of peat to facilitate housing development and release of greenhouse gases (GGE's), the Inspector considered in paragraph 20 of their decision '*GGE's as a result of the impact of the development on peat deposits would be extremely limited when considered against the emissions associated with the development as a whole. I cannot therefore conclude that the affect of the proposal on peat deposits at the site would result in a harmful or cumulative impact on air quality or represent any other pollution which would unacceptably effect the natural or built environment or detrimentally affect amenity or cause harm as a result of GGE's.*' It is again considered that this is relevant to this smaller site and limited peat presence, and that as a result, the development would be considered to be in compliance with policy SE12 of the CELPS and other related climate change policies as listed. In this instance given the precedent set by a recent appeal on a similar site it is not considered that a refusal could be substantiated with regards to policies SE10 and SE12 and related paragraphs of the NPPF.

The Nature Conservation Officer has reviewed the revised submission and biodiversity impact assessments and metrics and does not object to the proposals subject to the use of planning conditions for nesting birds protection and biodiversity enhancements and the securing of financial contributions/planning obligations to secure off-site biodiversity gains for habitat units. The Nature Conservation Officer noted that in respect to the habitats on site that a survey was undertaken by an ecologist in 2021 and as assessment of habitats submitted. Further to this data was collected by a second ecologist to produce the Biodiversity Net Gain assessment. The Nature Conservation Officer noted that soil samples identified the presence of peat deposits however, significant evidence has not been identified to suggest that the site qualified as raised bog habitat. Further to this they noted that the supporting Biodiversity Impact Assessment Report by Rachel Hacking Ecology, Rev C, November 2022 outlining the results of an assessment undertaken in accordance with the DEFRA Biodiversity 'Metric' version 3, which predicts a loss of biodiversity units of 0.65 habitat units. The Nature Conservation Officer considers that this can be addressed by way of a commuted sum secured by an S106 agreement to fund off-site habitat creation/enhancement within Cheshire East. As agreed with the applicant's ecologist, to achieve a 10% net gain for biodiversity the commuted sum would be for 0.7 units. Under current habitat unit cost calculations of £16,980 per unit, and the council's £1,200 administration fee, the commuted sum would be for: £11,886 (units) + £840 (admin fee) = £12,726 (total). The s106 will breakdown the units and admin fees if consent is granted.

Subject to conditions and a contribution towards BNG it is considered that the development would be in compliance with the listed policies and guidance for biodiversity and geodiversity.

Impact of the development on trees, hedgerows and landscape character:

Between them the listed policies and guidance seek to protect the continued health and life expectancy of trees, hedgerows or woodlands and where loss of or threat to them is proposed development will not normally be permitted unless there are clear overriding reasons for allowing development and that there are no suitable alternatives. Where such impacts are

unavoidable, development proposals must satisfactorily demonstrate a new environmental gain by appropriate mitigation, compensation or offsetting.

During the consultation period concern was raised at the impacts of the development on landscape character, loss of trees, hedgerows and vegetation and the impact of the development on tree preservation orders within and on the boundaries of the site.

The site is enclosed by a metal post and rail fence to its Moss Lane frontage and inclines from north-east to south-west. There is a prominent tree covered by Tree Preservation Order to the north-western boundary of the site G3 – a group comprising 3no. Sycamore and 2no. Alder (Macclesfield – Park End Farm, Moss Lane No1) Tree Preservation Order 1998 and T1 Sycamore to the south (Macclesfield – Weston Park Nursing Home/Moss Lane Farm, Moss Lane) Tree Preservation Order 1998, with other boundary trees and hedgerows and site trees present. The site has an open vegetated appearance when viewed from public vantage points on Moss Lane and from the informal pathway running to the northern boundary of the site which leads to a playground known as Franklin Close Play Area to the west.

The application is supported by: Planning Statement, Design and Access Statement, Arboricultural Report by Murray Tree Consultancy (PM/FULL/19/08/22) dated August 2022 and Landscape Proposals. The Tree Survey identifies 1 individual high quality A Category tree (protected by the TPO), 2 individual moderate quality B Category trees, 5 individual and 3 groups of low-quality C Category trees and 3 individual poor quality U Category trees which are unsuitable for development irrespective of the development proposal. Of these, 4 low quality trees are proposed for removal to accommodate the development. The Forestry Officer notes that *'Tree T7 Alder of the survey is protected by the Order and while its removal is accepted based on its condition it is noted that provision has not been made to replace this tree with an Alder to maintain the integrity of the Order in the latest Landscape Proposals.'* It is further noted from the survey that the most important tree on the site, the A Cat protected Sycamore (T6) will be retained but sited approximately 12.5 meters from the construction area. This tree is the largest, tallest and most prominent tree on the site easily seen from wider vantage points on Moss Lane and the pathway leading to the north/west of the site towards Franklin Close play area and the wider SMDA. The Arboricultural Report states that incursion to this tree is minor and unlikely to be detrimental to the rooting area and that no remedial pruning of the canopy will be required to accommodate the proposals.

The Forestry Officer has reviewed this information and considered that *'a 17 meter Sycamore located at a slightly raised level above the existing ground levels, less than 14 metres from the closest rear elevation of the proposal presents above ground conflicts which have not been appraised within the report. There are concerns given the existing canopy spread and considering that the eastern most crown extents will be less than 3.5 meters from the west facing elevation. The placement of the building has now resulted in the apartments being dominated by the protected tree resulting in an unsustainable relationship likely to result in issues in terms of social proximity and light attenuation to the rear habitable rooms. BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations at section 5.2 - Constraints posed by existing trees, and 5.3 - Proximity of structures to trees, acknowledges the importance of design and the relationship of trees with new development. The standard places importance on buildings and structures being positioned in such a way that they will not dominate a property or its outdoor space in such a way as to cause*

apprehension which could result in pressure to prune or remove trees in the future, and these issues need to be designed out.

No information such as a shading and sunlight assessment has been provided to demonstrate that the development will accord with BRE 209 and as submitted, it is considered that the proposed layout is poor in terms of the relationship with protected tree T6 and that opportunities exist to provide greater separation between any residential development and the Sycamore.’ It is for these reasons that the Forestry Officer considered they could not support the proposals and therefore objected to them.

Following on from this, later in October, a further revised site plan showing the building distance from rear elevation of apartment block relative to the T6 RPA and crown being positioned further from one another. The Tree Officer has also reviewed this information and considers that notwithstanding the minor increase in separation between the tree and proposed apartments, tree T6 will still be dominant to the apartments by virtue of its height, spread and elevated position, and in the absence of the request BRE assessment, it is considered that insufficient information has been submitted to demonstrate that the layout and relationship with the tree would be sustainable and not arise in significant shading and dominance to west facing internal living spaces in the apartments. The Tree Officer notes that further increased separation is required and therefore they are presently unable to support the application based on insufficient information to demonstrate that the layout presents a sustainable relationship with a protected and high amenity tree. It is considered that there are no clear overriding reasons for allowing the development noting issues with the principle of the development and there are suitable alternatives to the development with regards to the impact of the development on this protected tree.

In the applicant’s supporting Planning Statement they argue that the revised scheme now proposed a balanced and optimal landscaping scheme that responds to the character and appearance of the area showing integration with the wider approved SMDA scheme. Notwithstanding the overarching issue with the principle of the development regarding greenway and protected open space of the SMDA, whilst a mixture of private and communal open space is planned for occupants, due to the layout and scale of the buildings this would heavily restrict the open views towards the predominant Sycamore on site which is a key landscape characteristic of this site, defined as a ‘major landscape tree’ in the Tree Survey, alongside its otherwise open and inclining nature (north east to south west) as such it is considered that appropriate landscaping could not be achieved in combination with the proposals to mitigate the harm caused by them. These comments take into account that the Landscaping Plan listed in the Letter from Emery Planning dated 18th November 2022 does not immediately reflect the Site Plan due to amended distance from the TPO as shown on plans received 31st October 2022.

Taking into account these points it is considered the development is contrary to policies and guidance SD1, SD2, SE1, SE4 and SE5 of the CELPS, DC8, DC9, DC37 and DC41 of the MBLP, ENV5 and ENV6 of the emerging SADPD and the Trees and Development SPD regarding trees and landscape character.

Impact of the development on flood risk and water management:

Between them the listed policies and guidance seek that new developments must integrate measures for sustainable water management to reduce flood risk, avoid an impact on water

quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation. New development must be designed to be safe, taking into account the lifetime of the development and the need to adapt to climate change, seeking improvements to current surface water drainage network and be designed to manage surface water noting it is not sustainable to drain surface water to public sewers. New development should incorporate water efficiency measures.

During the consultation period concern was raised with regard to the existing flooding issues at the site which is said to be boggy and hold water beyond periods of heavy rain with known peat soils which retain high levels of water. Concern was also raised as to how the development would connect into ordinary watercourses and how drainage would be handled to this regard and how these elements may impact drainage for neighbouring developments. Concern was also raised that further residential development of the site may detrimentally impact a reported poor situation with water pressure to existing residential properties in this area.

The application is supported by a Planning Statement, Flood Risk Assessment (FRA) and Drainage Strategy Report (7621 FRA), Drainage Strategy Plan (7621/02D), Soil Analysis (Worms Eye Moss Lane/SK11 7GR/2021) and Worms Eye Ltd Contaminated Land Report, which provides context as to the flood risk, drainage and soils situation at the site and immediately surrounding it. It is noted that as a result of the minor amendment to the Proposed Site Plan from the TPO Sycamore is not reflected on the Drainage Strategy Plan.

The site is located in a known area of flood risk for surface water. The FRA notes the site as low lying greenfield and it being situated approximately 1km away from the River Bollin to the north east and River Dane to the south east and that it does not appear to be in an area for rivers/sea flooding. The FRA makes reference to the low to high risk for Surface Water flooding with potential depths of between 0.3m and 0.9m. In the FRA it is considered that the existing site has a very small external area contributing to the potential fluvial overland flows other than a small portion of undeveloped land to the west of the site and the anticipated flooding is a result of water collecting at the low spot and not draining away fast enough from the lowland bog/marshland. The FRA states the volume of flood water has been calculated from a model taken from the supporting topographical survey (existing site plan) with a top water level of 158m with a maximum water depth based on this of 400mm less than the potential 900mm on the EA maps. They calculate flood water volumes likely to be 350cu.m with a portion of this from rainfall on the site. They calculate the greenfield volume of run-off to have a theoretical volume of 280cu.m of overland flows into the site. The FRA proposes this to be mitigated by introducing a shallow SuDS basin (also shown as a wildflower area) to the south-west of the site to retain a shallow depth of water relying on slow infiltration and evapotranspiration to dispose of the water. A high-level overflow is proposed to be provided from the basin to discharge into a flow control chamber restricting flows to 2l/s., to allow flows during intense storm event to be passed forward via a piped network and combine with the site drainage network. A land drain is also proposed to intercept any flows not captured in the SuDS basin, all as shown on the supporting drainage drawing. Part of this strategy relies on increasing the ground levels.

In the FRA it is also stated that *'there is currently no site investigation for this site, so the ground conditions of the underlying strata are unknown. This will need reviewing prior to detailed design stage to assess how any surface water flooding and overland flows can be mitigated and whether there are any opportunities to use infiltration.'*

This is perplexing considering there are detailed site investigations from Worm Eye Ltd. supporting the application and very important for this to be embodied and considered therefore in any FRA and Drainage Strategy noting the high risk of surface water flooding that exists. The Soil Assessment Report notes the site has clay, peat and topsoil layers with orange/brown sand below this to 2.4m deep with an underlying solid rock of sandstone (pebbly/gravelly). At this time, it appears that the FRA and resultant necessary calculations, investigations and methodology in which to design the submitted drainage strategy has not yet been undertaken. The LLFA have reviewed the proposals and object to the proposals based on the wider planning constraints at the location and the localised concern regarding pluvial flooding. They recommend refusal on the grounds of insufficient information as the following information to support a drainage strategy and water management for the site has not been provided:

- Site specific hydraulic catchment modelling up to 1 in 100 years +CC%% to challenge publicly available Environment Agency modelled flood maps.
- Seasonal groundwater monitoring, to reflect any fluctuation in groundwater during the winter periods (flood mitigation works (pond be level)).
- Proposed basin cross-sections for the compensatory pluvial flooding proposals.

As it stands it is considered that there is insufficient information presented with regards to the consideration of flood risk and water management for the site and impacts on the immediate surrounding area and watercourses as a result of the development, in an area with existing drainage, flooding and water management problems and to this regard at present the development would be contrary to policies SD1, SD2, SE1, LPS13 and SE13 of the CELPS, DC15, DC16 and DC17 of the MBLP and ENV7, ENV16, ENV17 and INF9 of the SADPD.

Public Open Space requirements:

As per DC40 of the MBLP and S106 SPD due to the number of units proposed informal play provision, formal play provision and amenity space is required to support the development. At present this is balanced against 'family dwellings' which are dwellings with two or more bedrooms. To this end for 6no. two-bedroom units 75sqm of informal play provision is required (12.5sqm x 6), 45sqm of formal play provision is required (7.5sqm x 6) and 120sqm (20sqm x 6) of amenity space is required to be provided for the development. The site has private amenity space indicated however does not provide any formal on-site play equipment or POS. ANSA has requested that financial contributions towards off-site projects are required to be secured for play and amenity at £3,000 per family dwelling towards additions and enhancements on adjoining existing open space and play area known as Rotherhead Drive/Franklin Close – totalling £18,000. Recreation and outdoor sport commuted sums would be £500 per 2 bed space or £3,000 total – directed towards Congleton Road Playing Field and supporting infrastructure in line with the PPS or PPOSS due for adopting in 2023 replacing the PPS.

Developer contributions/Planning Obligations:

In respect of financial contributions and planning obligations due to the amendments to the scheme now at 18no. units the education officer now confirms no monies are required to mitigate for the development with regards to demand on education services as a result of it. The NHS officer has confirmed they have no objections subject to an s106 to sit alongside any approval to secure financial contributions/planning obligations to mitigate the impact of the development on existing services with a total contribution of £10,368 toward Waters Green Medical Centre improvements. The split of this contribution is based on 12 x one-bedroom units @ £6,048 and 6 x two-bedroom units @ £4,320. As part of any s106 management and

connection for the pedestrian link to public footpath/rest of SMDA greenway will be required to be embodied in the report. Commuted sums for off-site provision will be required for play and amenity at £3,000 per family dwelling towards additions and enhancements on adjoining existing open space and play area known as Rotherhead Drive/Franklin Close – totalling £18,000. Public Open Space commuted sums would be £1000 per family dwelling and £500 per 2 bed space @ £3,000 total – directed towards Congleton Road Playing Field and supporting infrastructure in line with the PPS or PPOSS due for adopting in 2023 replacing the PPS. To achieve a 10% net gain for biodiversity the commuted sum would be for 0.7 units. Under current habitat unit cost calculations of £16,980 per unit, and the council's £1,200 administration fee, the commuted sum would be for: £11,886 (units) + £840 (admin fee) = £12,726 (total). The s106 will breakdown the habitat units and admin fees if consent is granted.

Community Infrastructure Levy (CIL) Regulations

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

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fair and reasonably related in scale and kind to the development.

It is considered that the contributions required as part of the application are justified meet the Council's requirement for policy compliance, the financial contributions as set out are based on formulae within the Macclesfield Borough Council – Supplementary Planning Guidance on s106 (Planning) Agreements. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

The applicants have confirmed their acceptance of these figures and directions of spend. Subject to these elements being secured via s106 agreement or otherwise it is considered the development is in compliance with the listed infrastructure, planning obligations and developer contributions policies and guidance.

Other considerations:

In respect of Archaeological Potential this has been reviewed by the Cheshire Archaeology team who do not seek the submission of any further information due to limited potential for remains in this area.

Whilst public comments were received raising concern that the affordable housing development would lead to anti-social behaviour, increase in criminal activities, loss of views/outlook and impact house prices these are not elements that can be afforded consideration as part of the determination of planning applications.

Conclusion:

The principle of the development is not accepted as it would completely preclude the ability to protect open space as part of emerging SADPD policies and provide a greenway with ecological network benefits relating to the overarching, longstanding SMDA LPS 13 allocation, where the provision of affordable housing beyond policy requirements is not considered to present

material circumstances which outweigh the issue with the principle of the development. It is therefore considered that the principle of the development is contrary to policies MP1, SD1, SD2, SC1, SC3, SE1, SE6 and allocation LPS 13 of the CELPS, NE18, RT2, RT5, RT7 and RT8 of the MBLP, INF1 and REC1 of the emerging SADPD, the SMDA 1998 and paragraph 99 of the NPPF.

In terms of design and local character it is considered that the proposals represent the overdevelopment of a confined and irregular shaped site and do not present a high-quality residential scheme that responds to local characteristics. The development is therefore considered to be contrary to policies and guidance SD1, SD2 and SE1 of the CELPS, DC35, DC36 and DC41 of the MBLP, GEN1 of the emerging SADPD and the CEDG.

In regards to the consideration of the impact of the development on tree life including Tree Preservation Orders it is considered that at this time there is insufficient information to demonstrate that the layout, specifically regarding the rear block of apartments presents a sustainable relationship with a protected and high amenity tree, T6 Sycamore, a major landscape tree. It is considered that there are no clear overriding reasons for allowing the development noting issues with the principle of the development and there are suitable alternatives to the development with regards to the impact of the development on this protected tree. In addition whilst a mixture of private and communal open space is planned for occupants, due to the layout and scale of the buildings this would heavily restrict the open views towards the predominant Sycamore on site which is a key landscape characteristic of this site, defined as a 'major landscape tree' in the Tree Survey, alongside its otherwise open and inclining nature (north east to south west) as such it is considered that appropriate landscaping could not be achieved in combination with the proposals to mitigate the harm caused by them. It is therefore also considered that the proposals would have a detrimental impact on landscape character. Taking into account these points it is considered the development is contrary to policies and guidance SD1, SD2, SE1, SE4 and SE5 of the CELPS, DC8, DC9, DC37 and DC41 of the MBLP, ENV5 and ENV6 of the emerging SADPD and the Trees and Development SPD regarding trees and landscape character.

In regards to flood risk and water management it is considered that there is insufficient information presented with regards to the consideration of flood risk and water management for the site and impacts on the immediate surrounding area and watercourses as a result of the development, in an area with existing drainage, flooding and water management problems and to this regard at present the development would be contrary to policies SD1, SD2, SE1, LPS13 and SE13 of the CELPS, DC15, DC16 and DC17 of the MBLP and ENV7, ENV16, ENV17 and INF9 of the SADPD.

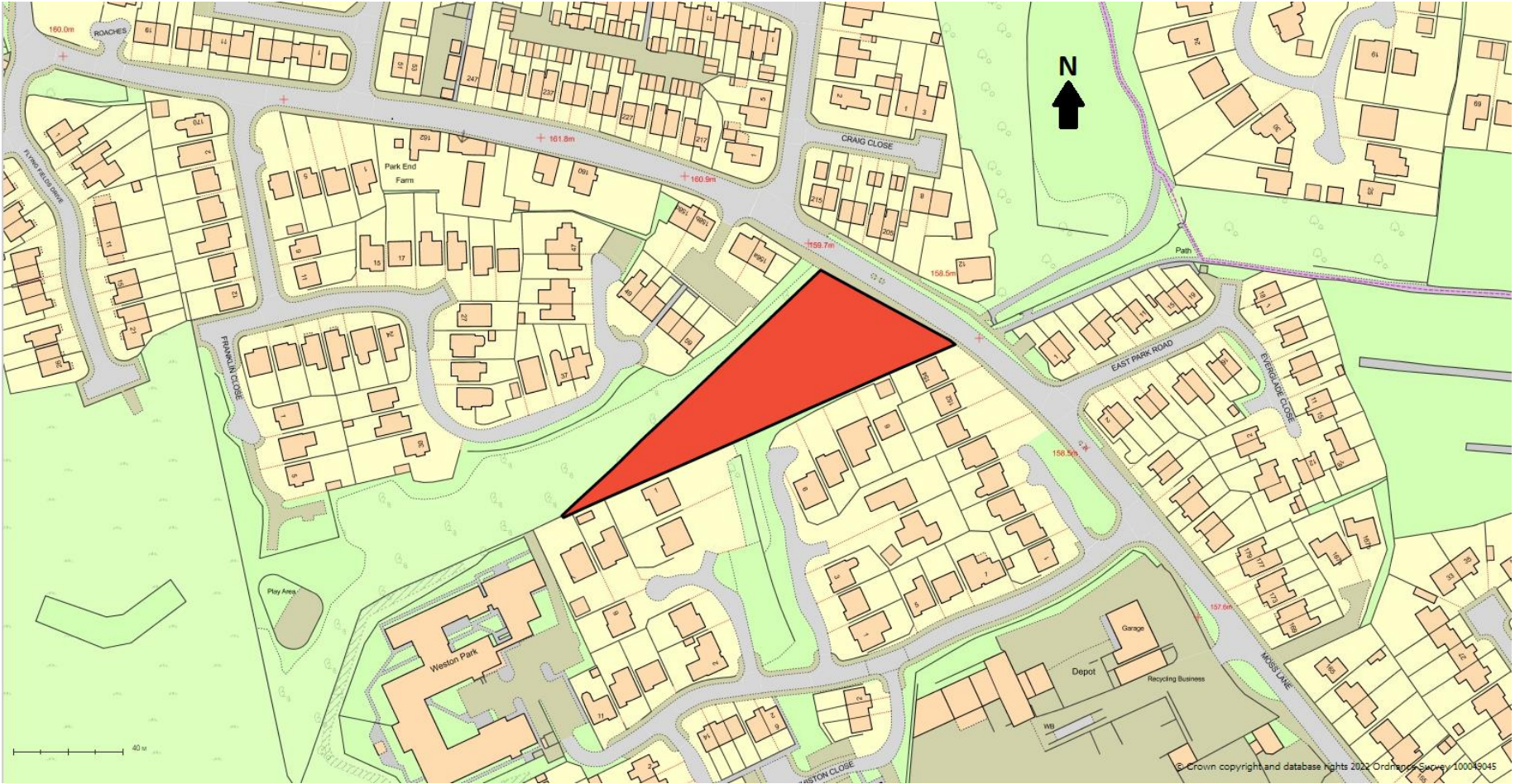
Taking into account these points, the application is recommended for refusal for the following reasons:

- 1. The principle of the development is not accepted as it would completely preclude the ability to provide protected open space as part of emerging SADPD policies and provide a greenway with ecological network benefits relating to the overarching, longstanding SMDA LPS 13 allocation, where the provision of affordable housing beyond policy requirements argument presented is not considered to provide material circumstances which outweigh the issue with the principle of the development. It is therefore considered that the principle of the development is contrary to policies MP1, SD1, SD2, SC1, SC3, SE1, SE6 and**

allocation LPS 13 of the CELPS, NE18, RT2, RT5, RT7 and RT8 of the MBLP, INF1 and REC1 of the emerging SADPD, the SMDA 1998 and paragraph 99 of the NPPF.

2. The proposed development represents the overdevelopment of a confined and irregular shaped site which does not present a high-quality residential scheme that responds to local characteristics. The development is therefore considered to be contrary to policies and guidance SD1, SD2 and SE1 of the CELPS, DC35, DC36 and DC41 of the MBLP, GEN1 of the emerging SADPD and the CEDG.
3. There is insufficient information to demonstrate that the layout, specifically regarding the rear block of apartments presents a sustainable relationship with a protected and high amenity tree, T6 Sycamore, a major landscape tree. It is considered that there are no clear overriding reasons for allowing the development noting issues with the principle of the development and there are suitable alternatives to the development with regards to the impact of the development on this protected tree. Due to the open and inclining nature (north east to south west) it is considered that appropriate landscaping could not be achieved in combination with the proposals to mitigate the harm caused by them on the landscape of the site and the major landscape tree. Taking into account these points it is considered the development is contrary to policies and guidance SD1, SD2, SE1, SE4 and SE5 of the CELPS, DC8, DC9, DC37 and DC41 of the MBLP, ENV5 and ENV6 of the emerging SADPD and the Trees and Development SPD.
4. There is insufficient information presented within the application with regards to the consideration of flood risk and water management for the site and impacts on the immediate surrounding area and watercourses as a result of the development, in an area with existing drainage, flooding and water management problems and to this regard at present the development would be contrary to policies SD1, SD2, SE1, LPS13 and SE13 of the CELPS, DC15, DC16 and DC17 of the MBLP and ENV7, ENV16, ENV17 and INF9 of the SADPD.

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 Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



Application No: 21/2866M

Location: HIGHER KINDERFIELDS FARM, HOLLIN LANE, SUTTON, SK11 0NN

Proposal: Change of use of a garage/workshop into 5 accessible tourist units.

Applicant: Mr Mike Eardly

Expiry Date: 10-Jun-2022

SUMMARY:

The application seeks Planning Permission for the conversion of an existing garage and workshop into tourist accommodation.

It is considered that the building currently constructed on site does not conform with the 2017 Planning Permission for a garage and store.

The application, therefore, does not benefit from the exception criteria listed within CELPS PG6(3)(ii), insofar as it relates to the re-use of existing rural buildings.

As currently submitted, the proposals are not considered to provide the required level of detail to fully evaluate the amenity implications to the nearest residential properties.

Any economic and tourism benefits are of limited to moderate weight in favour of the proposal.

SUMMARY RECOMMENDATION:

Refuse Planning Permission

REASON FOR REPORT:

Application 21/2866M was referred to the Northern Planning Committee at the request of Cllr Andrew Gregory (*Sutton Ward*) for the following reasons: -

1. *"The development is in an area of Open Countryside within the Peak Park Fringe and is considered to be an unwelcome development in what is an area of outstanding natural beauty;*
2. *There are concerns as to the increase in traffic along a stretch of Hollin Lane which is already busy with visitors to the nearby public house, the Ryles Arms;*
3. *Hollin Lane has long stretches of road without any pavement and a walk from the site to Sutton village will involve long walks along an unlit road;*

4. *The design of the buildings, with the use of metal cladding is not in keeping with the locality and represents a reduction in the amenity in the local area. The remaining buildings are constructed of stone;*
5. *The development is unneighbourly due to its close proximity to the building next to it and represents an over intensification of the site, being a traditional farm;*
6. *The present drive entrance is narrow and the entrance and exit of some 9 vehicles (there are 9 parking spaces) represents a further danger to all road users; and*
7. *There is no evidence that there is a need for additional tourism in the area. The camping site has a restricted permission for a limited number of weeks each year and therefore the link between the need for the units and the camping use is not sustainable.”*

PROPOSAL:

The application seeks Planning Permission for the conversion of an existing garage and workshop into five units of tourist accommodation.

Three units are located on the lower ground floor, with two above. The two above units have interconnecting doors so that they can be let flexibly to a family group or individuals.

DESCRIPTION OF SITE AND CONTEXT:

The application site is known as ‘Higher Kinderfields Farm’, in Sutton. The application site comprises a dwelling and outbuilding accessed from Hollin Lane. The house is a three-bedroomed detached two-storey stone-built farmhouse. The site has a gated drive with parking to the front and hardstanding to the rear of the main property. There is a large lawned garden to the front and south of the house, with a paddock beyond.

Since submission, the dwelling and domestic garden known as ‘Higher Kinderfields Farm’ has been sold by the applicant and is now a separate planning unit albeit sharing access arrangements with this proposal.

The application relates to a site that sits to the west (rear) of the main farmhouse.

There, the land noticeably falls from Hollin Lane through the site, and then quite steeply beyond the site boundary down towards a small brook to the west.

The site is located within Countryside Beyond the Green Belt and is also within an Area of Special County Value (Local Landscape Designation).

RELEVANT HISTORY/BACKGROUND:

Planning permission was granted for the demolition of an existing garage and its ‘replacement with a garage’ in a similar location on 6 October 2017, under reference 17/4021M.

The garage was granted on the basis that it would be used for some domestic storage, but also for the stationing of an agricultural engineering vehicle associated with the applicant's agricultural business.

It is noted that during the determination of that approval, revised plans were secured to amend the location of the entrance facing onto the hardstanding (as per the original garage) as opposed to the open countryside beyond the built-up area of the site.

That 'replacement building' was to be relocated further back from the hardstanding area and the main farmhouse to allow a more convenient access for a vehicle. The new access to that building would have been in the form of a ramp down to a new lower floor level, as an increased volume was needed to store larger vehicles.

The building was to be constructed of black metal corrugated sheeting, with a metal roller door and no windows.

POLICIES:

Cheshire East Local Plan Strategy (CELPS):

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
PG3 Green Belt
PG6 Open Countryside
EG2 Rural Economy
EG4 Tourism
SC3 Health and Wellbeing
SD1 Sustainable development in Cheshire East
SD2 Sustainable development principles
SE1 Design
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE15 Peak District National Fringe
CO1 Sustainable travel and transport
CO3 Digital connections
CO4 Travel plans and transport assessments
Appendix C – Parking Standards

Saved policies of Macclesfield Borough Local Plan (MBLP):

RT8 Access to Countryside
GC1 The Green Belt
NE1 Area of Special County Value
NE3 Landscape
NE11 Nature Conservation
DC3 Protection of the amenities of nearby residential properties
DC6 Safe and convenient access for vehicles, special needs groups and pedestrians
DC8 Landscaping
DC9 Tree protection
DC35 Materials and Finishes

DC36 Road layouts and circulation
DC38 Space, light and Privacy

Other Material Considerations:

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

Site Allocations and Development Policies Document (SADPD)

The Site Allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Council received the Inspector's Report on 17 October 2022, completing the examination stage of the Plan. The Report concludes that the SADPD provides an appropriate basis for the planning of the Borough, provided that a number of Main Modifications are made to it. The Council can now proceed and adopt the Plan, which is expected to be decided at the Full Council meeting on 14 December. Having regard to paragraph 48 of the National Planning Policy Framework, relevant policies, as amended by the Main Modifications, may be given substantial weight in determining planning applications.

ENV2 Ecological implementation

ENV3 Landscape character

ENV4 River corridors

ENV5 Landscaping

ENV15 New development and existing uses

RUR2 Farm diversification

RUR6 Outdoor sport, leisure and recreation outside of settlement boundaries

RUR8 Visitor accommodation outside of settlement boundaries

RUR11 Extensions and alterations to buildings outside of settlement boundaries

RUR12 Residential curtilages outside of settlement boundaries

RUR13 Replacement buildings outside of settlement boundaries

RUR14 Re-use of rural buildings for residential use

HOU10 Amenity

HOU11 Residential standards

CONSULTATIONS (External to Planning):

Sutton Parish Council:

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

1. The proposal is for a significant change to the current use of the building, which only four years ago was granted planning permission to be a workshop/garage, which would support the development of an agricultural related business;
2. The current application is a proposal to support the development of a tourist business. There are many aspects of planning regulations with regard to design, appearance and materials, visual amenity, traffic generation etc that need to be considered for this proposed development in an Area of Special County Value;
3. The application is an over intensification of the site with nine more parking spaces;
4. Due to its close proximity to nearby property the Council feels it would be unneighbourly;

5. With more traffic using the driveway on to the lane, this creates more traffic emerging onto a country lane along with traffic entering and exiting the camp site which is only 100yds along the roadway;
6. The barn, which is going to be converted, had permission in 2017 and with that in mind it should not then be converted for residential;
7. The materials to be used in the conversion are cladding and metal windows. Although the present barn is metal cladding it is not in common with the surrounding buildings which are stone. Therefore, making a more residential building rather than an agricultural workshop, the materials used should be more in line with a property of this sort;
8. The extra sewage would have to be adequately dealt with as the property is on a septic tank;
9. The Parish Council is concerned that the plot is already partly converted;
10. We are concerned that the extra hardstanding for parking etc may result in increased run off of water into the watercourse, in storm conditions, and therefore have an adverse impact on properties downstream; and
11. This should not be considered as a Class Q application, (conversion of former agricultural buildings) as it has not been used as such nor has it been in use prior to 2013 (as far as the Parish Council are aware).

Environmental Health:

No objections, subject to Conditions.

Highways:

No objections.

Lead Local Flood Authority (LLFA):

No objections, subject to Informatives.

REPRESENTATIONS:

The application has been duly advertised by means of direct neighbour notification letters and site notice.

Five letters of representation have been received and their comments can be summarised as follows: -

- Adverse implications to future agricultural opportunities;
- Adverse implications to existing residential amenity;
- Visual appearance of the land;
- Conflicts with highway safety;
- Does not conform with development control policy;
- The building does not conform with current planning approval;
- Abuse of the planning system;
- Does not add anything to the economy of the area;
- The ecology of the area;
- A tiny area of countryside making it urban; and
- Site notice was located too far from the application site.

A letter of objection has also been received from Andrew Ellis Planning Consultants Ltd, on behalf of four local residents and their comments can be summarised as follows: -

- CELP Policy PG6 states that Within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. The proposal does not satisfy any of these requirements and cannot be regarded as an exception under Part 3 of the Policy;
- The construction of new build holiday accommodation is a flagrant and deliberate breach of planning control;
- The expansion of the existing tourist facility would lead to an intensification in the use of the site causing further noise and disturbance for neighbouring residents;
- The existing access is unsuitable to cater for the additional traffic that would be created by the holiday lets and this would be detrimental to the interests of highway safety; and
- The proposal fails to satisfy the requirements set out in Policies RUR8 and RUR13 of the Draft Site Allocations and Development Plan Document which is now at Main Modifications Stage.

Additional Information:

The applicant has also recently submitted the following points that they wish Members to be aware of in relation to the previous draft July Committee Report, these being: -

- There is considerable confusion in the report as to what has been approved (2017) and what has been built. This is not surprising given the poor quality of the drawings which accompanied the 2017 submission. Our subsequent site checks and overlay of historic drawings demonstrates that any suggestion that the partially constructed building does not conform with the 2017 approval would be open to criticism. The report has a number of apparently contradictory statements.
- The 2017 building has been constructed to the approved dimensions and on the correct alignment. The 2017 approved drawings provide limited detail on setting out. They referenced a fence boundary which no longer exists. There were no site co-ordinates for setting out. We have checked the setting out and overlaid the OS plan and Land Registry drawings to verify that within normal building tolerances it is impossible to confirm that the building has not been set out in accordance with the 2017 approval. The dimensions are exactly as approved.
- The building does conform to the size and location of the 2017 approval.
- The current building is not a change of the 2017 approval. At no time did the 2017 approval be partly constructed and then subsequently replaced.
- There appears to be considerable confusion as to the veracity of the statements in the report. By any industry standards of setting out, size, volume, and location the existing building is the partly constructed 2017 approved scheme. The difficulties we all have is the inadequate quality of detail in the 2017 submission, but *“on balance it is the same building.”*
- The previous report implies that prominence and introduction of tourism harms the character of the site and proposed suburban landscaping.
- We have since updated the landscape proposals to be consistent within the farmyard setting and the area of land allocated to the development is exactly as the 2017 approval.
- The idea that substituting the “lighter” use of tourism in lieu of “heavy, noisy “agricultural use has a harmful impact on character is very questionable as evidenced later in the report (tourism) when it is stated that the inclusion of tourism “ is given moderate weight in favour of the scheme “.
- One of the main thrusts of government and CEC policy is to promote rural tourism, encourage rural diversification and deliver a robust rural economy.

OFFICER APPRAISAL:

The Principle of Development:

CELPS Policy PG6 (Open Countryside) states that *“within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.”*

However, CELPS Policy PG6(3) provides six exceptions, two of which are as follows:

- PG6(3)(ii) for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension; and
- PG6(3)(iii) for the replacement of existing buildings by new buildings not materially larger than the buildings they replace.

The current application was submitted as a change of use of the existing garage building.

SADPD Policy RUR2 states that *“proposals for the diversification of agricultural businesses in the open countryside will be supported where they accord with other policies in the development plan.”*

SADPD Policy RUR8 states that *“Certain types of visitor accommodation may be appropriate to a rural area where their scale is appropriate to the location and setting and where there is an identified need for the accommodation, which cannot be met in nearby settlements because the type of accommodation proposed is intrinsically linked with the countryside.”*

SADPD Policy RUR11 states that *“extensions and alterations to existing buildings in the open countryside will only be permitted where the proposed development would; not result in disproportionate additions over and above the size of the original building, respect the character of the existing building, particularly where it is of traditional construction or appearance, and not unduly harm the rural character of the area.”*

SADPD Policy RUR14 states that *“the residential re-use of existing rural buildings will be permitted where the building is: of permanent and substantial construction so as not to require extensive alteration or rebuilding; and of a size that is able to accommodate a satisfactory living environment in the new dwelling and would not require extending any extension required must be in accordance with the requirements of Policy RUR 11.”*

The existing building on site is that which was constructed following the 2017 approval. However, it is not the same as the building that was shown on the approved plans. It is noted that the applicants have tried to investigate the precision of the setting out. It is also agreed that

some elements of the approval are unspecific as the approved drawings were of a poor standard.

Some discussions were undertaken to ascertain if a different application description could be utilised to explain the situation, however this would be an essentially different application and would not confirm with the applicant's stated position and evidence. The application therefore has to be considered as a change of use.

It is accepted that the building is in the approximate position of the 2017 Consent.

However, its size (two useable floors), its roof design, fenestration and construction differ considerably to the approved plans.

It is therefore considered that the building that has been constructed on site is materially different to the 2017 Planning Permission for a 'replacement garage and store'.

The application, therefore, does not benefit from the exception criteria listed within CELPS PG6(3)(ii), insofar as it relates to the re-use of existing rural buildings, as no existing building exists that can actually take advantage of this exception. Permission is required for the building that has been constructed, and a new application would be needed for this.

The applicant therefore needs to secure planning permission for the structure and hardstanding areas as built before any change of use can be considered. Alternatively, a new application for purpose-built holiday accommodation and associated areas of hardstanding would be required. This is not what is sought within the current application. The change of use that is the subject of this application is therefore contrary to CELPS Policy PG6.

It is acknowledged that the site is within walking/cycling of the village settlements of Sutton and Langley where there are a range of local pubs, community facilities and local shop. It is also noted that the site is within a 5-minute walk of the Ryles Arms and a short drive to other nearby pubs. There are also numerous public/designated footpaths running close to the site giving access to open countryside and the Peak Park fringes.

However, this is no different from large parts of the countryside and limited information has been submitted identifying any need for the accommodation. No justification on why it cannot be met in nearby settlements has been put forward, either on the grounds of the type of accommodation proposed or why it is intrinsically linked with the countryside. The scheme would therefore fail to pass the requirements of SADPD Policy RUR8.

Impact on the Rural Character of the Countryside:

CELPS Policy SE1 (Design) States That *"development proposals should make a positive contribution to their surroundings."*

CELPS Policy SE4 states that *"the high quality of the built and natural environment is recognised as a significant characteristic of the Borough. All development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes."*

SADPD Policy RUR8 does also state that certain types of visitor accommodation may be appropriate to a rural area where their scale is appropriate to the location. This is on the stipulation that the proposals make the best use of existing infrastructure such as existing buildings, utilities, parking, vehicular access, and they do not unacceptably affect the character of the surrounding area or landscape and appropriate landscaping and screening is provided.

The previous building, whilst in poor condition, was essentially rural in nature and quite unobtrusive in the landscape, due to its simple design, external materials, and low eaves. In contrast, the proposed building would, by virtue of the insertion of large amount of glazing within the building, result in it being more prominent.

That being said, the building is located at the rear of the site and in a position where previous structures were located.

It is considered that any harmful effect caused by a larger site used in connection with the building (proposed access and parking areas, and other outdoor areas) could be reduced by the imposition of suitably worded Condition(s) to secure appropriate landscaping and screening, in line with SADPD Policy RUR8(2)(v).

On balance, it is considered that the design of the proposed buildings would not breach CELPS Policies SE1 and SE4, and emerging SADPD Policy RUR8, in so far as they relate to design and the effect on the character of an area.

Living Conditions:

Policy SE12 of the CELPS 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, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm.

Developers will be expected to minimise and mitigate the effects of possible pollution arising from the development itself, or as a result of the development (*including additional traffic*) during both the construction and the life of the development. Where adequate mitigation cannot be provided, development will not normally be permitted.

Saved MBLP Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property due to issues including noise. Saved MBLP Policy DC38 (*to be replaced by SADPD Policy HOU11*) sets out guidelines of space between buildings.

SADPD Policy HOU10 states that proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of those properties due to (amongst other issues), either environmental disturbance or traffic generation, access, and parking.

Paragraph 185 of the Framework establishes in summary that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a

result of new development and identify and protect areas of tranquillity which have remained relatively undisturbed from noise.

Noise and Disturbance:

The Planning Practice Guidance, in line with the explanatory note of the Noise Policy Statement for England, identifies factors which influence whether noise could be a concern such as the source and absolute level of the noise together with the time of day it occurs, and for non-continuous sources of noise, the number of noise events and the frequency and pattern of occurrence of the noise.

As stated above, the five units are located just over 11m from the main farmhouse, known as 'Higher Kinderfields Farmhouse'. It is also located approximately 21m from the neighbouring property known as 'Kindersfield Edge'. The application seeks to use the existing farm access to serve the proposal.

The applicant has submitted the following framework Management Plan for the five holiday lets:

-
- UK Management Companies (Sykes Cottages / Cottages.com etc.) Fully managed around the clock support.
- Key Safe with instructions.
- Local employed cleaner, room hand over, maintenance and emergency contact Anthea Rymer (28 years trusted associate) (*Same management plan as the Ryles Arms Pub & Accommodations*).
- Mark Bullock property services North Rode - runs existing holiday lets in the local area (30 years trusted associate).
- Dedicated check in and out times to minimise distribution.
- Restricted access, no groups such as stag / hen groups and no more than 2 units let to the same people upon booking.
- We will have online customer owner presence with all bookings including vetting.
- We have 6 years' experience within this field.

The five new holiday lets would have sufficient sleeping accommodation for up to 10 persons, with the upper floor being able to expand to one larger suite. It is considered that this type of holiday accommodation is materially different from, say a small holiday cottage let. This is because the proposals could result in five different parties or groups using the site, with all having different activities/plans, with different noise impacts and at different times and frequencies of the day. It could also be used for one large, interconnected group, on a site close to other properties.

Whilst the Management Plan does address issue of large parties or groups using the site, the main issue for the Local Planning Authority is that there would be no on-site presence. Additionally, no details of local management presence to establish procedures for complaints and/or delays in any management action when neighbours are already disturbed.

Although the applicants have submitted evidence from the new owners of Higher Kinderfields Farmhouse, that they have no objections to the location and use of the proposals, this remains a separate planning unit, no longer an ancillary use and this separation distance and boundary connection could lead to unneighbourly relations in the future.

Although historically, the site access would have been used as a working farm, this use has now ended and a tourism use on the site would involve a different nature and type of access, in terms of both instances, regularity and times of day.

It is considered that this would cause a loss of amenity to Kindersfield Edge by way of noise and disturbance through increased comings and goings to the proposed tourist units.

The approval of the development would therefore be contrary to CELPS Policy SE12, Saved MBLP Policy DC3, emerging SADPD Policies HOU10 and Policy RUR8 (insofar as it relates to amenity) and Paragraph 187 of the NPPF.

Lighting:

CELPS Policy ENV14 (Light pollution) states that *“Lighting schemes will be permitted provided that ... the amount of lighting is the minimum required for security, safety and/or operational purposes.”*

Prior to its installation, the details of the location, height, design, and luminance of any external lighting could be controlled by Condition. This Condition could ensure that the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties.

Contamination:

CELPS Policy SE12 (Pollution, Land Contamination and Land Instability) states that *“Development for new housing or other environmentally sensitive development will not normally be permitted where existing air pollution, soil contamination, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against.”*

The application is for a proposed use that would be particularly vulnerable to the presence of contamination. The application area has a history of workshop use and therefore the land may be contaminated. No information relating to land contamination has been submitted in support of the planning application. Therefore, if Members were minded to support the application, Conditions would be required to secure a Risk Assessment, Remediation Strategy and to deal with any unforeseen contamination if discovered.

Air Quality:

CELPS Policy SE12 also advises on issues on Air Quality. This scheme itself is of a small scale, and as such would not require an Air Quality Impact Assessment, but there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. The cumulative impact of developments is likely to make the situation worse, unless managed. Local Planning Authorities are now directed not to impose Conditions to secure Electrical Vehicle Infrastructure, as they are now covered by ‘Part S’ of the Building Regulations. However as this is a retrospective application and as Officers are unsure of what works have already

been approved or assess under Building Control, a Condition to secure Electrical Vehicle Infrastructure would be warranted.

Highway Safety, Access and Parking:

CELPS Policy CO1 deals with Sustainable Travel and Transport. It seeks to encourage a shift away from car travel to public transport, cycling and walking. Saved MBLP Policy DC6 relates to circulation and access. It sets out the circulation and access criteria for new development. This includes amongst other matters, the provision of adequate visibility splays, manoeuvring vehicles and emergency vehicles.

The commuter peak hour and daily traffic generation associated with the change of use, would not be expected to have a material impact on the safe operation of the adjacent or wider highway network.

The proposal for use of the existing farm access to serve the proposal is acceptable in highway safety terms. It is noted that lateral visibility associated with the existing site access, along Hollin Lane, does not appear to conform to current design guidance; however, this is a modest proposal and its daily traffic generating potential will likely be seasonal and limited. It is also noted that there have been no reported Personal Injury Accidents in this location during the last four-year period of data availability (2017 to 2020). This is not considered to be a sustainable reason for refusal.

There is sufficient space set aside within the site to accommodate car parking demand expected to be associated with the proposal. Whilst it is accepted most of the visitors being accommodated on the site would rely on private cars, if Members were minded to approve the application a Condition could be imposed to secure the requisite secure cycle parking requirements.

The Head of Strategic Transport has raised no objection to the planning application on highway safety grounds and as such it accords with CELPS Policy CO1 and Saved MBLP Policy DC6.

Tourism:

Farming appears to have ceased on the site. The applicant has stated that the main income from dairy farm engineering has disappeared following the closure of most dairy herds in the area over the past 10 years.

CELPS Policy EG2 supports developments that create or extend rural based tourist attractions, visitor facilities and recreational uses. CELPS Policy EG4 seeks to *“protect and enhance the unique features of Cheshire East that attract visitors to the area”*.

National Planning Policy Framework and CEC Policy supports diversification to deliver a robust rural economy. Reuse of buildings for tourism is encouraged and CEC is seeking to expand its tourist economy.

It is accepted that the scheme would potentially boost Tourism and the Rural Economy (although as noted above specific evidence of need has not been submitted), benefits which are given due weight. It is evident that if there is an identified need the locality would be suitable

for a tourism use and the proposal would enable access to the countryside for the purposes of recreation. This is also reflected in the Framework which states that Local Planning Authorities should plan positively to enhance the beneficial use of the countryside such as looking for opportunities to provide access and recreation.

Other Material Considerations:

There are no ecological or arboriculture issues in relation to this planning application.

Flood Risk and Drainage:

If Members were minded to approve the application, then an Informative is recommended from the LLFA, reminding the applicant that if any alterations to ordinary watercourses are proposed, the developer will be required to obtain formal consent under the Land Drainage Act 1991 from Cheshire East Council as Lead Local Flood Authority. An additional Informative could also be suggested as that an appropriate drainage strategy that follows the hierarchy of drainage is set out in Part H of the Building Regulations.

BALANCE OF ISSUES AND CONCLUSION:

The application seeks Planning Permission for the conversion of an existing garage and workshop into tourist accommodation.

The building currently constructed on site does not conform with the 2017 Planning Permission for a 'replacement garage and store'. The application, therefore, does not benefit from the exception criteria listed within CELPS PG6(3)(ii), insofar as it relates to the re-use of existing rural buildings.

Based on the information provided there will be an adverse impact on the living conditions of Kindersfield Edge and Higher Kinderfields Farmhouse. The application therefore fails to comply with CELPS Policy SE12, Saved MBLP Policy DC3 and Paragraph 187 of the NPPF, in that it fails to effectively integrate with and adversely affects the amenities of adjoining and nearby residential property, through noise and disturbance.

Any economic and tourism benefits are of limited to moderate weight in favour of the proposal. As such, the harm to amenity is not clearly outweighed by the other considerations identified and as such the proposal fails to adhere to the Local and National policies outlined above.

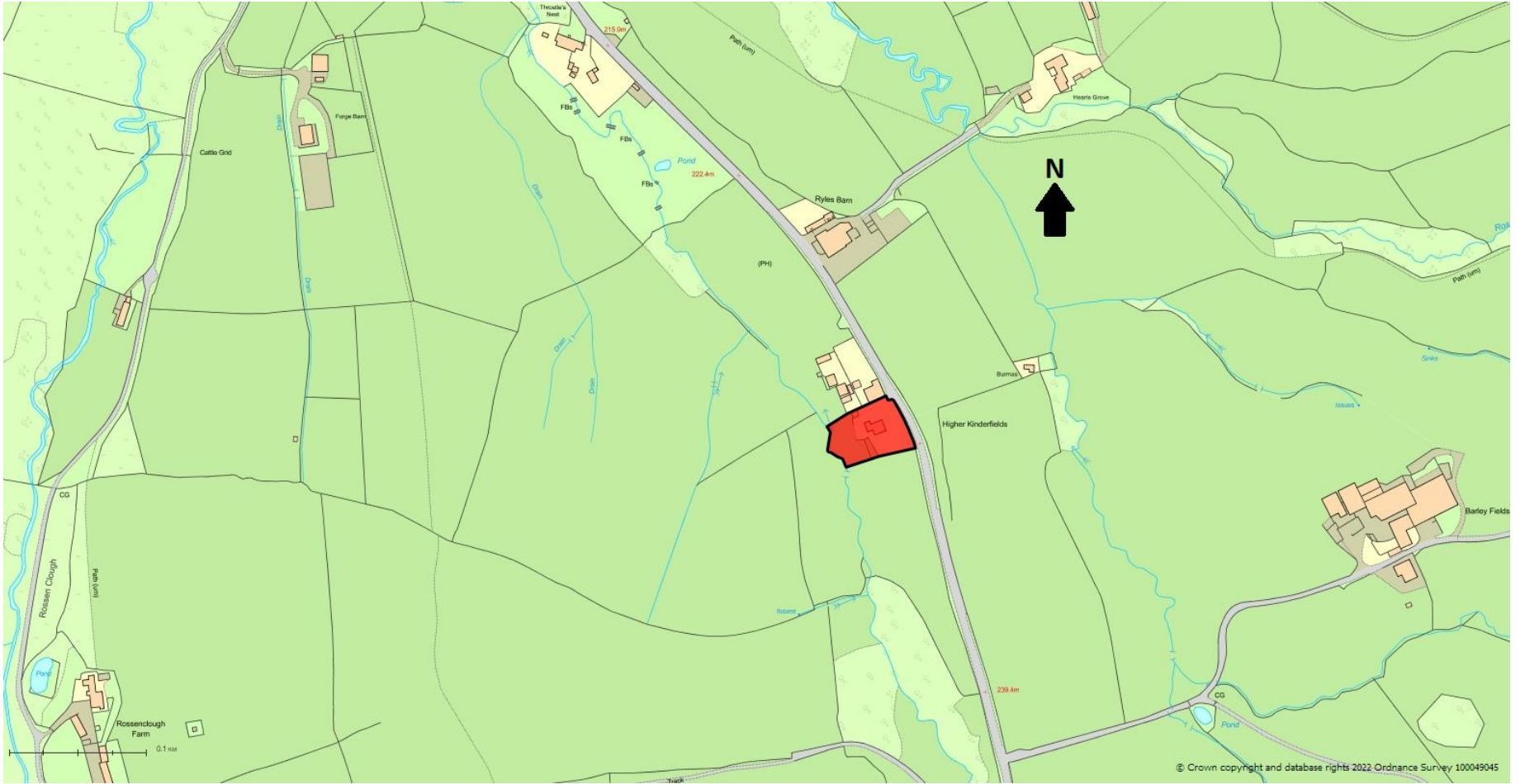
RECOMMENDATION:

It is recommended that the application for planning permission be refused for the following reasons: -

- 1. The building currently constructed on site does not conform with the 2017 Planning Permission for a replacement garage and store. An identified need for the accommodation has not been demonstrated. The application, therefore, does not benefit from the exception criteria listed within Cheshire East Local Plan Strategy PG6(3)(ii), insofar as it relates to the re-use of existing rural buildings, and policy RUR 8 of the emerging Site Allocations and Development Policies Document.**

2. **The proposed development will have an adverse impact upon the residential amenity of Kindersfield Edge and of Higher Kinderfields Farmhouse in relation to any noise and disturbance cause by the use and the access arrangements. The approval of the development would therefore be contrary to Cheshire East Local Plan Strategy Policy SE12, Saved Macclesfield Borough Local Plan Policy DC3, emerging Site Allocations and Development Policies Document Policies HOU10 and RUR8, and Paragraph 187 of the NPPF.**

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 Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



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Application No: 21/6196M

Location: HAWKSHEAD QUARRY, LEEK OLD ROAD, SUTTON, CHESHIRE, SK11 0JB

Proposal: Proposed Additional Industrial Units for Small Scale Businesses within Hawkshead Heavy Industrial & Haulage Park

Applicant: Mr Steve Bell, AM Bell (Properties) Ltd

Expiry Date: 09-Dec-2022

Summary:

The proposed development description is '*Proposed additional industrial units for small scale businesses within Hawkshead Heavy Industrial and Haulage Park*'. The application site edged red extends to an area of 5440sqm. Proposed are 3no. industrial, utilitarian shed style buildings comprised of Unit 1 (Type A)– 356sqm GEA, Unit 2 (Type B) – 620sqm, Unit 3 (Type C split into 3no. units)– 117sqm and Unit 4 (Type D) – 292sqm. Units 3 and 4 appear as 1no. detached building. It is proposed that the units will be B2/E (ii) and (iii) light industrial use with the processing of goods is intended to take place within the buildings. The proposals also include landscaping, parking and other associated infrastructure and works in which to facilitate the development.

Hawkshead Quarry lies within Countryside Beyond the Green Belt otherwise known as the open countryside and Peak Fringe Local Landscape Designation Area (formerly an Area of Special County Value for landscape quality). The lower Quarry lies within the Gawsworth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site and Ancient Woodland. The site gains access off Radcliffe Road/Leek Old Road (referred to as the lower quarry) and the upper area (outside the red edge) which lies further north and gains access off Croker Lane (referred to as the upper quarry). The access to the lower quarry is located 240m to the east of the junction of Radcliffe Road with London Road, which is approximately 2km south of Macclesfield.

The application site is located outside of designated settlement boundaries and is not an allocated employment site where new employment and industrial development is directed towards as per the CELPS and emerging SADPD. The site is located in the open countryside with poor access to means of a variety of transport such as buses, cycling, walking or trains and is reliant on private vehicles such as cars/vans in which to reach it. The principle of the development is not accepted as the proposals are not identified as an exceptional form of development permitted within the open countryside and do not present employment uses that by the nature of the business proposed is essential for it to be located in a countryside and out of settlement location, noting also only 2no. units have earmarked occupants with the remaining units proposed on a speculative basis. It is considered therefore that the proposals are contrary to policies MP1, PG2, PG6, SD1, SD2, EG1, EG2, EG5, SE2 and CO1 of the CELPS and RUR10 of the emerging SADPD. It is not considered that job creation and nature conservation and forestry mitigation and improvements described within the submission outweigh the conflict with the development plan in this instance. The proposal is considered not to represent sustainable development when considered on the whole and as such the application is recommended to be refused approval.

Summary Recommendation:

The application is recommended for refusal.

Reason for Report:

This application is presented before the Northern Planning Committee at the discretion of the Head of Planning.

Description of Site and Context:

Hawkshead Quarry lies within Countryside Beyond the Green Belt and otherwise known as the open countryside and the Peak Fringe Local Landscape Designation Area (formerly an Area of Special County Value for landscape quality). This lower quarry site lies within the Gawsworth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site. The site edged red gains access off Radcliffe Road/Leek Old Road (referred to as the lower quarry) whilst the upper area (edged blue) which lies further north and gains access off Croker Lane (referred to as the upper quarry). The access to the lower quarry is located 240m to the east of the junction of Radcliffe Road with London Road, which is approximately 2km south of Macclesfield. The lower quarry currently contains 5 existing buildings. 3 are centrally located and 2 are closer to the edge of the site. There are 20 HGV parking bays, an MOT centre for HGVs and coaches and ancillary office space, a repair centre for HGVs. 2 of the units are occupied by Cheshire Cheese and Wine Emporium and Extruded Plastics and there is also a vehicle salvage dealer. The existing site is said to be operational 24 hours a day, seven days a week, 365 days a year. There is a dwelling house located adjacent into the access into the lower site occupied by the applicant. Within the blue edge is the upper quarry which is at a considerable topographical levels difference (higher) than the lower quarry area within the site edged red.

Macclesfield Canal is located approximately 230m to the west of the site and the Radcliffe (Ratcliffe) Feeder lies to the south of the site. Ratcliffe Brook also runs through the site. The Radcliffe Feeder is managed by the Canal and River Trust and feeds into Bosley Reservoir. The site is also close to Danes Moss Site of Special Scientific Interest (SSSI). Ratcliff Wood an Ancient Semi Natural Woodland designated on Natural England's Ancient Woodland Inventory lies around the site. The Gawsworth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site is also nearby. The site is adjacent to public footpath Gawsworth FP36 and is in close proximity to Gawsworth FP31 and FP33. There is an existing Conservation Area (designated heritage asset) to the west.

The Proposals:

This Officer Appraisal is based on the revised plans and documents as received on the 4th and 6th October 2022.

The proposed development description is '*Proposed additional industrial units for small scale businesses within Hawkshead Heavy Industrial and Haulage Park*'. The application site edged red extends to an area of 5440sqm. Proposed are 3no. industrial, utilitarian shed style buildings comprised of Unit 1 (Type A)– 356sqm GEA, Unit 2 (Type B) – 620sqm, Unit 3 (Type C split into 3no. units)– 117sqm and Unit 4 (Type D) – 292sqm. Units 3 and 4 appear as 1no. detached building. It is proposed that the units will be B2/E (ii) and (iii) light industrial, the processing of goods is intended to take place within the buildings. It is proposed Fruits of the Forage a local foraging company will occupy Unit 1, Cheshire Cheese Company will occupy Unit 2 and that

Units 3/4 are speculative intended for small to medium scale sized businesses. It is noted that Units 1 and 2 have been designed in such a way that should it be required in the future that they can be split into 2no. smaller units if the market dictates the requirement for that. It is proposed that 37no. parking spaces will be created with each unit to have a dedicated electric vehicle charging point all utilising the existing access to the site. Dedicated parking for each unit is as follows: 8no. for Unit 1, 12no. for Unit 2 and 17no. for Units 3 and 4 combined. 15no. motorcycle parking spaces and 25no. cycle parking spaces are also provided across the site.

It is indicated that 30no. full time and 35no. part time employees will be created as a result of the development. The proposed materials for the construction of the buildings is indicated as walls in red brick and dark grey/black corrugated metal cladding and roof in corrugated metal. Roller shutters and personnel access doors, reveal, guttering etc. are also to match the colour of the cladding. Each building is proposed on a concrete pad base. It is indicated that surface water is to be disposed of via existing water course and soakaway, the existing watercourse of which appears to have been culverted from a previous course. As part of the proposals a new culvert for the watercourse on site is proposed which lies downstream from the Radcliffe (Ratcliffe) Feeder which feeds water into the Bosley Reservoir operated by the Canal and River Trust. Foul sewage is proposed to be managed via a sewage treatment tank is shown to the north of Unit 2 within bunding with cleaned water to discharge into culverted surface water pipes and also to the east of unit 1. It is noted there is a discrepancy between the proposed drainage shown on the Proposed Situation Plan and that shown on the Drainage Plan by STL regarding the treatment tank placements of which the situation plan shows them to be within existing hardstanding on an indicative basis. The majority of trees on site are set for retention with Group 3 Cypress and Pine closest to Unit 2 proposed for removal and replacement with native species. The application indicates that Fruits of the Forage are to manage the woodland floor area within the blue edge to encourage native foraging opportunities within the woodland in the long term with gapping up and supplementary planting of native species hedgerows proposed also in the wider blue edge. The removal of some non-native planting and replacement/management of the area is stated to improve the biodiversity offer for the site.

In addition to the existing and proposed drawing suite as listed on the Document Issue Sheet as received by the Local Planning Authority on 4th October 2022, the application is supported by: Client letter to case officer ref: M2689-E-22.09.09 and Planning Statement by Emery Planning (RUR10 section of Client Letter); Arboricultural Report by Murray Tree Consultancy PM/FULL/06/09/22 dated September 2022; Arboricultural Update Letter; Extended Phase I survey dated July 2021 by Rachel Hacking Ecology; Ecological Addendum dated September 2022 by Rachel Hacking Ecology; Proposed Lighting Report and Plan by Ansell Lighting ref:QUO-67602-H1Z6M8 dated August 2022; Transport Statement dated September 2019 by SCP; Flood Risk Assessment ref: BEK-19653-1 Rev A dated January 2022 by bEk Enviro Ltd; Proposed Site plan Indicating Proposed Drainage Layout 20-4395 DR01 Rev P3 by STL Projects; Ratcliffe Brook Extension of Culvert Letter 2001; Design and Access Statement dated September 2022 by Barnes Walker and Phase 1 Environmental Site Assessment Report ref:CL101_V2 by Enviro Solution.

Relevant Planning History:

20/0113M – Hybrid application comprising: Full Planning permission for the development of the upper quarry including, improvements to site access, the erection of 8no. industrial/storage units, proposed landscaping and ecological mitigation works. Outline planning permission for

the development of the lower quarry to provide up to 13no. of additional units – refused – 21st January 2021 – Strategic Planning Board

07/2510P – Change of use of land to store wood – refused – 18th December 2007

65210P – amendment of existing planning permission for light industrial use to incorporate storage on open land – 12th December 1990

33936P – reclamation of part of disused quarry part for grazing and remainder for light industrial – approved – 4th November 1983

29142P – access to field – approved with conditions – 26th February 1982

CY/5/33936 – reclamation of part of disused part of Hawkshead Quarry using rubble and other inert solid waste – approved with conditions – 4th November 1983

99/2105P – certificates of lawfulness for existing use of premises for commercial vehicle repairs and maintenance – positive certificate – 22nd January 2002

18680P – storage shed for 2no. vehicles – approved with conditions -30th May 1979

22449PB – storage and maintenance shed for 2 vehicles – refused – 28th May 1980

Relevant Planning Policies, Guidance and Legislation:

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Hierarchy

PG6 Open Countryside

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer Contributions

EG1 Economic Prosperity

EG2 Rural Economy

EG3 Existing and Allocated Employment Sites

EG5 Promoting a Town Centre First Approach to Retail and Commerce

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE8 Renewable and Low Carbon Energy

SE9 Energy Efficient Development

SE12 Pollution, Land Contamination and Land Instability

SE13 Flood Risk and Water Management

SE15 Peak District National Park Fringe

CO1 Sustainable Travel and Transport
CO4 Travel Plans and Transport Assessments
Appendix C Parking Standards

Macclesfield Borough Local Plan 2004 (MBLP)

NE1 Areas of Special County Value
NE8 Promotion and Restoration of Woodland
NE11 Nature Conservation
NE12 SSSI's, SB1's and Nature Reserves
NE13 Sites of Biological Importance
NE14 Nature Conservation Sites
NE15 Habitat Enhancement
NE17 Nature Conservation on Major Developments
NE18 Accessibility to Nature Conservation
GC6 Outside the Green Belt, Areas of Special County Value and Jodrell Bank Zone
E14 Relocation of Businesses
IMP3 Land Ownership
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC10 Woodland
DC13 and DC14 Noise Generating Developments
DC15 and DC16 Provision of Facilities
DC17, DC19 and DC20 Water resources
DC63 Contaminated Land
DC64 Floodlighting

National Planning Policy Framework 2021 (NPPF)
National Planning Practice Guidance
Trees and Development SPD
Section 106/ Planning Obligations SPD (S016 SPD)

Emerging Cheshire East Site Allocations and Development Policies Document (SADPD).

The Site Allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Council received the Inspector's Report on 17 October 2022, completing the examination stage of the Plan. The Report concludes that the SADPD provides an appropriate basis for the planning of the Borough, provided that a number of Main Modifications are made to it. The Council can now proceed and adopt the Plan, which is expected to be decided at the Full Council meeting on 14 December. Having regard to paragraph 48 of the National Planning Policy Framework, relevant policies, as amended by the Main Modifications, may be given substantial weight in determining planning applications.

Relevant policies include:

PG9 Settlement Boundaries
GEN1 Design principles
GEN4 Recovery of forward-funded infrastructure costs
GEN7 Recovery of planning obligations reduced on viability grounds
ENV1 Ecological network

ENV2 Ecological implementation
ENV3 Landscape character
ENV5 Landscaping
ENV6 Trees, hedgerows and woodland implementation
ENV7 Climate Change
ENV12 Air quality
ENV14 Light pollution
ENV15 New development and existing uses
ENV16 Surface water management and flood risk
ENV17 Protecting water resources
RUR10 Employment development in the open countryside
HOU10 Amenity
INF1 Cycleways, bridleways and footpaths
INF3 Highways safety and access
INF6 Protection of existing and proposed infrastructure
INF9 Utilities
INF10 Canals and mooring facilities

Consultation external to planning on revised scheme:

Canal and River Trust – no objections subject to securing of a detailed Construction Environmental Management Plan (CEMP) via use of planning condition to ensure that the watercourse and Radcliffe Feeder will be protected from siltation and blockages during works.

CEC Highways – no objections - no additional comments beyond previous comments provided – updated layout plans are acceptable and include EV charging and cycle parking spaces.

Natural England – no objection subject to securing CEMP and surface and foul water management plans via use of planning conditions to ensure that appropriate mitigation is secured to prevent damage or destroy the interest features of Danes Moss Site of Special Scientific Interest.

Nature Conservation Officer – 24th November 2022 – made observations – whilst offset of buildings is less than 15m as per Natural England criteria given the existing hardstanding has been in place for many years less than the ancient woodland boundary shown on the inventory that the offset proposed is sufficient considering the existing nature of the stie. Concern is raised that the proposed water treatment plant is proposed on M2689-PA-02 V3 and in the Ecological Addendum Report as being located within hardstanding by the Drainage Scheme 20-4395 DR01 shows the treatment works located within what may be either ancient/priority woodland or the on-site landscaped bund as such clarification of the location of the proposed water treatment tank is required. If the treatment tank is not located within existing hard standing, clarification will be required as to whether it is located within ancient woodland or the landscaped bund as if the tank is proposed within the ancient woodland area this is likely to result in an adverse impact on this irreplaceable habitat. A CEMP by condition would be required to ensure any indirect impacts on the woodland from dust or intrusion during the construction phase are minimised. The external lighting scheme does not result in any significant light-spill onto the adjacent woodland and as such can be conditioned for execution in accordance with the submitted scheme. A protection for breeding season for nesting birds condition is also requested.

LLFA - comments sought however no response provided at the time of the report. May be reflected in committee updates.

Cheshire Wildlife Trust – comments sought however no response provided at the time of the report. May be reflected in committee updates.

Woodlands Trust - comments sought however no response provided at the time of the report. May be reflected in committee updates.

Sutton Parish Council – no objections.

Consultation external to planning on original scheme:

CEC Highways – no objections. May 2022 and August 2022.

LLFA – no objections – noted no issue with principle to diversion of the culverted watercourse on site but requests further detail on the proposed diversion. They note for example manhole 7 appears to be on 90 degree angle and that hydraulic modelling should be provided to show that the development does not exacerbate upstream flooding with perhaps more direct routes between manholes 6 and 8 if feasible with required 8 metre easement. Drainage scheme also needs assessment against national hierarchy with relevant ground investigation and percolation testing. Seek inclusion of a prior to commencement style detailed drainage strategy/design/management scheme and informatives covering infiltration and works to ordinary watercourses.

Canal and River Trust – no objections – May 2022 Macclesfield Canal is located approximately 230m to the west of the site and the Radcliffe Feeder lies to the south of the site. The Radcliffe Feeder is managed by the Canal and River Trust and feeds into Bosley Reservoir. Noted that the drainage plan indicates that surface water would drain to a new culverted watercourse included as part of the proposal that would run around the south boundary of the site. They note that the Radcliffe Feeder channel is upstream of the new culverted watercourse and the development site is at a lower level than the feeder channel as such they consider there would be limited risk to the feeder during construction however care should be taken that the existing culvert is not blocked/silted during works as this could block or back up water and affect water levels in the feeder channel. They note that the culverted watercourse through the site feeds into the Radcliffe Feeder where a sluice-mechanism controls flows leading off the brook course, which should not take uncontrolled or excessive flows. The Canal and River Trust state that it is expected that the new culverted route would be constructed before the existing culvert is no longer in use, however it is advisable, during the construction phase, to not have the brook course fed into the feeder in its entirety.

Natural England - 9th May 2022 – object on basis of insufficient information – they state that the application could have potential significant effects on Danes Moss Site of Special Scientific Interest (SSSI) and further information as follows is required to determine the significance of these impacts and the scope for mitigation: further clarification regarding foul water/drainage management and potential impacts on a prior to determination basis and a Construction Environmental Management Plan which may be secured on a prior to commencement style planning condition basis with regards to ensuring the protection of the SSSI relating to hydrological links.

Environmental Protection – Contaminated Land – April 2022 - no objections to the development subject to the use of planning conditions to secure: Conceptual Model, Phase II ground investigations and a Remediation Strategy on a prior to commencement basis; verification report submission on a prior to occupation basis; soil importation testing on a prior to importation basis (if applicable) and previously undiscovered contamination. Informatives covering the Environmental Protection Act are also sought for inclusion on any decision notice approving the development.

Environmental Protection Officer – Amenity -no objections subject to the use of planning conditions and informatives to cover: construction hours (informative); prior to commencement submission of pile foundations scheme (if applicable); prior to commencement floor floating scheme submission (if applicable); 5% of new parking spaces to have electric vehicle chargers scheme submission on a prior to installation basis and chargers installed on a prior to first use of the development basis.

Woodland Trust – object to the development for the following reasons – February 2022 – deterioration and potential loss of Ratcliff Wood an Ancient Semi Natural Woodland designated on Natural England's Ancient Woodland Inventory.

- potential direct loss of ancient woodland via the removal of boundary trees
- noise, light and dust pollution.
- adverse hydrological impacts.
- cumulative effect of the above impacts resulting in long-term deterioration.
- Development is contrary to policy 180 of the NPPF as there is no wholly exceptional reason for the development in this location and as such as it would fail to protect an ancient woodland including some loss of trees the development should therefore be refused.
- Ancient woodland is an irreplaceable habitat, once lost it is gone forever and any development resulting in loss or deterioration of ancient woodland must consider all possible measures to ensure avoidance of adverse impact. It is also noted that once land use is further intensified such as in this situation, woodland plant and animal populations are exposed to environmental impacts from the outside of a woodland. In particular the habitats become more vulnerable to the outside influences, or edge effects that result from the adjacent lands change of use. These can impact cumulatively on ancient woodland – this is much more damaging than individual effects.

Cheshire Wildlife Trust – object to the proposals for the following summarised reasons – 10th May 2022 following on from February 2022 feedback

- The current proposals include tree removals within an area designated as an ancient woodland and Local Wildlife Site(LWS). There is no precedent for the justification of identifying the areas of 'early or recent colonisers' on site as being of negligible value in an ancient or priority woodland and there is no reference in Natural England's standing advice to buffers being measured from the nearest mature trees. Many best examples of irreplaceable woodlands include transitional edge habitats that have expanded and regenerated as a result of natural dispersal, with edges providing support to a range of species while also providing buffer to more mature habitats, helping to reduce any negative anthropogenic effects that may arise in proximity to a woodland (such as increase noise, light or disturbance etc.)
- Notwithstanding this they note the site is an existing commercial operation and it is considered likely there would not be significant residual effects to the ancient woodland and LWS and as such seek the proposals embed environmental design within the scheme (as per the CE Nature Conservation Officers comments) to include: redesigned

scheme to remove the need for any removal of trees from the ancient woodland/LWS (apart from the non-native planting on the bund which is likely to be acceptable with compensatory planting); mitigation measures for the effects of lighting and dust on the adjacent woodland; full details of the drainage scheme for the site; buildings should be offset from the boundary of the ancient woodland by 5m and treatment plan should be relocated to ensure impacts on the ancient woodland/LWS are avoided.

Nature Conservation Officer – awaiting: revised arboricultural assessment; ecological assessment; CEMP; foul/surface water drainage scheme and management; detailed planting plans showing native species for those lost on the bund and further information on lighting.

Public Rights of Way Officer – no objections subject to PROW informatives attached to any approval decision notice for the development.

United Utilities – no objections.

Sutton Parish Council – no objections.

Public representations on original scheme:

3no. letters of support from the public/interested parties were received summarised as follows:

- The development would provide necessary enhanced warehouse space and business space for existing businesses/local employers such as Cheshire Cheese Company and Fruits of the Forage and would keep Macclesfield/Cheshire East base businesses within the area.
- The development would not result in detrimental impacts on the local environment despite the concerns raised by the Woodland Trust and Cheshire Wildlife Trust.
- Any trees felled within the boundary of the ancient woodland to the north area of the site are of little ecological value of non-native conifers and self-seeded birch which would not impact the ancient woodland as a whole with trees planted elsewhere to counter any loss. The ancient woodland has been abused for 200 years such as losses of mature oaks during the Industrial Revolution and mosses introduced damp causing wild garlic, greater celandine and lady's smock. The proposed development presents an opportunity to re-introduce native species and bring the ancient woodland into a more natural state and re-wild it. Without the development these projects to plant new area of native woodland in the pasture to the north will not go ahead.
- Other trees near to proposed culverting would not be impacted as they are at a higher level and already starved of nutrients due to presence of existing development as such a buffer zone to protect mature trees near to the culvert area is not required.
- There will not be detrimental impacts on light or noise pollution as a result of the development as the surrounding woodland shields neighbouring use from this.
- The development would represent the efficient use of underutilised brownfield land in a suitable area with existing industrial/employment development that would support employment/business/manufacturing in Macclesfield area.

1no. Letters of objection were received summarised as follows:

- There are existing issues with haulage traffic turning in neighbouring residential properties yards causing damage.
- There are existing traffic issues up the lane causing detrimental impacts to residential amenity as a result of vehicular trips/movements/turning.

- Radcliffe Road is not fit for the amount of heavy traffic that the existing use has as such further development will be detrimental to the surrounding highways network and the physical condition of the highways.
- The existing site entrance is not suitable and is dangerous causing vehicles to wait on the surrounding highways network which includes a blind corner, further development would cause detrimental impacts to highways safety.

OFFICER APPRAISAL

The following appraisal is based on the revised scheme as received in October 2022.

Principle of the development – the erection of 3no. industrial units within the Open Countryside beyond the Green Belt

The site comprises an existing employment site within the open countryside beyond the Green Belt. The proposals seek to expand the existing offer and construct 3no. additional units of Class E (g) (ii) and (g) (iii) (formerly B1c) Use Class at the site with associated parking, drainage infrastructure and landscaping. In respect of the principle of the development the most applicable policies and guidance to consider are MP1, PG1, PG2, PG6, EG1, EG2, EG3, EG5 and SE2 of the CELPS, GC6 and E14 of the MBLP and PG9 and RUR10 of the emerging SADPD.

PG1 Overall Development Strategy of the CELPS states ‘1. *Provision will be made for a minimum of 380 hectares of land for business, general industrial and storage and distribution uses over the period 2010 to 2030, to support growth of the local economy.*’

PG6 Open Countryside of the CELPS states ‘2. *Within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.* 3. *Exceptions may be made:*
v. for development that is essential for the expansion or redevelopment of an existing business.
4. *The retention of gaps between settlements is important, in order to maintain the definition and separation of existing communities and the individual characters of such settlements.*
5. *The acceptability of such development will be subject to compliance with all other relevant policies in the Local Plan. In this regards, particular attention should be paid to design and landscape character so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced.*’

PG7 Spatial Distribution of Development of the CELPS relates to the spatial distribution of development and advises rural areas are expected to accommodate a percentage of employment land. It is expected that the principal towns and key service centres will accommodate the largest areas of new employment land. Other settlements and rural areas are to accommodate 69 hectares of new employment land (61 hectares of this will be an employment improvement area in Wardle).

EG1 Economic Prosperity of the CELPS states ‘1. *Proposals for employment development (Use Classes B1, B2 or B8) will be supported in principle within the Principal Towns, Key Service Centres and Local Service Centres as well as on employment land allocated in the Development Plan.* 2. *Proposals for employment development on non-allocated sites will be*

supported where they are in the right location and support the strategy, role and function of the town as identified in Settlement Hierarchy, Spatial Distribution of Development and in any future plans, including Neighbourhood Plans, where applicable.'

EG2 Rural Economy of the CELPS states '*Outside the Principal Towns, Key Service Centres and Local Service Centres, developments that*

1. Provide opportunities for local rural employment development that supports the vitality of rural settlements;

3. Encourage the retention and expansion of existing businesses, particularly through the conversion of existing buildings and farm diversification;

4. Encourage the creation and expansion of sustainable farming and food production businesses and allow for the adaption of modern agricultural practices;

5. Are considered essential to the wider strategic interest of the economic development of Cheshire East, as determined by the Council.

Will be supported where the development:

i. meets sustainable development objectives as set out in policies MP1, SD1 and SD2 of the Local Plan Strategy;

ii. supports the rural economy and could not reasonably be expected to locate within a designated centre by reason of their products sold ⁴²;

iii. would not undermine the delivery of strategic employment allocations;

iv. is supported by adequate infrastructure;

v. is consistent in scale with its location and does not adversely affect nearby buildings and the surrounding area or detract from residential amenity;

vi. is well sited and design in order to conserve and where possible enhance the character and quality of the landscape and built form; and

vii. does not conflict with Policies PG3, PG4, PG6, PG7, SE3, SE4, SE5, SE6 and SE7 of the Local Plan Strategy.'

Footnote 42 states '*the majority of goods sold should be produced on site*'.

EG3 Existing and Allocated Employment Sites states '*1. Existing employment sites will be protected for employment use unless:*

i. Premises are causing significant nuisance or environmental problems that could not be mitigated; or

ii. The site is no longer suitable or viable for employment use; and

a. There is no potential for modernisation or alternate employment uses; and

b. no other occupiers can be found ⁴³.

2. Where it can be demonstrated that there is a case for alternative development on existing employment sites, these will be expected to meet sustainable development objectives as set out in Policies MP1, SD2 and SD2 of the Local Plan Strategy. All opportunities must be explored to incorporate an element of employment development as part of a mixed-use scheme.

3. Subject to regular review, allocated employment sites will be protected for employment use in order to maintain an adequate and flexible supply of employment land to attract new and innovative businesses, to enable existing businesses to grow and to create new and retain existing jobs.'

RUR10 Employment development in the open countryside of the emerging SADPD states '*1. Under LPS policy PG6 'Open Countryside', development that is essential for uses appropriate to a rural area will be permitted in the open countryside. Certain types of small scale employment development may be appropriate to a rural area where the nature of the business*

means that a countryside location is essential and the proposals provide local employment opportunities that support the vitality of rural settlements.

2. Where it is demonstrated that the proposal is appropriate to a rural area, small scale employment development will be supported where it accords with other policies in the development plan and:

i. the proposals make the best use of existing infrastructure such as existing buildings, utilities, parking and vehicular access;

ii. additional buildings, structures and ancillary development are restricted to the minimum level reasonably required for the existing or planned operation of the business; are well-related to each other and existing buildings and do not form isolated or scattered development;

iii. the proposal does not unacceptably affect the amenity and character of the surrounding area of landscape (including visual impacts, noise, odour, design and appearance) either on its own or cumulatively with other developments; and

iv. appropriate landscaping and screening is provided.

3. The design of any new building for employment purposes in the open countryside must be appropriate to its intended function and must not be designed to be easily converted to residential use in the future.'

As part of the Inspectors main modifications to this policy the reference to 'small scale' is to be deleted for soundness and consistency with the NPPF (paragraph 84) noting it was also deemed not to be justified to other regard.

As written in the Officer Report supporting ref:20/0113M it is notable that 5ha of allocated employment land exists approximately 2km to the north of the application site at site LPS 13 South Macclesfield Development Area (CELPS), with a further 10ha at site LPS 12 Land at Congleton Road Macclesfield (CELPS), slightly further beyond that. Both of which could accommodate businesses which do not require a countryside location. In this regard, the proposal appears to run counter to wider strategic interest of the economic development of Cheshire East. These points were re-iterated to the applicants during the course of this application and in addition it was questioned why the uses were required to be in such a rural location noting that Fruits of the Forage, one of the intended users presently operates from a Macclesfield Principal Town, town centre location off Churchill Way, Macclesfield i.e. within a settlement. Following these comments a Client Letter M2689-E-22.09.09 was submitted to support the application.

Within the Client Letter in terms of Fruits of the Forage the proposed move out of town centre is stated to be for 'strategic business reasons' to enable the local company to have a bespoke purpose-built unit for their specific processes with the room for the planned expansion. The letter goes on to say that as a foraging-based business they wish to be in an appropriate rural location which has benefitted the existing Cheshire Cheese company on the site who also seek an expanded unit with both companies recovering from the effects of Covid and Brexit. It goes on to say that the buildings would also not be capable of residential use conversion with regards to RUR10 emerging SADPD policy due to the heavy HGV and industrial estate presence. It is stated that developing the site which is presently used for HGV's will reduce the number of HGV's on the road which is a positive benefit in favour of permitting the proposed B2/E new uses. It is also stated that as a result of the previous refusal and delays due to the appearance at 2no. committees, 3no. businesses who wished to move to the site have been lost and that they are now struggling to survive with the existing HGV and commercial use elements. In the supporting Design and Access Statement it describes that Fruits of the Forage would benefit from this location as it would offer opportunity for foraging on the doorstep and surrounding

countryside with areas identified within the woodland for management to provide foraging of native understory plants like wild garlic, nuts and berries.

The Client Letter also cites paragraphs 84 and 85 of the NPPF that states *'Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural area, both through conversion of existing buildings and well-designed new buildings'* and that *'Planning policies and decisions should recognise that sites to meet local business and community needs in rural area may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'*

Further to this within the Client Letter it is stated that the context of and benefits of approving the development are:

- The proposed site comprises all existing hardstanding.
- The proposals safeguard the ancient and non-ancient woodland with minor removal of non-native species and proposed replacement with indigenous species.
- The proposals will result in the removal of disturbances from HGV's which is operational 24/7, 365 days a year with movements between 3am and 10pm which face into surrounding woodlands causing noise, light and dust disturbance. The proposals are designed to be inward-looking and result in a natural impact with quiet faces directed towards the surrounding woodland most relevant to units 1 and 2, with limited private vehicle parking movements to the western edge with reduced start ups comparing cars/vans with HGV's.
- There are therefore ecological benefits from approving the scheme due to a less intensive development than the HGV usage and that drainage of surface water and fould following cleansing in modern tanks will guarantee drinking quality water.

Notwithstanding these comments whilst the proposed development would be built over an area predominantly used for HGV parking, it cannot be said outright that this would result in fewer HGV movements onto the highway noting the operations of existing companies at the site.

In addition, notwithstanding the argument presented in respect of the 2no. interested occupiers (1no. would be a relocated occupier already on site) whilst it may be their preference to be located in this rural, outside of settlement, location and that the applicant has worked with them to design units specific to their needs, this is not part of the tests of policy compliance which overall seeks that development is sustainable. The relevant policies seek that for these types of uses outside of settlement boundaries in rural, open countryside locations, that development be limited to businesses where the nature of that business means a countryside location is essential and provides local employment opportunities that support the vitality of rural settlements. From the evidence provided neither business is directly required to be in this rural area, simply only their preference to be. In addition aside from the units the named businesses seek to occupy the rest of the development is speculative i.e. with no specific occupier in mind, therefore with regards to policy RUR10 if a countryside location had been established as being essential for the named occupants, the rest of the development could not be said to comprises buildings, structures and ancillary development restricted to the minimum level reasonably

required for the existing or planned operation of business. How could it be said that the speculative units will have businesses operating from them that by their nature require a countryside location?

To this end as indicated in the other listed relevant policies and as with the Officer Recommendation supporting ref: 20/0113M the type of development proposed could be located elsewhere, of which as per the Council's strategic priorities for employment and industrial development are directed towards allocated sites and other sites within settlement boundary locations where infrastructure such as public transport is already in place to support new development or facilities otherwise in place to secure that. This site could not be said to be sustainable in terms of transport options given there are no public transport options within a reasonable distance of the site. There is no particular need for the proposed development to be located within the application site. It is therefore considered that the proposals run contrary to the wider strategic interests of the economic development of Cheshire East. It is considered that the principle of the development is not acceptable, and the proposals are not considered to represent sustainable development. It is not considered that moderate job creation would outweigh issues surrounding the principle of the development. The proposal is therefore contrary to the requirements of policies MP1, PG2, PG6, SD1, SD2, EG1, EG2, EG5, SE2 and CO1 of the CELPS, E14 of the MBLP and RUR10 of the emerging SADPD.

Impact of the development on design, local character and designated heritage assets:

Between them the listed policies and guidance seek that new development is of an appropriate size, scale and design that is commensurate to the character of the area in which it would be situated, whilst championing higher quality design to enhance and improve the wider borough. They also seek the consideration of the significance of heritage assets and the impact of development on them, seeking the protection and enhancement of the asset.

The site itself has an existing industrial aesthetic albeit screened mostly from wider public vantage points by the topography, valley location and woodland slopes. The building on site are typical industrial warehouses/buildings in style with ergonomic, utilitarian style executed in brick, concrete block and metal profile cladding. The proposed buildings are utilitarian in style also with brick, metal cladding and matching roofs/roller shutters/doors planned which are considered to present an acceptable overall aesthetic akin to the buildings insitu and of a size, scale and location that would not be prominent from public viewpoints. It is also not considered that there would be any detrimental impacts on the setting of designated heritage assets as a result of the location, scale and size of the development.

As with the previous Officer Report for 20/0113M policy SE9 of the CELPS seeks that for non-residential development over 1000sqm are to secure at least 10% of predicted energy requirements from decentralised renewable low carbon sources, unless the applicant can demonstrate this is not feasible. As this development exceed 1000sqm a condition will be attached to any approval to detail how 10% of the energy requirements will be obtained from decentralised renewable resources.

Subject to conditions to secure materials as per application, no issues are raised as to the design, character and impacts of the development on designated heritage assets.

Impact of the development on amenity, contaminated land and pollution control:

Between them the listed policies and guidance seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm. Developers will be expected to minimise and mitigate the effects of possible pollution arising from the development itself, or as a result of the development (including additional traffic) during both the construction and the life of the development. Where adequate mitigation cannot be provided, development will not normally be permitted.

The application site and immediate surrounding area has a history of gravel pit, quarry, depot, garage and landfill use and present uses of industry, haulage depot, concrete batching plant and saw-mill and as such the land may be contaminated, as may be the case for the wider environment. The site is on and within 250m of a known landfill site or area of ground that has the potential to create gas. The application is supported by a Phase I Preliminary Risk Assessment Report Ref: CL101, EnviroSolution Ltd 24 March 2022. This assessment recommends a Phase II report be undertaken to further assess identified potential contaminant linkages. The application has been reviewed by Environmental Health Officers who raise no objections to the development subject to the use of planning conditions to secure: Conceptual Model, Phase II ground investigations and a Remediation Strategy on a prior to commencement basis; verification report submission on a prior to occupation basis; soil importation testing on a prior to importation basis (if applicable) and previously undiscovered contamination.

The Environmental Health Officers covering amenity raised no objection to the proposals subject to the use of planning conditions and informatives to cover construction hours (informative); prior to commencement submission of pile foundations scheme (if applicable); prior to commencement floor floating scheme submission (if applicable); 5% of new parking spaces to have electric vehicle chargers scheme submission on a prior to installation basis and chargers installed on a prior to first use of the development basis. Notwithstanding the request to condition electric vehicle charging points should the development be approved, the provision of them is now covered under Building Regulations and therefore to attach a condition would no longer meet the tests for the use of planning conditions to allow overall compliance with local policies and guidance and as such will not be attached. Given the distance of the development to nearest residential properties and due to its enclosure in a wooded valley it is not considered there would be significant detrimental impacts on noise or light on amenity of residential properties. As the development is proposed as light industrial Class E/B2 in terms of Use Class as other elements of Class E which covers a wider variety of Commercial, Business and Service uses such as shops, cafes, restaurants, nurseries, retail etc. which may have higher intensity usage of the site and as a result additional noise/fumes etc generated as a result planning conditions to restrict the usage of the site to Class E (g) (ii) 'the research and development of produces or processes' or (iii) 'any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area) and B2 General Industry, so as to reserve the right to further control of other development at this rural, countryside and out of settlement location. This is also with regards to highways and parking considerations. PD rights are also recommended for removal with regards to change of use to residential, flats, storage and distribution and state funded schools for these reasons.

Taking these points into account and subject to the use of conditions and informatives it is considered that the development is in compliance with policies and guidance covering amenity and pollution protection.

Impact of the development on highways safety, parking and Public Rights of Way:

Between them these policies within the development plan seek to deliver safe, sustainable, high quality, integrated transport systems that encourage a modal shift away from car travel to public transport, cycling and walking; supportive of the needs of residents and businesses and preparing for carbon free modes of transport. They also seek to protect and maintain public rights of way and enhance them where detrimental impacts require mitigation or allocations indicate.

The site is served by a private road (unadopted) off Leek Old Road (adopted) with current parking arrangements for the existing uses executed on an adhoc informal basis with various loading and turning areas. The proposed uses will have 37no. parking bays for cars, 15no. motorcycle parking spaces and 25no. cycle parking spaces with various loading areas to the frontage of each unit close to the proposed roller doors. The proposals have been reviewed by the Highways Officer who raises no objections to the development. Conditions will be attached to any approval of the development to secure details of secure cycle parking in the locations shown on the site plan and to ensure that all the indicated parking is provided on a prior to first occupation of each unit basis and retained thereafter in the interests of highways safety.

The site is adjacent to public footpath Gawsorth FP36 and is in close proximity to Gawsorth FP31 and FP33. The proposals have been reviewed by the PROW officer who raises no objection subject to an informative being attached to any approval of the application to ensure PROW protection during the construction of the development.

Subject to conditions and informatives it is considered that the proposals are in compliance with the policies and guidance covering highways safety, parking and Public Rights of Way.

Impact of the development on biodiversity and nature conservation, trees and landscape character

The listed policies of the development plan and guidance seek that all development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests, instead planning for net gains. Where appropriate, conditions will be put in place to make sure appropriate monitoring is undertaken and make sure mitigation, compensation and offsetting is effective. Between them the listed policies and guidance also seek to protect the continued health and life expectancy of trees, hedgerows or woodlands and where loss of or threat to them is proposed development will not normally be permitted unless there are clear overriding reasons for allowing development and that there are no suitable alternatives. These policies and guidance also seek to protect and enhance landscape character. Where such impacts are unavoidable, development proposals must satisfactorily demonstrate a new environmental gain by appropriate mitigation, compensation or offsetting.

The lower quarry site lies within the Gawsorth Common, Whitemoor Hill and Ratcliffe (often referred to as Radcliffe) Wood Land Wildlife Site, an ancient woodland and priority woodland habitat. Ancient woodlands receive specific protection through paragraph 175 of the NPPF. The site is also located close to Danes Moss Site of Special Scientific Interest (Danes Moss SSSI). Danes Moss is the largest example in Cheshire of a cut-over raised mire and its topographical location is particularly unusual. Active restoration efforts have increased peat forming processes and there is a varied plant and invertebrate community. The meres and

mosses of north-west Midlands form a nationally important species of open water and peatland sites not represented elsewhere in lowland Britain, as such the impacts on this site on a result of any proposed new development forms an important consideration.

The application is supported by: Extended Phase 1 Habitat Survey by Rachel Hacking Ecology dated July 2021; Arboricultural Report PM/FULL/06/09/22 by Murray Tree Consultancy dated September 2022; Ecological Addendum by Rachel Hacking Ecology dated 12th September 2022 and revised plans dated 6th October 2022 and a variety of drawings showing the changes to the ancient woodland over time as listed on the Document Issue Sheet as received 4th October 2022.

The Extended Phase 1 Habitat Survey noted that during the survey works there to be no further survey efforts required with regards to bats, great crested newts, badgers and nesting birds noting foraging potential for bats and birds from the woodland areas. This Survey notes that as the site lies within an SNCI that this should be protected from impact from the development by a CEMP. It was also noted that there is *Montbretia Crocosmia x crocosmiiflore* and *Cotoneaster* on the site and that this should be removed via an approved eradication methodology. In order to improve and provide biodiversity gains appropriate to the immediate area and the ancient woodland it is recommended that planting of native and non-native flowering perennial, annual and shrub species for pollination and nectar sources is provided, bat/bird boxes erected and additional native tree planting secured.

Originally concerns were raised by consultees that the development in particular the section closest to Unit 1 would be encroaching on the ancient woodland and thus result in loss of, or adverse pressures on it contrary to paragraph 180 of the NPPF and SE3(4) of the CELPS. In addition, concern was raised by the Woodlands Trust that intensified development in close proximity to the woodland and as a result pollutants and activities related to the proposals may have a detrimental cumulative effect on the ancient woodland and its long-term protection which may result in long term loss or damage to what it an irreplaceable natural asset. The Woodland Trust also raised concern regarding the impacts of the development on hydrology. The Cheshire Wildlife Trust also commented that the scheme should be re-designed to ensure no losses of trees from the ancient woodland whether early/recent colonisers on the transitional edge (as originally proposed) and that the scheme include mitigation measures for lighting and dust, a full drainage scheme and that buildings should be offset by 5m with the treatment plant relocated to ensure impacts on the ancient woodland/LWS are avoided. During the course of the application in May 2022 Natural England provided consultation feedback where they objected to the proposals, in the absence of further clarification regarding foul water/drainage management and potential impacts, and a Construction Environmental Management Plan (CEMP) and the potential impacts upon Danes Moss SSSI and the scope for mitigation. The information requested related to foul water/drainage management and the provision of a Construction Environmental Management Plan via the use of a prior to commencement style planning condition with regards to ensuring the protection of the SSSI relating to hydrological links during the construction period of the development. This information was requested by Natural England due to the proposed culvert modification and spillway into an existing watercourse with unknown information as to how this is to be executed or managed noting the impacts the development may have on the hydrological connectivity of the proposed development site via a brook to the north-west and the SSSI. The drainage information requested would also need to cover surface water and ground water drainage in relation to

SSSI hydrology links and impacts to the SSSI during construction and operation phases of the development.

During the course of the application the scheme has been amended to move Unit 1 away from the established edge of the ancient woodland with the extent of existing hardstanding at a buffer distance of 5m. In addition the only trees set for removal are a group of Cypress and Pine closest to Unit 2. Further to this a detailed lighting scheme with associated plan and amended drainage layout was submitted for consideration prepared by Ansell Lighting alongside the Ecological Addendum by Rachel Hacking Ecology. The lighting scheme submitted proposes warm white LED lighting to face the buildings only to prevent impacts to nature conservation efforts relating to bat foraging within the woodland areas with lightspill contours showing 1lux lightspill onto surrounding existing vegetation. The drainage scheme shows pipe work and water treatment now to areas within hardstanding more than 5m from the woodland edge with piped routes along existing tracks/hardstanding to the south side. The applicants ecologist notes the proposals would be of some benefit as they would result in HGV parking no longer immediately adjacent the woodland edge with a CEMP to be used to protect Biodiversity Zones and the woodland edge. The Arboricultural Report notes that only G3 comprising mixed Cypress and Pine are to be removed which are located on a bund close to Unit 2 with all other trees and groups to be retained including those indicated as low quality. Other supporting documents show the change to the edge of the ancient woodland over time and that the development would be wholly located on existing hardstanding. Mitigation planting is shown on the Supplementary Information to support Murray Tree Consultancy Report M2689-PA-09-V2 and M2689-PA-14-V1 Planting Plan.

The Nature Conservation Officer has reviewed the revised scheme. They note that the woodland is adjacent to existing hard standing areas on the site. The Nature Conservation Officer notes that the standing advice by Natural England and the Forestry commission, which is material consideration, states that buffer zones of at least 15m are required to safeguard ancient woodlands. They note that while the development does encroach within the boundary of the ancient woodland as shown on the national inventory, the area of encroachment is hard standing that is understood to have been in place for a number of years together with bund supporting non-native ornamental planting. The Officer notes that the proposed buildings are located on existing hard standing are set back a distance from the edge of the woodland and whilst this is offset is less than the 15m as per standing advice that this is sufficient considering the nature of the site. The Nature Conservation Officer notes however the proposed water treatment tank for foul drainage is shown in an area of hardstanding on one plan and on the other shown within an area of the ancient/priority woodland or on the on-site landscaped bund. Therefore, at this time due to the conflicting information it is not certain whether this part of the development would cause adverse impacts on irreplaceable habitats. They do note however that assuming the treatment tank is to be located within the existing area of hardstanding, the only habitat lost to the proposed development is an area of ornamental planting of negligible nature conservation value which may be replaced with more appropriate native planting as part of the submitted plan. Notwithstanding this the Nature Conservation officer sought the use of conditions to secure a CEMP to ensure indirect impacts on the woodland in the form of dust/intrusion during the construction phase are minimised and to secure the external lighting as per the submitted details. They also requested that a condition be attached to any approval to secure demolition/construction works outside of breeding season for nesting birds.

Whilst the Woodland Trust, Tree Officers and Cheshire Wildlife Trust were consulted on the revised proposals, at the time of this report responses were not received in respect of them. Notwithstanding this, aside from the query regarding placement of drainage in respect of the ancient woodland boundary contrasted against the national archive and site situation, it is considered that the revised scheme overall would not encroach on or result in loss of ancient woodland. The scheme is now planned with an appropriate buffers from the woodland and located on existing hardstanding with the limited group trees on the bund closest to unit 2 proposed to be replaced with more suitable species. It is considered that with regards to the placement of treatment plants to handle foul drainage to the north of unit 2 and to the east of unit 1, that other arrangements can be secured and submitted via use of suitably worded planning condition with prior to commencement style triggers to ensure that the position of these is re-considered and only provided within existing areas of hardstanding and not within any existing woodland, landscaping or bunding buffers at least 5m from the boundary with the edge of the woodland. Suitable conditions would also be used to ensure the protection of the woodland during clearance and construction works to follow on from the supporting arboricultural information contained within the application.

In respect of the impact of the development on landscape character, whilst located in the Peak Fringe Local Landscape Designation (formerly ASCV), due to the siting of the development within a sloped valley surrounded by ancient woodland, subject to the replacement and enhancement tree and ecological mitigation planting no adverse impacts on landscape character or setting are expected as a result of the proposals.

Subject to conditions and informatives it is considered that the development is in compliance with listed policies and guidance regarding trees, hedgerows and landscape character.

Impact of the development on flood risk and water management:

Between them the listed policies and guidance seek that developments must integrate measures for sustainable water management to reduce flood risk, avoid an impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation. New development must be designed to be safe, taking into account the lifetime of the development and the need to adapt to climate change, seeking improvements to current surface water drainage network and be designed to manage surface water noting it is not sustainable to drain surface water to public sewers. New development should incorporate water efficiency measures.

The application is supported by a Flood Risk Assessment ref: BEK-19653-1 Rev A (FRA) by bEk Enviro Ltd, Proposed Site Plan Indicating Proposed Drainage Layout by STL projects Ltd and H1 Boundary Offset M2689-PA-03-V2. The FRA states the site to be located within Flood Zone 1 according to the Environment Agency Flood Map with the proposed development a 'less vulnerable' type of development according to the Flood Risk Vulnerability Classification tables in the NPPF. The FRA notes the site to be in very low or low risk flood zones for reservoir, pluvial, surface water, groundwater or as a result from blockages due to infrastructure failure from bridges and culverts. Macclesfield Canal is located approximately 230m to the west of the site and the Radcliffe Feeder lies to the south of the site. The Radcliffe Feeder is managed by the Canal and River Trust (CRT) and feeds into Bosley Reservoir. There is an existing culverted watercourse running through the site, also an ordinary watercourse. It is noted that the drainage plan indicates that surface water would drain to a new culverted watercourse included as part of the proposal that would run around the south boundary of the site.

The LLFA has reviewed the original proposals and commented to say they had no issue with the principle of the diversion of the culverted watercourse on site but requested further details on the proposed diversion. They noted for example manhole 7 appears to be on 90 degree angle and that hydraulic modelling should be provided to show that the development does not exacerbate upstream flooding with perhaps more direct routes between manholes 6 and 8 if feasible with required 8 metre easement. They also noted that the drainage scheme also needs assessment against national hierarchy with relevant ground investigation and percolation testing and therefore sought the inclusion of a prior to commencement style detailed drainage strategy/design/management scheme and informatives covering infiltration and works to ordinary watercourses.

The CRT noted that the Radcliffe Feeder channel is upstream of the new culverted watercourse and the development site is at a lower level than the feeder channel as such they consider there would be limited risk to the feeder during construction however care should be taken that the existing culvert is not blocked/silted during works as this could block or back up water and affect water levels in the feeder channel. They noted that the culverted watercourse through the site feeds into the Radcliffe Feeder where a sluice-mechanism controls flows leading off the brook course, which should not take uncontrolled or excessive flows. The CRT stated that it is expected that the new culverted route would be constructed before the existing culvert is no longer in use, however it is advisable, during the construction phase, to not have the brook course fed into the feeder in its entirety. In their original comments the CRT sought the use of conditions on a prior to commencement basis to secure a CEMP (Construction Environmental Management Plan) to ensure that the reservoir nor the feeder were detrimentally impacted as a result of the construction and operation of the culverted watercourse with regards to silting and blockages. During the course of the application a CEMP was provided by the applicants however in draft form showing location of heras protective fencing and brief notes on enabling works, as such in their revised comments the CRT still seek the use of prior to commencement style detailed CEMP condition to ensure the protection of the waterways. Taking this into account it is considered that planning conditions should be applied in the instance of an approval to secure a phased drainage plan for the construction period of the development also taking into account the need to ensure the Radcliffe Feeder is not impacted during culverting works in the interests of flood risk and water management.

Further to these comments the applicants submitted a revised detailed drainage layout for consideration. The revised Drainage Layout has a series of notes on the existing on-site drainage situation and that proposed to support the development. On the Drainage Layout it is stated that *'the existing site is drained by precast concrete channels alongside the main buildings of which the existing surface is of loose gravel which allows percolation into the cohesive soils beneath, which tends to flood under heaving and prolonged rainfall.'* The proposals therefore include surface water designed to drain/discharge into a replacement culvert running along the southern boundary, designed to take a flow rate of 1m³ per second from the existing stream to the south east corner. It is stated that additional surface water from the roofs of the new buildings equate to an additional 14 l/s distributed over the length of the culvert. On the Drainage Layout foul drainage is indicated as to be handled via specialist sewage treatment tanks 1no. for Unit 1 and a larger tank for Units 2-4 with both tanks to meet guidelines set by the EA to allow treating of the waste water and discharging of the 'clean' run off into new culverts. A maintenance plan for the foulds is also noted on the drawing. It is stated that there will be no impact on the hydrology of Bosley Reservoir, the ancient woodland, Danes

Moss and adjacent wildlife site. Notwithstanding this as noted by the Nature Conservation Officer in their comments the Proposed Situation M2689-PA-02-V3 shows a different layout for the culverting and the positioning of the foul treatment plant/tank as such it is not certain which is proposed.

With regard to the updated Drainage Scheme the LLFA was approached for comment however at the time of report no updated response has been received and therefore may be provided by way of committee update. Notwithstanding this they did not raise immediate concerns as to the ability to appropriately manage flood risk and water management overall for the site and in their previous comments considered it appropriate to address drainage for the site via the use of carefully worded planning conditions on a prior to commencement basis. Taking this into account and that 2no. versions of drainage schemes have been submitted for consideration and the queries raised by the Nature Conservation Officer regarding placement of tanks/pipes in relation to ensuring the protection and longevity of the woodland and habitat surrounding the site, that in this instance conditions are appropriate for use to secure these details and that otherwise the development would be in compliance with policies and guidance covering flood risk and water management.

Conclusion:

The application site is located outside of designated settlement boundaries and is not an allocated employment site where new employment and industrial development is directed towards as per the CELPS and emerging SADPD. The site is located in the open countryside with poor access to means of a variety of transport such as buses, cycling, walking or trains and is reliant on private vehicles such as cars/vans in which to reach it. The principle of the development is not accepted as the proposals are not identified as an exceptional form of development permitted within the open countryside and do not present employment uses that by the nature of the business proposed is essential for it to be located in a countryside and out of settlement location, noting also only 2no. units have earmarked occupants with the remaining units proposed on a speculative basis. It is considered therefore that the proposals are contrary to policies MP1, PG2, PG6, SD1, SD2, EG1, EG2, EG5, SE2 and CO1 of the CELPS, and RUR10 of the emerging SADPD. It is not considered that job creation and nature conservation and forestry mitigation and improvements described within the submission outweigh the conflict with the development plan in this instance. The proposal is considered not to represent sustainable development when considered on the whole and as such the application is recommended to be refused approval.

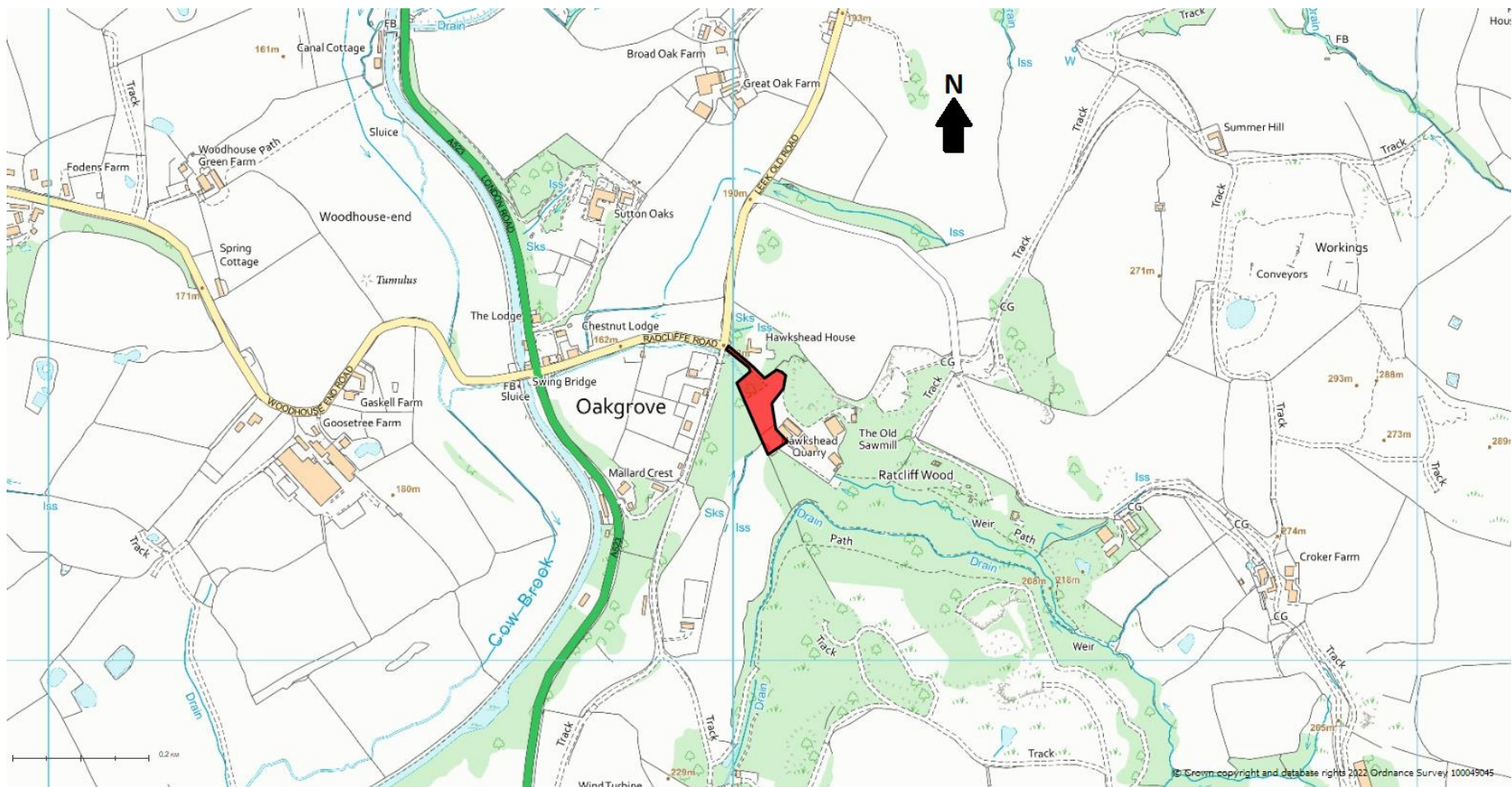
RECOMMENDATION:

It is recommended that the application for planning permission be refused for the following reasons: -

- 1. The application site is located outside of designated settlement boundaries in the Open Countryside and is not an allocated employment site where new employment and industrial development is directed towards as per the CELPS and emerging SADPD. The principle of the development is not accepted as the proposals are not identified as an exceptional form of development permitted within the open countryside and do not present employment uses that by the nature of the business proposed where known (noting many are proposed on a**

speculative basis) are essential for them to be located in a countryside and out of settlement location. Due to the site's location there is poor access to a means of a variety of transport such as buses, cycling, walking or trains and the development would be reliant on private vehicles such as cars/vans and as such is not considered to be a sustainable location. It is not considered that job creation and nature conservation and forestry mitigation and improvements described within the submission outweigh the conflict with the development plan in this instance. It is considered therefore that the proposals are contrary to policies MP1, PG2, PG6, SD1, SD2, EG1, EG2, EG5, SE2 and CO1 of the CELPS, and RUR10 of the emerging SADPD.

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 Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



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