

Application No: 21/4113M

Location: Land North of CONGLETON ROAD, MACCLESFIELD

Proposal: Outline application (with all matters other than access reserved) for the development of up to 92 dwellings, employment development and associated works including landscaping and full permission for the access arrangements via a new roundabout junction on Congleton Road

Applicant: Jones Homes North West Ltd and Redrow Homes

Expiry Date: 21-Apr-2023

## **SUMMARY**

Macclesfield is one of the principal towns and growth areas of the Borough where national and local plan policies support sustainable development. The proposal provides up to 92 dwellings, a small amount of employment development and associated works and includes full details for the access on part of a site allocated for around 300 dwellings and 10 ha of employment land under Policy LPS 15 of the Cheshire East Local Plan Strategy (CELPS).

Through the adoption of the CELPS, the site has been removed from the Green Belt and the principle of developing the site for housing and employment uses is acceptable. This proposal would bring economic and social benefits through the delivery of 92 no. residential units.

The proposal does not provide an agreed masterplan to enable the delivery of a coordinated and comprehensive development on this important allocated site. This is required by the policy which allocates the site for development (LPS 15) and would potentially prejudice the delivery of this site allocation including important additional employment uses within Macclesfield. The masterplan, due to its lack of coordinated approach would potentially result in unsatisfactory relationship between noise sensitive residential uses and noise generating employment uses without appropriate buffers. It would also fail to provide a readily recognisable boundary with the Green Belt and a lack of landscape buffer with existing residential properties on Hillcrest Road.

The proposal, whilst providing an appropriately designed access proposal via a new 60 metre roundabout on Congleton Road, does not provide suitable mitigation against the impacts of the development proposed taking into account other committed developments. The principal concern is the A536 Flower Pot junction where the developer has assumed that the Council's Flowerpot improvement scheme is in place and at the Moss Lane / London Road Junction.

The information submitted with the application does not sufficiently demonstrate the proposal will not have a detrimental impact on a number of protected species / nature conservation matters, including impact on the nearby Danes Moss Local Wildlife Site.

The impact of the development upon archaeology, infrastructure (education and health), affordable housing provision is acceptable and would be controlled via a S106 Agreement and conditions. Matters relating to drainage / flood risk, public rights of way and air quality would be acceptable with the imposition of conditions. The impact on trees and the provision of public open space / recreation will be subject to further update.

The proposal is contrary to the relevant policies of the Cheshire East Local Plan Strategy, the Site Allocations and Development Plan Policies Document and advice in the National Planning Policy Framework. Accordingly, a recommendation of refusal is made.

## **SUMMARY RECOMMENDATION**

### **REFUSE**

## **PROPOSAL**

This application seeks outline planning permission with all matters reserved (except for means of access), for the development of up to 92 dwellings, employment development amounting to 757 square metres floorspace for storage and distribution and industrial use and associated works including landscaping. Access would be via a new roundabout junction on Congleton Road.

## **DESCRIPTION OF SITE AND CONTEXT**

This application relates to a greenfield site lying to the west of Macclesfield on the north side of Congleton Road. The site measures approximately 6.7 hectares in size and forms part of a wider site measuring 26 hectares in size allocated for up to 300 dwellings and 10 hectares of employment land / uses under Policy LPS 15 of the Cheshire East Local Plan Strategy (CELPS).

The site allocation itself is bounded by agricultural land to the north which has been safeguarded for future development as part of LPS 19 (South West Macclesfield), existing residential development to the east beyond the Rising Sun Public House / Hotel and agricultural fields to the south and west designated as Green Belt. The site occupies a frontage with Congleton Road along its southern boundary.

The site was removed from the Green Belt on adoption of the Cheshire East Local Plan Strategy. Danes Moss Local Wildlife Site is located 250 metres to the southeast of the site beyond the South Macclesfield Development Area (SMDA) allocated under LPS 13.

## **RELEVANT HISTORY**

17/2206M - Creation of a roundabout junction and new access road at Congleton Road, Macclesfield – Appealed against non-determination – Dismissed 16-Apr-2018

21/4040S - EIA Screening opinion Phase 1 for outline planning application (with all matters other than access reserved) for the development of up to 92 dwellings, employment development and associated works including landscaping: and full permission for the access arrangements via a new roundabout junction on Congleton Road - Pending

## **POLICIES**

### **Development Plan**

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

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer Contributions

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities  
SC3 Health and wellbeing  
SC4 Residential Mix  
SC5 Affordable Homes  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE7 The Historic Environment  
SE9 Energy Efficient development  
SE12 Pollution, land contamination and land stability  
SE13 Flood risk and water management  
CO1 Sustainable travel and transport  
CO3 Digital connections  
CO4 Travel plans and transport assessments  
LPS 15 Land at Congleton Road, Macclesfield

#### Site Allocations and Development Policies Document (SADPD)

GEN1 - Design principles,  
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,  
INF1 - Cycleways, bridleways and footpaths,  
INF3 - Highways safety and access,  
INF6 - Protection of existing and proposed infrastructure  
INF9 – Utilities.

#### **Other Material Considerations**

National Planning Policy Framework (The Framework) 2021  
National Planning Practice Guidance  
Cheshire East Design Guide

#### **CONSULTATIONS**

**ANSA (Greenspaces and CEC Leisure)** – No comments received.

**Cadent Gas** – No objection.

**Cheshire Archaeology Planning Advisory Service** – No objection

**Cheshire Wildlife Trust** – Comments awaited.

**Education** – No objection subject to a financial contribution of £274,297 towards secondary and SEN school places. No contribution towards primary provision is required.

**Environment Agency** – No objection subject to conditions relating to contaminated land and surface water drainage.

**Environmental Protection** – Object on the basis that the proposed industrial uses on the employment site are incompatible with the residential uses and have high potential to detrimentally affect residential amenity. In the event of an approval, conditions / informatives relating to noise mitigation, electric vehicle infrastructure, dust control, contaminated land, construction hours, piling, floor floating and ultra low emission boilers are recommended.

**Lead Local Flood Authority (LLFA)** – No objection subject to conditions relating to surface water attenuation, restriction of surface water flow, submission of a detailed drainage design strategy and submission of details of finished ground and floor levels.

**Head of Strategic Transport** – Object. The access proposals for the new roundabout are acceptable in that they would be sufficient capacity to serve this initial phase of development and a possible wider masterplan development. This design is also capable of operating within capacity with the SMDA development should it come forward.

In regard to the wider traffic impact of the development, the principal concern is the A536 Flowerpot junction where the developer has assumed that the Council's Flowerpot improvement scheme is in place. It does not assess the impact of the development with the existing arrangement which is over capacity.

The Transport Assessment concludes that even with the Council's proposed improvement at the Flowerpot in place it does not fully accommodate the proposed development traffic and also the committed scheme at SMDA. Having said that, the scale of this development is not considered large enough to support a refusal of this development in traffic terms alone at this junction, but the application provides little detail on how it would even attempt to mitigate / fund its impacts at both the Flowerpot Junction and at the Moss Lane / London Road Junction.

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

**Natural England** – Comments awaited.

**NHS Eastern Cheshire Clinical Commissioning Group** – Request a financial contribution of £94,752 to support premises development of the Waters Green Medical Centre and development of additional primary care premises within Macclesfield.

**Public Rights of Way** – The proposal would directly affect would affect Public Footpath Gawsworth No. 20. No objection subject to conditions / informatives requiring the submission of a public rights of way scheme of management, pre-commencement and post-completion

condition surveys of the surface of the Public Right of Way and scheme of pedestrian and cycle signage.

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

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

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

- i. Macclesfield Town Council, as a statutory consultee, was not notified of the planning application.
- ii. That the application is to be considered by delegated authority and not the SPB as originally intended.
- iii. Some documents cannot be viewed, therefore not all information is available.
- iv. In consideration of the limited public comments, the degree of scrutiny afforded to the public.
- v. The impact of the new roundabout on traffic in the area, exacerbated by the busy Flowerpot junction and its proposed improvements, and the relief road for LPS13.

Additionally, MTC sought clarification on the following:

- The reason for the application to be determined by delegated authority and not committee i.e. SPB.
- The reason Macclesfield Town Council was not consulted.
- The extent of the distribution of the developer's pre-consultation leaflet.

**Gawsworth Parish Council** – Object to this application in its current guise and considers the application is premature.

- Contrary to the NPPF there was no pre-application engagement/consultation with the local community. Whilst the applicant did meet with the Parish Council this was only to present an almost finalised plan which it was stated would be submitted within days. There was no pre-application consultation with the local community and the applicant stated that the planning application publicity was sufficient for this.
- The Parish Council considers it is inappropriate for a small portion of a strategic site to come forward for outline planning consent as this prevents a holistic view being taken for the site particularly with regard to s106 contributions and the provision of on-site facilities. In the eventuality that the other portions of the site were not to come forward this would create an isolated development which does not connect with the existing settlement.
- The Parish Council is aware that the masterplan does not carry the support of the owners of all of the land which makes up the strategic site. Without this agreement there is a significant risk that the masterplan will not be adhered to, requiring future revision or that only part of the development will come forward. This is contrary to the Cheshire East Local Plan Strategy which places great weight on the importance of the site being planned in a "co-ordinated and comprehensive manner".

The Parish Council objects to the masterplan as proposed and considers that:

- a) The masterplan should consider and detail the heights of the land, proposed buildings and the resultant height of development to enable an assessment to be undertaken of the wider impact of the masterplan on the landscape and greenbelt.
- b) Without knowledge of the type of employment uses proposed, the employment land is likely to be in an inappropriate position in the centre of the site. The application does not comply with policy L1 of the Gawsworth Neighbourhood Plan by virtue of failing to detail how impacts on residential amenity will be avoided or mitigated and the Parish Council is concerned that surrounding the employment site by residential development is not conducive to avoiding the impact on residential amenity.
- c) The masterplan proposes that housing will front onto the main access road which would form a future connection to LPS19 and form part of any future South West Macclesfield Link Road; this road is being designed to be a busy thoroughfare and the Parish Council considers that it would be inappropriate to have multiple accesses from residential properties onto this road due to the impact this would have on traffic flow/highway safety and residential amenity (particularly noise and pollution).

The Parish Council questions the location, size and design of the proposed roundabout. The Parish Council considers that a single entrance to the site would be more appropriate with internal circulation. The Parish Council notes that the proposed roundabout is significantly larger than the roundabout approved for the SMDA site without any justification.

The proposed road width for the main through road is only 6.75m; it is noted that the SMDA road width is 7m and the Parish Council is not satisfied the proposed width is appropriate for the planned usage of the road as a major thoroughfare.

## **OTHER REPRESENTATIONS**

Representations have been received from 6 properties objecting to this application on the following grounds:

- The supporting documents should refer to the site as 'Land North of Congleton Road, Gawsworth' not just 'Congleton Road'
- Application pre-emptive of the outcome of the Formal Consultation of the CE Community Governance Review
- A number of documents are not viewable
- The congestion of traffic on the main road affecting traffic by the traffic lights at the Flower Pot
- Time taken to get to work on an existing busy road
- Air pollution
- Impact on neighbouring privacy
- Destruction of wildlife in the woodland and surrounding area
- Health service and education to service an additional 300 houses
- Removal of green belt
- Jobs for residents of 300 houses
- Macclesfield amenities are already oversubscribed
- Impact on the Flower Pot junction from increase in traffic
- Loss of woodland



- Concerns are also raised over the Penningtons Lane / Hillcrest area becoming a "rat run" cut through for people trying to cut out congestion going into Macclesfield
- Traffic surveys undertaken at wrong time (during lockdown)
- Increased demand on local refuse centre
- Existing footpaths are overgrown and unkempt
- Concerns are raised over the nature of the employment and retail areas and impact on residents from noise and pollution
- The line of the future South West Macclesfield Link Road should be drawn by Cheshire East Council in their comprehensive developers brief so that it forms the easily recognisable green belt boundary
- Contrary to LPF 15 in that the masterplan has not shown it would not prejudice comprehensive development of the site in a coordinated manner
- Pedestrian and cycle proposals inadequate as are carriageway widths
- The proposed masterplan does not have the agreement of all the landowners
- Not enough details has been shown across the whole masterplan to prove it is technically sound
- Proposal does not address previous Inspector's findings that the proposal has been substantiated by surveys and reports to evolve its future development
- The masterplan details significant drainage attenuation under the employment areas which are controlled by another landowner with no agreement from them
- Whilst described as Phase 1, it is unlikely that the development would start at the outer edge of the site and should start from the existing urban edge
- Other landowners do not support the distribution of uses shown on the masterplan

## **OFFICER APPRAISAL**

### **Principle of Development**

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

The application site is allocated as a Strategic Site for housing under Policy LPS 15 of the Cheshire East Local Plan Strategy (CELPS). When the Council adopted the Cheshire East Local Plan Strategy on 27th July 2017, the site was removed from the Green Belt.

Site LPS 15 states that the development of Congleton Road will be achieved over the Local Plan Strategy period through:

1. The delivery of around 300 new dwellings;
2. Provision of around 10 hectares of employment land and employment related uses;
3. Incorporation of green infrastructure, including a neighbourhood park and public open space;
4. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities; this could link to Site LPS 13 and provide a strategic southwest green route around the town;



5. On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space and community facilities; and
6. A master plan should be submitted so the site may be planned in a co-ordinated and comprehensive manner. Development must be in accordance with an agreed masterplan which must detail how a readily recognisable Green Belt boundary would be reinforced that will endure in the long term.

Additionally, the following site-specific principles of development apply:

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

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*". In light of LPS 15, which allocates this site for housing and employment development, the principle of developing part of the site for residential purposes is acceptable.

However, this proposal does not include all the land allocated under LPS 15. Whilst it is not a requirement that any applications submitted on allocated sites are done so in a single application, criteria 6 of Policy LPS 15 requires that a:

6. *“master plan should be submitted so the site may be planned in a co-ordinated and comprehensive manner”.*

On the adoption of the Local Plan Strategy on 27 July 2017, the site LPS15 was allocated for development for the provision of around 300 homes and 10 Ha of employment land. Alongside a housing allocation LPS16 at land South of Chelford Road (200 homes) and LPS 19 safeguarded land (95.7ha) the land at Congleton road forms part of a long-term strategy for the future growth of Macclesfield. Whilst there can be no exact certainty as to the scale or timing of future housing or employment needs, over time it is envisaged that development will ultimately extend between the Chelford and Congleton Roads. Critical to this will be a connecting spine road which will serve future developments and, in time, allow through traffic to connect between the main Congleton and Chelford Roads. Provisions of suitable junctions for this local road are built into planning policy for both site LPS 15 and LPS 16.

LPS Site 15 is one of only two allocations in Macclesfield that allocate fresh land for employment use (alongside site LPS 13). At 10 Ha it is by far the largest of the two and therefore represents the principal employment allocation for Macclesfield – which is the second largest town in Cheshire East. The site is considered suitable for meeting the needs of primarily local businesses, that up to now, have had limited options for expansion. Central to the rationale for amending green belt boundaries was based on the “need to allocate sufficient land for market and affordable housing and employment development, combined with the adverse consequences for patterns of sustainable development of not doing so” [Local Plan Inspectors Report paragraph 94]. In other words, green belt previously ‘shrink wrapped’ the town and so space is needed on its periphery to allow for sustainable development in its broadest sense.

However, land removed from the green belt is a precious and limited resource – it must be used judiciously – otherwise more green belt may need to be taken up or it be perceived that much cherished green belt has been ‘sacrificed’ in vain. Congleton Road therefore represents the largest and best employment allocation in Macclesfield. It is vital that it be delivered for the benefit of local business. The principle of development at Congleton Road is not at all in dispute. However, the requirement to provide land for business and to plan for future development needs is central to the need to plan coherently and comprehensively.

The obligation to provide a suitably arranged housing and employment site, the need to secure an appropriate green belt boundary alongside a spine road with access to the adjoining safeguarded land - all underline why Local Plan Strategy Policy LPS 15 requires the submission of a comprehensive and coordinated masterplan. These are complex and potentially competing elements requiring proper planning and coordination to ensure they can all be properly accommodated. Whilst mixed use allocations can bring many benefits, housing and business can also create environmental and amenity conflicts if not suitably arranged. Similarly, whilst housing is reasonably tolerant of changes in levels, business accommodation usually requires a flat or level site to succeed. Equally whilst a long-term green belt boundary can usually be achieved alongside housing were as it may be more challenging adjacent to industry. As such, it is appropriate to consider the design of the submitted masterplan.

## **Design**

NPPF paragraph 130 notes that planning decisions should ensure that developments are: visually attractive because of good architecture and layout; are sympathetic to local character

and history, while not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place, and create attractive and distinctive places to live, work and visit. Paragraph 134 notes that permission should be refused for poor design that fails to take the opportunities for improving the character and quality of an area.

Policy SD2 (Sustainable development principles) of the CELPS requires provision or contribution towards identified infrastructure, services or facilities. The policy in point vi requires for the development to be socially inclusive and, where suitable, integrate into the local community. The Policy in point 2 ii. expects residential development to provide access to a range of forms of public transport, open space and key services and amenities. Point iii. requires incorporation of measures to encourage travel by sustainable modes of transport such as walking, cycling and public transport.

Policy SE1 notes that development proposals should make a positive contribution to their surroundings by: - Ensuring design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness, and character of settlements - Encouraging innovative and creative design solutions that are appropriate to the local context.

Criterion 6 of LPS 15 requires development proposals to be supported by a *'master plan so the site can be planned in a co-ordinated and comprehensive manner. The masterplan must detail how a readily recognisable Green Belt boundary would be reinforced that will endure in the long term'*.

As this is an outline application with matters relating to layout, scale and appearance reserved for approval at a later stage, this information is not submitted in detail for consideration at this stage. Whilst this application does not relate to the whole allocation at LPS 15, a masterplan has been submitted with the application in an attempt to show how the site allocation (amongst other requirements) could be developed to deliver around 300 new dwellings with 10 hectares of employment land.

The proposal would be served by a new roundabout on Congleton Road positioned at a point roughly midway along the site frontage to LPS 15. It would be a 60 metre four arm roundabout with short sections of the internal roads leading into the site with two arms off the roundabout serving the site. The western arm is likely to serve residential development with shared ped/cycle footways. The northern arm includes shared ped/cycle footways and will serve the employment element of the site.

Approximately 10 blocks of residential development are shown on the masterplan delineated by various features with approximately 7 hectares of employment uses consolidated in the central section of the site allocation but offset towards the east adjoining the existing woodland next to the Rising Sun Public House. Of the features, the most notable is the potential future South West Macclesfield Link Road running through the to the boundary with the safeguarded land to the north (LPS 19). This potential route would run directly through the residential elements shown on the submitted masterplan, avoiding the employment uses. This is of concern in that such a link road would be of an infrastructure which would be better suited to run through less sensitive land uses (such as employment) and with a better buffer through the use and design of better laid out areas of open space and green infrastructure.

Additionally, the proposed employment uses show little capacity or opportunity for relief between internal uses. For example, the edge of such uses would be better transitioned with areas of landscaping and open space, but instead are shown to adjoin the neighbourhood park and areas of residential development with limited buffering. This has implications for a poor juxtaposition and requires consideration in respect of compatibility of uses to ensure future residential amenities are safeguarded. This will be given further consideration later in this report.

Of further concern, the submitted masterplan fails to secure a readily recognisable Green Belt boundary to the west, which this application site partly covers. There are some pinch points where residential development is shown in close proximity to the western boundary (shown 2 and 12 on the masterplan). This shows very little buffer or opportunity for landscaping / green infrastructure to bolster the boundary with the Green Belt and this, fails to satisfy the criterion 6 of LPS 15. Taking these issues into account, the masterplan is not coordinated or comprehensive and is not therefore acceptable to inform and help deliver this important site allocation.

It is apparent that not all landowners / parties who would be integral to the delivery of the wider site allocation have been party to the masterplan, one of which has objected to the application. This brings into question the likelihood that the proposed masterplan would provide an appropriate framework for developing the site and could therefore prejudice the delivery of other uses within the wider site allocation if it is bound by the submitted masterplan. As discussed, Congleton Road represents the largest and best employment allocation in Macclesfield and it is vital that it be delivered for the benefit of local business. Owing to the above issues, the masterplan does not protect this element of the site allocation for employment use in order to maintain an adequate and flexible supply of employment land, as required by CELPS Policy EG 3.

Further, the application site relates to the most south-eastern part of the site where it adjoins the Green Belt to the west. This is the outer edge of the site and thus would not be the natural place to begin development to ensure it is well integrated with the existing development to the north and east whilst achieving a readily recognisable boundary with the Green Belt as discussed above. Consequently, the general principles and parameters shown on the masterplan are not acceptable and would therefore prejudice the delivery of a site allocated for residential and employment uses contrary to Policies LPS 15 and EG 3

## **Housing Land Supply**

The Council has deliverable supply of 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. The latest published assessment of deliverable housing land supply can be found in the Cheshire East Housing Monitoring Update (base date 31 March 2022) which confirms a deliverable five-year housing land supply of 11.6 years.

The 2021 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities (DLUHC) on the 14 January 2022 and this confirmed a Housing

Delivery Test Result of 300% for Cheshire East. The 2022 Housing Delivery Test Result has not yet been published by DLUHC.

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 strong performance, the 'tilted balance' is not engaged by reference to these housing supply and delivery tests.

The Council can now demonstrate a 5 year supply of land for housing, but it is important to note that this proposal would deliver 92 no. dwellings on an allocated site within the adopted Local Plan within one of the Principal Towns in the Borough. The Council needs to keep the supply rolling and proposals that bring forward the Council's strategic vision through the development of the allocated sites such as this one will assist in relieving pressure on other edge of settlement sites and the countryside. As such, this is a benefit of the scheme albeit it does not realise the intended quantum of residential development envisaged by LPS 15.

### **Affordable Housing**

Policy SC 5 of the CELPS requires the provision of 30% affordable housing on all 'windfall' sites of 15 dwellings or more. This relates to both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

As this is an outline application which includes up to 95 dwellings, 28 of the units will be required to be affordable, depending on the final number of dwellings on the application site. To satisfy the required tenure split, 23 of the units would need to be provided as social rented accommodation and 13 of the units as intermediate tenure.

The current number of those on the Cheshire Homechoice waiting list with Macclesfield as their first choice is 1608. This can be broken down as below;

	How many bedrooms do you require?						
First Choice	1	2	3	4	5	5+	Grand Total
Macclesfield	<b>942</b>	<b>398</b>	<b>179</b>	<b>56</b>	<b>33</b>		<b>1608</b>

The Intermediate need is the same as the whole borough. The need is for 1, 2 and 3 bedroom dwellings for 1<sup>st</sup> time buyers and those families who cannot afford to buy on the open market without the schemes discounts.

The applicant has confirmed that the proposal will provide 30% of the site as Affordable Housing with the required tenure split. The precise number, size, location and type of units will be secured at Reserved Matters stage. On this basis, the Council's Housing Strategy and Needs Manager has no objection and the scheme is in compliance with Local Plan Policy SC 5 and criterion b of LPS 15.



## Education

One of the site specific principles of the site allocation under LPS 15 is that the development of the site will require “contributions to education and health facilities”.

In the case of the current proposal for 92 dwellings, the Council’s Children’s Services have advised that a development of this size would generate:

- 16 - Primary children (92 x 0.19)
- 14 - Secondary children (92 x 0.15)
- 1 - SEN children (92 x 0.51 x 0.023%)

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

Special education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. Whilst it is acknowledged that this is an existing issue, the 1 child with special educational needs (SEN) expected from this development will exacerbate the shortfall.

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

- $14 \times £17,959 \times 0.91 = £ 228,797$  (Secondary)
- $1 \times £50,000 \times 0.91 = £45,500$  (SEN)
- Total education contribution: £274,297.

The applicant has confirmed acceptance of this requirement and therefore this application is compliant with criterion 5 of LPS 15 in this regard.

## Healthcare

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

Based on the current local population, the Waters Green Medical Centre has sufficient capacity to manage currently registered patients. However, with the known planned housing developments, the local population is predicted to increase by approximately 17% over the next 10 years. In order to be able to continue to provide the current high level of primary care services to the local population, the six GP practices will be required to review their current model of working. A model of ‘working at scale’ will be required, in which the six GP practices work much more closely together to remove duplication and inefficiencies from the primary care system. This will result in at least two of the six GP practices physically merging, with the associated building costs of merging the two (or more) GP practice footprints into one.

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

Where a planning application has not provided a breakdown of the dwelling unit sizes in the proposed development (as is the case with this outline application), the CCG has assumed mix of 3 and 4 bed houses for costing purpose until such time as the size of the dwelling units are confirmed, at which point a revised and more accurate calculation can be confirmed.

For this planning application, the CCG has requested a financial contribution towards health infrastructure via Section 106 of £94,752. This provides an indication of the contribution required to comply with criterion 5 of LPS 15 of the CELPS. However, a formula-based approach would be utilised in the s106 in order to secure the appropriate contribution once the details of the dwellings / occupancy has been fully detailed at the reserved matters stage.

### **Public Open Space and Recreation**

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

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

This policy states that it is likely that the total amount of 65sqm per home (plus developer contributions for outdoor and indoor sports) would be required on major Greenfield and brownfield development sites. The indicative site plan shows areas of on site open space including across the wider site allocation. At 65sqm per dwelling, the total amount of on-site open space required could be up to 5,980 square metres. The indicative masterplan for the site shows an on site open space provision of approximately 1916 square metres (excluding pond areas), which would exceed the requirement.

There would sufficient opportunity to locate a Local Area of Play (LEAP) standard play area on site although this is not shown within the application site edged in red. The necessary outdoor sports and indoor sports facilities would be provided by way of a financial contribution towards off site provision.

Criterion 3 of LPS requires the 'incorporation of green infrastructure, including a neighbourhood park and public open space' into development proposals. The size of development would not justify the provision of a neighbourhood park on its own, but one is shown within the masterplan for the wider site allocation.

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



Comments are awaited from the Greenspaces and Leisure Officers and will be reported to members by way of an update.

## **Air Quality**

Policy SE 12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 186 of the NPPF and the Government's Air Quality Strategy.

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

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

- 2019 - Verification;
- Opening year Do-Minimum (DM) (predicted traffic flows in 2024 should the proposals not proceed); and,
- Opening year Do-Something (DS) (predicted traffic flows in 2024 should the proposals be completed).

The assessment concludes that the impact of the future development on the chosen receptors will be negligible with regards to all the modelled pollutants with only one receptor predicted to experience a slightly adverse impact. However, the proposed development is considered significant in that it is highly likely to change traffic patterns and congestion in the area.

Macclesfield has three Air Quality Management Areas, and as such the cumulative impact of developments in the area is likely to make the situation worse, unless managed.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact.

A development of this scale and duration would be expected to have an adequate demolition, construction and trackout dust control plan implemented to protect sensitive receptors from impacts during this stage of the proposal and this is mentioned within the assessment as a form of mitigation.

Conditions necessary to ensure that local air quality is not adversely impacted for existing and future residents could be achieved by conditions relating to securing the provision of electric vehicle infrastructure and ultra low emission boilers. Subject to these conditions, the proposal will comply with policy SE 12 of the CELPS.

## **Residential Amenity**

CELPs Policy SE 12 states that development should ensure an appropriate level of privacy for new and existing residential properties. Policy HOU 12 of the SADPD states development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive users or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

Policy HOU13 of the SADPD sets out standards of space between dwellings, which new housing development is generally expected to meet. This is required to maintain an adequate standard of privacy and amenity between residential properties, unless the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings.

The nearest existing residential properties are located to the northeast and southwest of the site. Those to the southwest are located approximately 120 metres away and those to the northeast approximately 300 metres away. As such, the amenity afforded to existing properties would be respected by the proposed indicative layout.

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

It must be noted that this application is not to consider the employment uses shown on the submitted masterplan, as they do not form part of this application.

## **Noise**

The application is supported by a noise considerations assessment (NCA) which details potential noise mitigation measures in order to ensure that occupants of the proposed dwellings are not adversely affected by current and future traffic noise in the vicinity of the site as well as noise generated by the proposed adjoining employment uses.

The NCA addresses noise related considerations in terms of the planning and orientation of buildings, noise mitigation measures and ventilation requirements to dwellings at relevant locations within the overall site. In general, the methodology, conclusion and recommendations of the report are acceptable as confirmed by the Council's Environmental Protection Unit (EPU). However, the EPU has expressed concerns regarding the proposed employment area shown on the submitted masterplan – which is positioned in the middle of the development and surrounded by the proposed new dwellings.

The EPU is concerned that the proposed planning use for B2 (general industrial use), E(g)(iii) (industrial processes), and B8 (storage and distribution including open air storage) could undermine residential amenity. Whilst the NCA looks at orientation of the industrial buildings, position of loading bays and location and restricted operational noise levels of external plant and equipment, it does not address the type of noise which such industrial and commercial uses could create and fails to highlight noise mitigation as part of the structure of the buildings themselves. Other possible environmental impacts such as the release of odours, fumes and dust is not addressed within the application.

In terms of the proposed B8 storage and distribution, containment of activities inside an appropriately constructed building may contain all noise. However, noise from outdoor activities such as deliveries and loading and collections could result in noise problems in the locality.

In the case of all three planning uses, noise from vehicle movements including the use of heavy goods and other large vehicles will be generated as the transport route will pass close to the new dwellings and such movements may occur during sensitive times.

However, the main concern would be in relation to the proposal for the E(g)(iii) industrial processes and B2 general industrial use to be carried out at the site. Dependant on the type of business, such industrial uses have high potential to be noise generative both inside and outside of relevant buildings, and could also result in odours, fumes and dust being caused in the locality. The EPU have advised that such industrial uses are better located on designated industrial estates for the reason of potential environmental impact and are not suited to be positioned in close proximity to residencies. However, this needs to be tempered with the fact that this site is part of an allocation for the said uses. The employment uses are only indicative and therefore with an appropriate layout, residential and employment can coexist with appropriate design and noise attenuation measures.

Based on the submitted masterplan, the proposed industrial uses on the employment site have high potential to result in harm to the residential amenity of the residents who live within the proposed development and could potentially affect other nearby dwellings. Dependant on the type of activity involved in the industrial businesses, certain types of noise produced and possible odours / fumes / dust can often be difficult to control. The situation is made worse by the limited separation distance between the proposed dwellings and the proposed employment site as shown on the masterplan. The EPU has advised that this aspect of the planning application should be reconsidered / refused.

As noted above, this application is not to consider the employment uses, which are mainly outside of the application site. However, the whole purpose of the allocation is to achieve a coordinated and comprehensive development of the whole allocation which means that a framework needs to be developed which achieves a well planned and laid out mix of uses without causing environmental disturbance or pollution in accordance with SADPD Policy HOU12 and SE 12. The submitted masterplan, due to its lack of coordinated approach would potentially result in unsatisfactory relationship between noise sensitive residential uses and noise generating employment uses without appropriate buffers.

## **Highways**

Policy CO1 of the CELPS considers matters of highway safety. Appendix C of the CELPS identifies minimum Parking Standards for residential development in Principal Towns and Key Service Centres and for the remainder of the borough.

The highways infrastructure requirements were considered during the allocation of this site under the Local Plan process and its subsequent adoption where the expectations for accessing the site were set out. It was envisaged that this site would form an integral part of a future South West Macclesfield Link Road and to serve some 95.7 hectares of safeguarded land under LPS 19 to the north. The development is also expected to contribute towards off-site road infrastructure improvements in the central and southern Macclesfield area (criterion a site specific requirements of LPS 15).

A previous application for a new roundabout to access LPS 15 was considered under planning ref; 17/2206M and was dismissed at appeal as it did not provide a comprehensive and co-ordinated development of the LPS 15 land as required by LPS 15 (6).

This application proposes a revised roundabout design with a 60 metre ICD (inscribed circle diameter) on Congleton Road. Only access is being applied for in detail in this application and as indicated is a new 60 metre four arm roundabout with short sections of the internal roads within the site. There are two arms off the roundabout serving the site. The western arm is likely to serve residential development and is 6.75 metres wide with 3 metres shared ped/cycle footways. The northern arm is 7.3 metres wide with 3 metres shared ped/cycle footways and will serve the commercial element of the site. The approach arms on Congleton Road have been flared to provide two lanes to increase capacity at the junction.

#### Capacity and Development Impact

The submitted roundabout design will need to provide enough capacity to support the development of the wider site allocation and also a potential future link to Chelford Road. The assessment has included the delivery of up to 300 dwellings and 7ha of employment uses in either B2 or B8 use classes.

The trip generation of the development has been derived using TRICS data based upon the 300 units and the estimated commercial floorspace that may come forward amounting to 28,000 square metres floorspace. The resultant trip generation is shown in the table below.

	Weekday Morning Peak			Weekday Evening Peak		
	Arrivals	Departures	Total	Arrivals	Departures	Total
Residential	45	132	177	126	72	198
Employment	160	75	235	49	163	212
Total	205	207	412	175	235	410

The redline boundary of this specific application relates to 92 residential units and not the full masterplan allocation and as such the applicant has assessed the traffic generation of only the 92 units.

	Weekday Morning Peak			Weekday Evening Peak		
	Arrivals	Departures	Total	Arrivals	Departures	Total
Application (92 units)	14	40	54	39	22	61
Full Masterplan	205	207	412	175	235	410
Percentage of Application to Full Masterplan	7%	19%	13%	22%	9%	16%

The applicant has based the distribution of the traffic on the 2011 census journey to work data for the local areas and then assigned to the following routes.

Route	Origin / Destination	Percentage	
		Resi	Emp
1	Southwest on the A536 Congleton Road	11%	25%
2	Northeast on the A536 Congleton Road / east along Moss Lane (then the SMLR once in place)	5%	5%
3	Northeast on the A536 Congleton Road / east on the A536 Park Lane	19%	15%
4	Northeast on the A536 Congleton Road / north on Oxford Road	61%	46%
5	Northeast on the A536 Congleton Road / west on Ivy Lane	4%	9%
Total		100%	100%

The assessments undertaken have been based upon observed traffic counts in 2021. These have been growthed to 2026 and then committed development added. Although the development of the South Macclesfield Development Area (SMDA) has the benefit of outline approval, it is not certain as to the extent or timing of development that might come forward on the SMDA site. Therefore, the applicant has undertaken an assessment with or without the SMDA development in place.

The results of the capacity assessment show that the A536 Congleton Road site access roundabout works well within capacity limits in both scenarios i.e. with SMDA or without SMDA. It can be concluded that the design and size of the proposed access roundabout is sufficient to cater for the LPS 15 allocation and also the SMDA application.

There are a number of other junctions that have been assessed in regard to traffic impact again with or without the SMDA development. The locations are as follows:

A536 Congleton Rd/Moss Lane Priority Junction  
A536 Congleton Rd/Thornton Ave Junction  
A536 Congleton Rd/Ivy Ln/Park Ln Signal Junction (Flower Pot Junction)

The current layout at the Congleton Rd/Moss Lane junction is a priority junction and as part of other approved development, an upgrade to a ghost right turn (Henshaw development) junction was secured. The impact of the development at this junction has shown that the upgraded junction would not be sufficient to cater for the full masterplan development even without the SMDA development and clearly would be substantially worse with the SMDA included. The applicant has tested the provision of a signal junction at this location and has shown that it would be capable of accommodating both the full masterplan and SMDA in 2026.

In summary, the full masterplan indicated by this proposed development would be required to fund the provision of a traffic signal junction at Moss Lane even without the SMDA coming forward.

The development impact at the Thornton Road junction is limited to the morning peak only with or without SMDA development, where the operation of the junction is above capacity. Given that the forecast queues are relatively modest (13 PCU's – passenger car unit) it is accepted that this would not result in a 'severe impact' and that no additional capacity improvements are necessary at the Thornton Avenue junction.

The capacity assessment of the A536 Congleton Road/Ivy Lane/ Oxford Road (the Flower Pot junction) shows that the junction would be operating over capacity in 2026 even with the CEC proposed road improvement scheme in place even without SMDA traffic included and without traffic from this development included. The Council's Flower Pot scheme is still in development and is funded in the Council's Medium Term Financial Strategy. Subject to confirmation of the land acquisition process (a CPO is planned as a fallback to negotiations), this can be considered a committed scheme for the purposes of this application.

Clearly, adding the traffic from LPS 15 would increase the level of queuing and delay even further. The Council's Head of Strategic Transport (Highways) has advised that the operation of this junction is a concern in both scenarios, with SMDA or with traffic generated by this development on LPS 15 and especially if both developments come forward. On this basis, the Council would need to consider if there are any additional improvements that could be made to the junction to accommodate the level of development traffic or if there are any other measures that can mitigate the impact of the development.

### Accessibility

It is important that developments of this scale are fully accessible to all road users which includes pedestrians and cyclists. The applicant has submitted an improvement pedestrian and cycle plan which indicates that the existing footway on Congleton Road will be widened on the development side to provide a shared facility (although no specific details have been submitted) and linked to the proposed SMDA access. Given the importance of this connection to link this development to the town and educational facilities, it is essential that the available width, land ownership and adoptable highway boundary are available to provide a high-quality connection. Officers do not consider there is sufficient evidence to confirm this based on the information provided. Based on the limited information supplied, it appears that it would be necessary to cross Congleton Road to continue with the Cycleway - if this is the case a controlled crossing would be required. No details have been submitted or a funding commitment made and in the absence of this, the scheme does not align with LPS 15 site specific principle criterion D which requires that:

*“the development would be expected to provide improvements to existing and include the provision of new pedestrian, cycle and public transport links to existing and proposed residential and employment areas, shops, schools & health facilities”*

The proposed roundabout access does include for 3 metre shared ped/cycle facilities on both the northern and western access arms.



## Highways Summary

The proposed new roundabout access on Congleton Road is a large roundabout that has sufficient capacity to serve this initial phase of development and a possible wider masterplan development. This design is also capable of operating within capacity with the SMDA development should it come forward. Therefore, it is accepted that the submitted access design can accommodate the level of development proposed and if approved would be delivered via a S278 Agreement with the Council.

It is proposed to improve the sustainable linkages to the site as part of this application. Should these improvements be provided then site accessibility will be improved. Again, the specific details would need to be agreed and the works delivered via a S278 Agreement.

In regard to the wider traffic impact of the development, the principal concern is the A536 Flower Pot junction where the developer has assumed that the Council's Flowerpot improvement scheme is in place. It does not assess the impact of the development with the existing arrangement which is over capacity. The Transport Assessment concludes that even with the Council's proposed improvement at the Flowerpot in place, it does not fully accommodate the proposed development traffic and also the committed scheme at SMDA. Having said that, the scale of this development is not considered large enough to support a refusal of this development in traffic terms alone at this junction, but the application provides little detail on how it would even attempt to mitigate / fund its impacts at both the Flowerpot Junction and at the Moss Lane / London Road Junction.

In the absence of an agreed Strategy with the Developer, the Council has suggested the following approach, should members be minded to approve this application:

### Proposed Funding and mitigation Strategy – Highways

Although a committed development, the shape / scale of delivery of the SMDA scheme, at least in its current form is unclear and it is this development in the main that has the largest operational impact on the Flowerpot junction. Looking at this development in isolation, the impacts at the Flowerpot, plus the LPS 15 traffic are that the Council's improved junction scheme operates at or just over its maximum capacity.

The Council is examining ways to deliver further improvements at the Flowerpot Junction. These will mostly focus on Technology solutions.

It should also be noted that, the new layout will improve pedestrian and cycling facilities, helping to improve sustainable travel options and reducing the need to use private vehicles.

In this context, it is considered this development and the wider LPS 15 site should, as a minimum contribute and support the delivery of the Council's Flowerpot improvement scheme, or an improved version of it - as essential mitigation for the LPS 15 site.

The Council's Medium Term Financial Strategy shows that the current approved budget for the Scheme is £10.04M, with a DfT contribution to the project of £3.5M. The Council is therefore 'forward funding' the current gap. Of this forward funding, c£1.9M relates to signed S106 agreements. The remainder is from future developer contributions / and or the Council's own



Capital funding, with the Council seeking to maximise the level of external contributions to the junction improvement.

Criterion 5 and site specific principle 'a' of LPS 15 states that this allocation is expected to contribute to off-site road infrastructure in the Southern Macclesfield area. As LPS 15 represents the last major development in Macclesfield that is able to contribute to the Flowerpot Scheme (and with direct impacts) it is necessary to secure an appropriate contribution to the Scheme. It is accepted however, that contributions to infrastructure have to be justified and in keeping with the scale of impact. In determining what an appropriate contribution strategy might be for the LPS 15 site we therefore have had regard to what has previously been agreed.

The SMDA application contributed £1.2M (in 2017 prices) from 950 houses. However, this contribution at the time, was to a scheme estimated to cost £5M - the contribution was therefore 25% of the total cost of the scheme at that time (on the basis this allowed the Scheme to be fully funded by developments). The new estimated scheme cost as approved in the Council's MTFS is c£10M. To maximise developer contributions to the Scheme, the LPS 15 site should contribute the full funding requirement that the Council is underwriting / forward funding. Taking into account the current level of earmarked contributions this is £4.6M. This is calculated as a contribution of c£15,000 per dwelling assuming this funding is spread over the housing allocation only of LPS 15. Therefore, if Members were minded to support this application, a contribution of £15,000 per dwelling would be required from this development towards the Council's improvement scheme (or variation thereof) at the Flower Pot junction.

There are also mitigation measures required at the Congleton Road/Moss Lane junction. However, the improvements conditioned by the SMDA scheme do address this. It is considered that the wider LPS 15 site should safeguard the delivery of this improvement scheme with a flexibly worded contribution should the SMDA scheme not be delivered in time. The applicant has provided no estimates for the cost of delivering this improvement and therefore it is impossible at this time to determine a proportionate contribution or trigger for a S278 improvement scheme.

There are several issues that need to be clarified to support this application in highways terms and as such it is recommended that the application is refused on lack of information as detailed below.

1. Provision and deliverability of a LTN 1/20 compliant Shared use Cycleway from the development towards the proposed junction with the SMDA scheme, including crossing facilities of Congleton Road.
2. An estimated cost and / or delivery strategy for the Moss Lane / London Road junction improvement
3. The proposed Mitigation / funding Strategy for the Flowerpot Junction.

The proposal, whilst providing an appropriately design access proposal does not provide suitable mitigation against the impacts of the development proposed taking into account other committed developments. The scheme is therefore at variance with CLPS Policy CO1 and criterion '5' and site specific principle 'a' of LPS 15.

## **Public Rights of Way**

Policy LPS 15 criterion 'd' of the CELPS requires the creation of new pedestrian, cycle and public transport links to existing and proposed residential and employment areas, shops, schools & health facilities. The provision of a south west green route would link with existing north to south routes in the form of the Macclesfield Canal and Middlewood Way.

The development, if granted consent, would affect Public Footpath Gawsworth No. 20, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way. Public Footpath Gawsworth No. 35 runs adjacent to the site but does not appear to be directly affected by the proposal. The Public Rights of Way Unit (PROW) welcome the proposed links for non-motorised users but require further details as to the proposals for the paths and different users. The direct on impact on Public Footpath Gawsworth No. 20 could be dealt with by condition and the submission of suitable detail at reserved matters stage regarding the precise layout of the site.

The site access will connect with the existing footway network on Congleton Road. As this is an outline application, the internal footways and cycle path connections are not to be determined at this stage and will be dealt with at reserved matters. Similarly, with regard to the pedestrian and cycle connections with the adjoining residential areas, there is scope at the detailed reserved matters stage to ensure integration and connectivity with the existing housing development to the north and east. The indicative layout supports this concept.

## **Trees**

Policy SE5 of the CELPS and ENV6 of the SADPD relate to trees, hedgerows and woodland. The objective of the policies is to protect trees that provide a significant contribution to the amenity, biodiversity, landscape or historic character of the surrounding area.

The application is supported by an Arboricultural Statement and has identified a hundred and thirty individual trees (T1 to T130), twenty-one tree groups (G1 to G21), a woodland (W1) and eleven hedges (H1 to H11). The trees identified include the wider development site not just the application site. There are currently no specimens subject of Tree Preservation Orders within the application site.

The arboricultural report states that there will be a need to remove 'several U category trees as appropriate arboricultural management, irrespective of the development. Implementing the outline development proposal will require the removal of seven B category trees, fifteen C category trees, and one C category group, the loss of which would be mitigated by the provision of new trees and landscaping. Implementing the masterplan layout for the wider allocation site would require the additional removal of a further one A category tree, four B category trees, sections of two B category groups, two C category groups and three hedges, the loss of which could be mitigated for in management of retained tree cover and provision of new trees and landscaping. One A category group, thirty-eight B category trees, three B category groups, one B category woodland, twenty-four C category trees, three C category groups and two field boundary hedges on and adjacent to the outline application site, can be retained. If the masterplan layout for the wider allocation site were implemented, a further seven A category trees, three A category groups, twenty B category trees, five B category groups, sections of two B category groups, ten C category trees, 1 C category group and seven hedges could be retained'.

Comments are awaited Council's Tree / Arboricultural Officer and will be reported to members by way of an update.

## **Landscape**

Policy SE 4 of the CELPS expects all development to incorporate appropriate landscaping which reflects the character of the area through appropriate design and management; where appropriate, provide suitable and appropriate mitigation for the restoration of damaged landscape areas; preserve and promote local distinctiveness and diversity; avoid the loss of habitats of significant landscape importance, and; protect and / or conserve the historical and ecological qualities of an area. Policy LPS 15 indicates the need for the incorporation of green infrastructure, including a neighbourhood park and public open space, pedestrian and cycle links.

As part of the submission a Landscape and Visual Assessment (LVA) has been submitted. This identifies the baseline landscape character, specifically NCA 61: Shropshire, Cheshire and Staffordshire Plain and that the Cheshire East Landscape Character Assessment 2018 identifies the area to the west as LCT 11- Higher Wooded Farmland, specifically LCA 11b – Gawsworth and to the east as LCT 9 – Mossland and specifically LCA9b – Danes Moss. The site itself covers an area of approximately 6.74 hectares. The total area of LPS 15 is approximately 26 hectares. The site and surrounding area are identified as semi-improved grassland, marshy grassland ranging between 160 – 170 metres Above Ordnance Datum (AOD) with a number of ponds, scattered mature trees, hedgerows and a high voltage electricity line along a northwest – southwest alignment and a pylon on the southern boundary.

The Landscape Assessment indicates that the landscape sensitivity for the site is 'low' and that at the construction phase there would be a 'moderate' magnitude of effect, remaining as 'moderate' at Year 1 and reducing to 'low – negative' at Year 15. The overall effect is identified as 'minor adverse' at all stages. For LCA 9b – Danes Moss the overall effect is identified as 'minor adverse' until Year 15 where it reduces to 'negligible'. For LCA 11b – Gawsworth the overall effect is identified as 'minor adverse' until year 15, when it would be 'negligible'. The LVA identifies that effects for FP 20 Gawsworth would remain up to 'moderate adverse' even after 15 years, that effects for FP30 Gawsworth, FP 35 Gawsworth FP 24 Gawsworth and FP5 Gawsworth would be 'minor adverse'. For residential receptors, those along Hillcrest Road would remain 'moderate adverse' even after 15 years. The remainder identified would be either 'negligible' or 'minor adverse'. Impacts for road users are identified as 'moderate adverse' (Congleton Road and Pennington Lane).

The design evolution of the LVA states that the woodland blocks will be used to create a visual barrier and define the edge to the Green Belt, use-built height to create a transition from rural to urban, strengthen existing boundary vegetation, respect the landscape character and enhance footpath and cycleway links into the wider area. The LVA states that there will be robust woodland planting and open space along the Green Belt boundary and that for the hedgerow field pattern contributes to the local landscape and can be used positively to influence the layout and massing of the masterplan. The LVA states that the proposed development has responded to the landscape and visual context of the site by retaining boundary vegetation where possible within a framework of new strategic planting to create a sensitive transition between the site and the wider countryside.

The Council's Principal Landscape Architect broadly agrees with the LVA, but this is an outline application and the Masterplan – Strategic Masterplan Framework with is indicative. While the masterplan does show much of the existing hedgerow framework, this may be compromised as the design process progresses, particularly in close proximity to the employment area, and while the intention is to provide robust woodland planting along the Green Belt boundary this has already been compromised by the easement of the overhead power lines along this part of the site and also by the proximity of residential development to this boundary at a number of locations, notably blocks 2 and 12. Serious consideration will need to be paid to the transition along the southern boundary between the proposed development and wider landscape.

In terms of progressing the overall design the guidance offered in the Cheshire East Design Guide will need to be adhered to closely, in terms of the street hierarchy, adequate space for avenue planting along the main routes and provision of a hierarchy of green infrastructure with the site and complementing and enhancing that green infrastructure that already exists. The Council's Principal Landscape Architect suggests that more consideration needs to be given to connectivity with the wider development area to the north, particularly for pedestrian and cyclists.

Whilst the impact on the landscape character of the area would not be significant, given that the landscape sensitivity is low. However, the design of the masterplan reduces opportunities to secure a landscaping scheme which would provide a readily recognisable Green Belt boundary owing to the positioning of residential development at Blocks 2 and 12. Further, the proposal provides a lack of appropriate landscape buffer to the rear of the existing residential properties to the east on Hillcrest Road, as required by criterion 6 and site-specific principle 'h' of LPS 15. Accordingly, the proposal is contrary to CELPS Policy LPS 15.

## **Ecology**

Policy SE3 of the CELPS and ENV2 of the SADPD require all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. The site specific policies for LPS15 include the following clauses relating to nature conservation matters:

- The development should deliver compensatory habitats on the site as required.
- Any application would need to be supported by a full ecological appraisal. Mitigation would be required to address any impacts on protected species. Any woodland, orchards or other priority habitats or habitats of local wildlife site quality on the site should be retained and buffered by areas of open space/habitat creation

Any development proposals must avoid any impacts on Local Wildlife Sites. This should include indirect impacts resulting from changes in hydrology, hydrochemistry, air pollution and recreational impacts.

The submitted ecological appraisal covers a much more extensive area than the red line of the current application. The Council's Nature Conservation Officer (NCO) has advised that the submitted report be amended to show the red line of the current application overlain onto the Phase One Habitat plan of the site as this would assist in determining which habitats are present within the red line of the application.

The submitted ecological assessment is a preliminary report and the NCO has advised that there are numerous further surveys and assessments required to allow a confident assessment of the ecological impacts of the proposed development to be made. The outstanding ecological assessments are detailed below. All of these must be undertaken and reports submitted prior to the positive determination of this application.

The following ecological matters are relevant to the current proposal:

Statutory Designated Sites - This application is located within Natural England's SSSI Impact risk zones for residential development. Comments are awaited from Natural England who would advise on the potential impacts of the proposed development upon statutory designated Sites.

Non-statutory Sites - Danes Moss Local Wildlife Site is located 250 metres to the southeast of the site.

The submitted information advises that there is potentially a hydrological link between the ditches on site and the ditches associated with the Local Wildlife Site. The NCO has advised that further information on this potential link is required to enable a confident assessment of the potential impacts of the proposed development on the LWS to be made.

Marshy Grassland and Semi Improved Grassland - These two habitats are present on site. Habitats of this type have the potential to be of significant nature conservation value. As the submitted ecological appraisal does not include any detailed botanical survey data for these habitats, it is not possible to determine their value. Further botanical survey data in the form of a full species list for each habitat with associated abundance data on the DAFOR scale is required prior to the positive determination of the application.

Great Crested Newts - There are several ponds within and in close proximity to the application site. The proposed development may therefore result in an adverse impact upon this species. The submitted ecological assessment recommends that either surveys are undertaken to establish the presence/absence of this species or that the development be entered into Natural England's district licencing scheme.

The potential impacts of the proposed development upon this protected species must be resolved prior to the determination of this application. Entry into Natural England's district licencing scheme for the species is likely to be acceptable. However, the application must be supported by evidence that the development is eligible to join the scheme in the form of a copy of the countersigned agreement with Natural England.

Common Toad - This priority species is known to be present in the broad locality of the application site. No assessment of the potential impacts of the proposed development has been included with the submitted ecological assessment. An assessment of the potential impacts of the proposed development upon this species must be undertaken and submitted in support of the application.

Hedgerows - Hedgerows within the red line of the previous application at this site (17/2260M) were identified as being 'Important' under the Hedgerow regulations. This current application must be supported by a Hedgerow Regulations Assessment to show the likely impacts of the proposed development upon hedgerows based on the submitted illustrative masterplan.



Water Voles - There are ditches present within the application boundary that may be suitable for this species and the submitted ecological assessment recommends that a survey be undertaken for this species to establish its presence/absence. A Water Vole Survey has been submitted in support of the application. The surveys did not identify any conclusive evidence of water vole presence within the onsite ditches and therefore this species are likely to be absent from the site.

Bats - Several trees are present on site that offer potential for roosting bats including one with a bat box attached. To determine whether roosting bats are likely to be affected by the proposed development, a detailed assessment must be undertaken of all the trees on site. Any trees with potential to support roosting bats which may be affected by the development must be subject to a survey to determine the presence/absence of roosting bats.

Bats are likely to forage and commute around the application site. The submitted ecological report recommends that a bat activity survey is undertaken to establish the value of the site for bats. A copy of a report of the required bat activity survey must be submitted prior to the determination of the application.

Barn Owls - This species is known to be present in this broad locality. The NCO has advised that a survey must be undertaken of any trees on site with potential to support this species. All trees with potential to support this species must be subject to a survey regardless of whether they are likely to be retained or lost.

Breeding Birds - The submitted ecological assessment identifies potential for priority birds species to be present on site and recommends that a detailed breeding bird survey is undertaken to establish the value of the site for birds. The NCO has advised that a breeding bird survey must be undertaken and a report submitted prior to the determination of the application.

Priority Invertebrate Species - A number of priority moth and butterfly species are known to be present in this broad location and suitable habitats for these species are present on site. The application site is however unlikely to be of particular importance for these species. To ensure that there is not a net loss of habitat for these species as a result of the development it must be ensured that the proposed development delivers a net gain for biodiversity as measured using the biodiversity metric discussed below.

Brown Hare and Hedgehog - No evidence of these two priority species was recorded during the submitted survey, but they are known to occur in the wider area. It is therefore possible that these species may occur on the application site on a transitory basis. The NCO has advised that the proposed development would result in a 'minor adverse impact' upon these species as a result of the loss of suitable habitat and the risk of animals being injured during works. The submitted ecological appraisal includes recommendations for measures to ensure that the habitat on site is rendered unsuitable for brown hare prior to the commencement of works and measures to reduce the risk posed to hedgehogs. If planning consent is granted the implementation of these measures must be secured by means of a condition.

Reptiles - The submitted ecological assessment advises that the application site has potential to support reptile species and recommends that a survey is undertaken. A detailed reptile

survey must therefore be undertaken and a report submitted prior to the determination of the application.

Bluebell - This priority plant species was recorded in associated with boundary hedgerows and field margins associated with fields 1,2,3,4 and 7. An assessment of the impacts of the proposed development upon this species must be undertaken and submitted in support of the application.

Badger - No badger setts or evidence of badger activity was recorded on site during the submitted survey. However, the species is known to be present in the broad locality and may possibly use the site for foraging on at least an occasional basis. Based on the current levels of badger activity on site the proposed development is not likely to result in a significant adverse impact upon this species. However, as the status of badgers on a site can change in a short timescale, if planning consent is granted a condition should be attached which requires the submission of an updated badger survey with any future reserved matters application.

Biodiversity Net Gain - Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. The applicant must undertake and submit an assessment of the residual ecological impacts of the proposed development using the Defra biodiversity offsetting 'metric' methodology. An assessment of this type would both quantify the residual impacts of the development (after identified potential impacts have been avoided, mitigated and compensated for in accordance with the mitigation hierarchy) and calculate in 'units' whether the proposed development would deliver a net gain or loss for biodiversity. If the calculation shows that the proposed development would fail to deliver a net gain for biodiversity additional habitat creation proposals would be required.

In the absence of the information relating to some of the ecological matters reported above, insufficient information has been submitted with the application to determine the likely nature conservation and biodiversity impacts of the development. Accordingly, compliance with CELPS Policy SE 3, SADPD Policy ENV2 and site-specific principle 'i' of LPS 15 has not been demonstrated.

## **Peat**

Policy SE 10 of the CELPS relates to proposals for minerals development. Its aims are to ensure there is a sustainable provision of minerals within the Borough. Whilst bullet 9 of Policy SE 10 states that the Council will "not support proposals for peat extraction from new or extended sites", this is in reference to sites for the working and mining of minerals. This is a scheme for residential development and therefore Policy SE 10 is not relevant or applicable to this application. This conclusion has been supported at appeal in the determination of planning ref; 19/3098M (Land between Chelford Road and Whirley Road, Macclesfield).

The Geo-Environmental Assessment which accompanies the application confirms that peat is present on the site. However, the quantum is not specified and would require further survey. Given the compressibility of peat, some areas of peat will need to be excavated and backfilled with material to enable appropriate ground works to be undertaken and suitable foundations to be used. However, until further survey work is undertaken and detailed layout provided, the extent of peat extraction cannot be determined or measures for its reduction established at this stage.



## **Flooding and Drainage**

The site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less. The Council's Flood Risk Manager and United Utilities have been consulted on this application and have no objection subject to conditions. Therefore, the development is considered to be acceptable in terms of its flood risk and drainage impact and will comply with policy SE 12 of the CELPS.

## **Contaminated Land**

The submitted Phase I Preliminary Risk Assessment has been assessed by the Council's Environmental Protection Unit (EPU), who have no objection. Any risk from unidentified contamination can be dealt with by appropriate conditions. The EPU has advised that there may be risk from gas owing to the presence of Danes Moss Landfill 25 metres away and the presence of peat and that the applicant should seek further advice from the Environment Agency regarding this nearby landfill. Such matters could be dealt with by condition and accordingly, the proposal complies with CELPS Policy SE12.

## **Economic Sustainability**

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

## **S106 HEADS OF TERMS**

A s106 agreement would be required to secure:

- **Affordable Housing comprising 30% (65% of which will be for social / affordable rent and 35% for shared ownership / intermediate tenure)**
- **Education contributions of £228,797 (secondary) and £45,000 (Special Educational Needs) = total of £274,297**
- **NHS contributions of £94,752 to support premises development of the Waters Green Medical Centre and development of additional primary care premises within Macclesfield**
- **Highways contribution of £15,000 per dwelling towards the Council's improvement scheme (or variation thereof) at the Flower Pot junction**
- **Public Open Space on site including provision of NEAP / LEAP**
- **Management Plan for the on-site public open space NEAP / LEAP**
- **Contribution towards Recreation Open Space of £1,000 per open market family dwelling or £500 per 1 / 2 bed open market apartments**
- **Contribution towards indoor recreation tbc**

## **CIL Regulations**

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

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

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

The development would result in increased demand for school places at the secondary schools and special education needs within the catchment area which currently have a shortfall of school places. To increase the capacity of the schools which would support the proposed development, a contribution towards secondary and SEN school education is required based upon the number of units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

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

## **CONCLUSIONS**

The proposal does not provide an agreed masterplan to enable the delivery of a coordinated and comprehensive development on this important allocated site. The proposal is therefore contrary to part 6 of Policy LPS15 of the Cheshire East Local Plan Strategy and would potentially prejudice the delivery of this site allocation as intended by LPS 15 including important additional employment uses within Macclesfield.

The submitted masterplan, due to its lack of coordinated approach would potentially result in unsatisfactory relationship between noise sensitive residential uses and noise generating employment uses without appropriate buffers. It would also fail to provide a readily recognisable boundary with the Green Belt and a lack of landscape buffer with existing residential properties on Hillcrest Road.

The proposal, whilst providing an appropriately designed access proposal does not provide suitable mitigation against the impacts of the development proposed taking into account other committed developments.

The information submitted with the application does not sufficiently demonstrate the proposal will not have a detrimental impact on a number of protected species / nature conservation matters, including impact on the nearby Danes Moss Local Wildlife Site.

The impact of the development upon archaeology, infrastructure (education and health), affordable housing provision is acceptable and would be controlled via a S106 Agreement and

conditions. Matters relating to drainage / flood risk, public rights of way and air quality would be acceptable with the imposition of conditions.

The impact on trees and the provision of public open space / recreation will be subject to further update.

The proposal is contrary to the relevant policies of the Cheshire East Local Plan Strategy, the Site Allocations and Development Plan Policies Document and advice in the National Planning Policy Framework. Accordingly, a recommendation of refusal is made.

## **RECOMMENDATION**

### **REFUSE for the following reasons:**

#### **1. Prejudicial to the delivery of the site allocation**

The application site lies within allocation LPS 15 of the Cheshire East Local Plan Strategy (CELPS). The proposal does not comply with Criteria 6 of LPS 15 as the submitted masterplan fails to show how this allocated site would be delivered in a co-ordinated and comprehensive manner. It would therefore prejudice the delivery of a site allocated for residential and employment uses contrary to Policies LPS 15 and EG 3 of the Cheshire East Local Plan Strategy.

#### **2. Insufficient Information on Highways Impact**

Insufficient information has been provided to demonstrate that the site would provide a shared use cycleway from the development towards the proposed junction with the SMDA including crossing facilities of Congleton Road, an estimated cost and / or delivery strategy for the Moss Lane / London Road junction improvement and the proposed Mitigation / funding Strategy for the Flowerpot Junction. As such, the proposed development is contrary to Policies CO 1, SE 6 and LPS 15 criterion 4 and site-specific principle 'd' of the CELPS, Policy INF3 of the SADPD and guidance contained within the NPPF.

#### **3. Noise Impact on Future Residential Amenity**

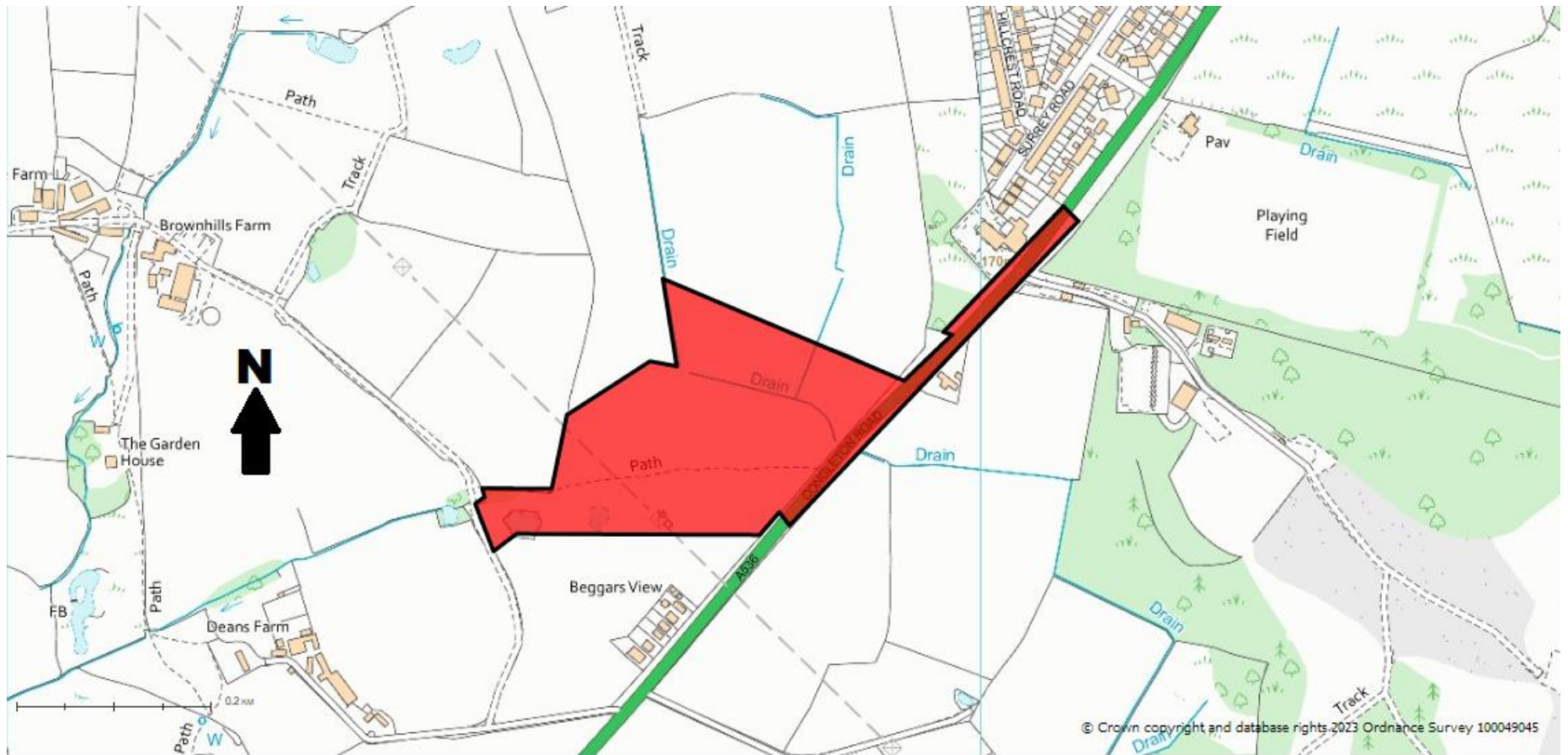
The submitted masterplan has failed to demonstrate how development across site allocation LPS 15 could be achieved without resulting in an unsatisfactory relationship between noise sensitive residential uses and noise generating employment uses owing to a lack of appropriate buffers. The proposal would therefore cause environmental disturbance or pollution contrary SADPD Policy HOU12 and CELPS Policy SE 12.

#### **4. Insufficient Ecological / Nature Conservation Information**

Insufficient information has been submitted in support of this application to allow an assessment of the impact of the development upon a number of species and the Danes Moss Local Wildlife Site. There is a lack of information regarding the hydrological link between the ditches on site and the ditches associated with the Local Wildlife Site. No botanical survey data in the form of a full species list for each habitat has been submitted.

Further surveys relating to Common Toad, Great Crested Newts (or entry onto a district licensing scheme), a Hedgerow Regulations Assessment, Water Vole, Bat Survey, Barn Owls, breeding birds, reptiles and bluebells. The Council therefore has insufficient information to assess the potential impacts of the proposed development upon protected species, the Local Wildlife Site and nature conservation. The proposed development is contrary to CELPS Policy SE 3, SADPD Policy ENV2 and site-specific principles 'i' and 'j' of LPS 15 and guidance contained within 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 or in the event of an appeal, the Head of Planning delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.*



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