

Application No: 21/5123M

Location: IVY HOUSE, IVY ROAD, MACCLESFIELD

Proposal: Proposed replacement of existing buildings with 29 no. dwellings

Applicant: Mr Daniel Brocklehurst, Peaks and Plains Housing Trust

Expiry Date: 08-Sep-2023

## SUMMARY

The development of 29no. C3 dwellings on a previously developed site, formerly comprising C3 dwellings prior to site clearance and demolition, is considered to be acceptable in principle within the settlement boundary area of Macclesfield, a Principal Town location. The mix, tenure and type of housing albeit of 100% affordable housing nature, in excess of policy requirements is considered to be appropriate and meet defined needs for the area. The design, layout and scale of the development is considered appropriate given local area themes, density requirements and scale of neighbouring properties. Each plot is considered to afford appropriate levels of external amenity space for future occupants, plus vehicular and cycle parking that meet recommended standards for amounts and sizes. It is also not considered the development would detrimentally impact retained trees, particularly those along Ivy Road and Bransdale Way which are visually attractive, green features in the area. There are no concerns with regards to residential amenity, pollution control, highways safety and flood risk management/water prevention subject to the use of planning conditions.

Whilst the proposals would amount to loss in part of Protected Open Space previously allocated as amenity grass space for the bungalows which once stood on site and also as visual relief on Ivy Road in the context of the dense Weston estate, it is considered that given the lesser built footprint, the loss of the bungalows, appropriate density and enhancement of the adopted footway with soft landscaping (public open space) between Ivy Road and Countess Road proposed, that this loss is acceptable.

The application was subject of a viability assessment which concluded with grant funding, financial contributions towards planning obligations for biodiversity net loss off-setting (habitat creation off-site), education, NHS, Open Space and Outdoor Sport and Recreation, that it would not be viable to pay towards these requested contributions. It is considered on this occasion that due to the need for this type of affordable housing in a sustainable settlement location, of which is of particularly high design quality, is considered to outweigh the non-compliance with policy with regards to offsetting of impacts of the development covering biodiversity net loss off-setting (habitat creation off-site), education, NHS, Open Space and Outdoor Sport and Recreation.

The lack of policy compliant financial contributions is outweighed by these other material considerations in this case, and a recommendation of approval is therefore made.

## **SUMMARY RECOMMENDATION**

Approve subject s106 agreement and conditions.

## **REASON FOR REFERRAL**

This application involves a residential development of 20-199 dwellings, and under the terms of the Council's Constitution it requires a Committee decision.

## **DESCRIPTION OF SITE AND CONTEXT**

The site previously contained Ivy House and 16no. bungalows with 15no. lock-up garages with associated infrastructure and landscape all in a residential use, however in the time the application has been awaiting determination these have all since been demolished.

The site now sits as vacant brownfield/previously developed land with a footpath through the centre providing a cut through from Ivy Road (east) to Countess Road (west). Though the site is surrounded by hoarding to keep it secure prior to re-development the footpath is an adopted highways footway (not PROW). The site formerly had areas of open space, still highlighted on policy constraints mapping as Protected Open Space 'WE29 Bungalows south of Ivy House' forming amenity green space of grassed frontages that provided spatial separation and visual relief for the former dwellings occupying the site, this did contribute to a lower density and sylvan feel to the site.

Surrounding the site is an established and predominantly residential area of Macclesfield comprising single storey bungalows, blocks of flats/apartments, two storey terraced/semi/detached houses and St Johns School. The predominant facing materials for buildings in this area are red/brown mixed rough profile brick, some white/cream render, grey concrete tile or slate roof and white/brown upvc fenestration. Most properties including the school are set back from the highway they are accessed from by tree lines, front gardens and some grass verges creating a wide tree lined boulevard feel. To Ivy Road is an established street tree line and across from this the trees near the school are protected by way of Tree Protection Order. The site has accesses from both Ivy Road and Countess Road. The southern boundary of the site also has a tree line to Bransdale Way.

## **DETAILS OF PROPOSAL**

The application seeks full planning permission for the replacement of existing buildings with 29no. dwellings.

The site previously contained Ivy House and 16no. bungalows with 15no. lock-up garages with associated infrastructure and landscape all in residential use. These were demolished almost two years ago in accordance with planning approval 21/0230M. The properties previously had the following mix/split/tenure:

- 11no. one-bedroom houses
- 2no. two-bedroom houses

6no. one-bedroom flats  
 1no. two-bedroom flats  
 27no. one-bedroom bedsits/studios

The proposed development would represent an overall loss of 18no. residential units at the site. The site is owned by Peaks and Plains Housing Trust, a Registered Provider of Affordable Housing. The site was formerly owned and managed by Macclesfield Borough Council, but the ownership transferred to Peaks and Plains in 2006. The application states that the proposed scheme is supported by Cheshire Home Choice and Homes England

The proposals on which the following appraisal is based were received during April and October 2022. The proposal is said to 're-develop the site located to west of Ivy Road, north of Bransdale Way, which is currently occupied by Ivy House and 16no. bungalows. The proposal is to replace the existing buildings with 29no. modern family homes comprising the following mix 2no. 4 bedroom 7 person houses; 7no. 3 bedroom 5 person houses' 12no. 2 bedroom 4 person houses; 6no. 1 bedroom 2 person apartments and 2no. 3 bedroom two person bungalows.' The Affordable Housing Statement confirms the proposals would provide the following split of accommodations 55% Affordable Rent and 45% Shared Ownership.

The dwellings are proposed as the following mix/split/tenure for the following occupancies:  
**Affordable Rent – total 16no.**

Plot No	Type	Tenure	GIA	No of Beds	No of Occupants	Storey
Plot 5	Semi-Detached	Affordable Rent	79m2	2	4	2
Plot 11	Semi-Detached	Affordable Rent	117m2	4	7	2
Plot 12	Semi-Detached	Affordable Rent	122m2	4	7	2
Plot 13	Apartment	Affordable Rent	51m2	1	2	*1
Plot 14	Apartment	Affordable Rent	51m2	1	2	*1
Plot 15	Apartment	Affordable Rent	51m2	1	2	*1
Plot 16	Apartment	Affordable Rent	51m2	1	2	*1
Plot 17	Apartment	Affordable Rent	51m2	1	2	*1
Plot 18	Apartment	Affordable Rent	51m2	1	2	*1

Plot 21	Apartment	Affordable Rent	79m2	2	4	2
Plot 22	Apartment	Affordable Rent	79m2	2	4	2
Plot 23	Apartment	Affordable Rent	79m2	2	4	2
Plot 24	Bungalow	Affordable Rent	62m2	2	3	1
Plot 25	Semi-Detached	Affordable Rent	79m2	2	4	2
Plot 26	Semi-Detached	Affordable Rent	79m2	2	4	2
Plot 29	Bungalow	Affordable Rent	62m2	2	3	1

**Affordable Home Ownership (Shared Ownership)– total 13no.**

Plot No	Type	Tenure	GIA	No of Beds	No of Occupants	Storey
Plot 1	Semi-Detached	Shared Ownership	79m2	2	4	2
Plot 2	Semi-Detached	Shared Ownership	79m2	2	4	2
Plot 3	Semi-Detached	Shared Ownership	79m2	2	4	2
Plot 4	Semi-Detached	Shared Ownership	79m2	2	4	2
Plot 6	Semi-Detached	Shared Ownership	79m2	2	4	2
Plot 7	Semi-Detached	Shared Ownership	93m2	3	5	2
Plot 8	Semi-Detached	Shared Ownership	93m2	3	5	2
Plot 9	Semi-Detached	Shared Ownership	93m2	3	5	2
Plot 10	Semi-Detached	Shared Ownership	93m2	3	5	2
Plot 19	Semi-Detached	Shared Ownership	79m2	2	4	2
Plot 20	Semi-Detached	Shared Ownership	93m2	3	5	2

Plot 27	Semi-Detached	Shared Ownership	93m2	3	5	2
Plot 28	Semi-Detached	Shared Ownership	93m2	3	5	2

The proposed materials are indicated as brick, thin edge tile, mid grey upvc windows and doors and boundary treatments comprising brick boundary walls, close boarded timber fencing and metal railings. As part of the proposed works new and altered vehicular and pedestrian access are proposed with amendments to the footpath including additional landscaping, running through the middle of the site connecting Ivy Road with Countess Road. In addition, due to land levels a series of retaining walls are indicated on the Proposed Site Plans within garden areas. There were said to be 31no. previous parking spaces for the dwellings that once stood on the site and 59no. proposed including 7no. neighbouring property parking to the north of the site accessed off Countess Road. It is proposed that the site foul sewage will be disposed of by connection to main sewer and surface water to existing watercourse within 20m of the site as indicated in the Drainage Strategy Document and application form. It is proposed that refuse collection will be taken from Ivy Road or from the access road which edges the western boundary of the site, with bins wheeled to the front of properties on collection day. For the houses, space is proposed to be allocated for refuse and recycling bins and for the apartments it is proposed that a communal bin store will be provided in the courtyard with bin sizes and capacity in line with the Councils current requirements.

## RELEVANT PLANNING HISTORY

21/0230M – Determination for demolition of buildings – approval required – approved with conditions – 25<sup>th</sup> May 2021

17/6013D – discharge of condition 11 on application 14/5264M for demolition of 12 garages and construction of 3 no. 2 bed houses – approved with conditions – 5<sup>th</sup> February 2018

17/5844M – single storey side and rear extension – 22<sup>nd</sup> December 2017

15/4005M – two new car parking spaces adjacent existing drop off point and main entrance – approved with conditions – 12<sup>th</sup> May 2016

14/5246M - Demolition of 12no. garages currently existing on site. Construction of 3no. 2 bed family homes – approved with conditions – 10<sup>th</sup> June 2015

09/3221M – construction of single storey infill extension to form a mobility scooter store – approved with conditions

02/0257P – vehicular access – approved – 8<sup>th</sup> April 2002

78012P – proposed pitched roof – approved – 11<sup>th</sup> July 1994

76224P – formation of access provision of hardstanding and erection of conservatory to side – approved – 10<sup>th</sup> January 1994

29037P – enclosed fire escape – approved – 3<sup>rd</sup> March 1982

**Relevant Pre-Application History:**

PRE/0332/21 - Proposed demolition of Ivy House, associated bungalows and single storey garages and development of 29 no. new homes

PRE/0243/14 - Proposed Demolition of Existing Garages & Development of 105 Affordable Homes

**Relevant Policies/Legislation:**

**Cheshire East Local Plan Strategy 2017 (CELPS)**

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer Contributions

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and Well-Being

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE8 Renewable and Low Carbon Energy

SE9 Energy Efficient Development

SE12 Pollution, Land Contamination and Land Instability

SE13 Flood Risk and Water Management

CO1 Sustainable Travel and Transport

CO3 Digital Connections

CO4 Travel Plans and Transport Assessments

Appendix C – Parking Standards

**Site Allocations and Development Policies Document 2022 (SADPD)**

PG9 Settlement Boundaries

GEN1 Design Principles

GEN5 Aerodrome safeguarding

GEN7 Recovery of planning obligations reduced on viability grounds

ENV1 Ecological network

ENV2 Ecological implementation

ENV3 Landscape character

ENV5 Landscaping

ENV6 Trees, hedgerows and woodland implementation

ENV7 Climate change  
ENV8 District heating network priority areas  
ENV12 Air Quality  
ENV14 Light pollution  
ENV15 New development and existing uses  
ENV16 Surface water management and flood risk  
ENV17 Protecting water resources  
HOU1 Housing mix  
HOU2 Specialist housing provision  
HOU3 Self and custom build dwellings  
HOU6 Accessibility and wheelchair housing standards  
HOU8 Space, accessibility and wheelchair housing standards  
HOU12 Amenity  
HOU13 Residential standards  
HOU13 Housing density  
HOU15 Housing delivery  
HOU16 Small and medium-sizes sites  
INF1 Cycleways, bridleways and footpaths  
INF3 Highways safety and access  
INF6 Protection of existing and proposed infrastructure  
INF9 Utilities  
REC1 Open space protection  
REC2 Indoor sport and recreation implementation  
REC3 Green space implementation  
REC5 Community facilities

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Technical housing standards – Nationally Described Space Standard (NDSS)  
Cheshire East Borough Design Guide 2017 SPD (CEDG)  
Housing SPD  
Trees and Development SPD (TSPD)  
Designing Out Crime SPD (DOC)  
Section 106/ Planning Obligations (S106/PO SPD)  
Community Infrastructure Levy (CIL)  
Open Space Assessment (OSA)  
Strategic Housing Market Assessment (SHMA) 2013  
Housing Development Study 2015 (HDS)

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

**Responses to consultation (latest consultation responses only – previous responses to original consultation available on Council website)**

**United Utilities** – no objection subject to conditions relating to a detailed drainage strategy.

**LLFA** – Further information requested



**Environmental Protection** – No objection subject to conditions relating to low emission boilers, EV infrastructure, a Travel Plan and contaminated land

**Highways** – No objections

**Public Rights of Way** – No objections – development will not affect PROW

**Strategic Housing** – No objections

**Education** – Financial contribution to secondary education required

**Cadent Gas** – no objection subject to the use of informatives regarding safe working around gas equipment lines etc.

**Macclesfield Town Council** – no objection to the proposals subject to protection of trees, residential amenity and residents phone lines.

**Police Designing Out Crime** – made observations as follows:

- Design of recessed doors/window frames and framing overhang negative effect overall regarding natural surveillance, people may hide behind them.
- Further information required as to planting in areas of defensible space and as markers for 'enclosure' to private spaces and public spaces such as private gardens, footpaths and car parks.
- Bin and cycle stores need good observation and means of full enclosure with access controls.
- Increased surveillance required from windows on side elevation of plots with side parking, cannot just rely on passing pedestrians etc.
- Low height walls require something topping them to stop them being used as seating.
- Scheme of external lighting to be submitted to ensure safe passage for pedestrians and deter anti-social behaviour.
- Metal bar gate should be provided for the 7no. Countess Road parking spaces to ensure security.
- Flat top bollards should be replaced with a design that discourages seating.

## **OTHER REPRESENTATIONS**

**Responses received from public/local groups to the most recent set of revisions:**

2no. Letters from the public were received objecting to the proposals for the following summarised reasons:

- Insufficient on-site parking
- Increase in vehicular traffic in an area with existing congestion problems.
- Insufficient visibility due to properties placed on the corner of a highways junction.
- Lack of consideration for parking for residents of no. 61-69 Countess Road of which there are 8no. spaces available and 5no. will be removed, resulting in 5no. dwellings with 3 parking spaces where parking is an issue in the area due to proximity of schools.

1no. Letters from the public were received supporting the proposals summarised as follows:

- Provision of affordable housing
- Housing that is well-designed and laid out.



1no. Letters from the public were received making an observation about the proposals summarised as follows:

- Seeking preservation and protection of biodiversity and nature conservation throughout the construction of the development in line with the Wildlife and Countryside Act 1981.
- Sought confirmation of the protection of hedges to rear of gardens serving 62 to 64 Ivy Road from impact or damage as a result generally of the development and erection of boundary treatments etc.
- Concern that without 2.1m fencing that residents amenity would be detrimentally impacted as a result of the development.
- Traffic reduction and speed reduction measures should be considered to offset the impact of the development as a result of additional family homes with more occupants, also considering safety of pedestrians including children egressing from the school opposite.
- Insufficient parking to serve some of the houses due to increased number of occupants.

**Responses received from public/local groups to the revised package dated 6<sup>th</sup> April 2022:**

Macclesfield Civic Society – made an observation as follows:

-The revised plans retain the same approach presenting a modest, neat and restrained elevations with appropriate materials and look forward to the scheme being implemented.

3no. public comments objecting to the proposals were received regarding the following:

-The revised plans still show a new tree planted by plot 1 by the telephone pole and this should be removed as the previous tree caused issues with the phone lines.

-The proposals will result in additional traffic and parking problems on Countess Road and would detrimentally impact the safety of pedestrians including children using the school as result.

-House 25 to 37 Countess Road would lose rear access with no thought of electric vehicle charging point requirements when this need one.

1no. public comment making an observation in regards to the proposals was raised covering the following:

- Unsure of how landscaping such as trees will be maintained long term, with regards to growth and foliage drop on vehicles, pathways etc.

- The 1no. tree proposed in front of no. 66 Ivy Road is a replacement tree for one removed, however is poorly positioned as it is close to telephone poles and will cause issues with the line as the previous tree had.

- Removal of 2no. trees to the boundary line of gardens no. 66 and 68 Ivy Road will detrimentally impact nesting birds which are protected under the Wildlife and Countryside Act 1981. These trees should be retained.

- Concerned that the development may lead to damage of shared boundary hedges as a result of the development which may impact birds and bats and overall nature conservation. Hedgerows should be conserved so as to respect and protect biodiversity. The 1.8m high fences should not damage these hedgerows.

-Neighbours sharing boundaries request fence heights be 2.1m to allow for better privacy protection from overlooking into the gardens/habitable rooms of neighbours.

**Responses received from public/local groups to the February 2022 scheme:**

Macclesfield Civic Society – made an observation as follows:

- Changes from original scheme are minor and do not detract from our welcoming much need provision for dwellings under the affordable rental tenure.

Macclesfield Town Council – support the proposals however sought the inclusion of swift bricks, siting of new trees not impact telephone lines and comments from police on security.

3no. public comments objecting to the proposals were received regarding the following:

- There are currently 8no. spaces for houses no. 61-69 Countess Road and now the plans show 3no. spaces left for these 5no. houses where parking is already an issue considering school drop off/pick up. These spaces were not enough anyway for these dwellings to begin with.
- Unsure of how landscaping such as trees will be maintained long term, with regards to growth and foliage drop on vehicles, pathways etc.
- The 1no. tree proposed in front of no. 66 Ivy Road is a replacement tree for one removed, however is poorly positioned as it is close to telephone poles and will cause issues with the line as the previous tree had.
- Removal of 2no. trees to the boundary line of gardens no. 66 and 68 Ivy Road will detrimentally impact nesting birds which are protected under the Wildlife and Countryside Act 1981. These trees should be retained.
- If a bungalow was built behind hedgerow of no. 60 Ivy Road it would be at a higher level and would prevent sun reaching the existing residential neighbours gardens.
- Insufficient space on the site to house all the dwellings and will prevent existing neighbours being able to implement rear located electric vehicle charging points or parking spaces.

2 public comments made an observation as follows:

- Concern at loss of trees to bottom of garden at boundary line of 66-68 Ivy Road which are nested by birds. Any development should be aware of Wildlife and Countryside Act 1981 re. offence to destroy birds nests.
- Loss or insertion of telephone lines near trees.

### **Responses received from public/local groups to the original scheme:**

Macclesfield Town Council – support the application as it provides diversity and affordability of homes with plenty of amenity space though seeks conditions to secure construction hours and noise management/dust during the construction of the development as the site is opposite a primary school.

Macclesfield Civic Society – made an observation as follows:

- The redevelopment of the site to provide affordable housing in various tenures is welcomed.
- The design and layout is well thought out and to the standard expected from both the applicant and their architects, with restrained elevations and careful materials vocabulary this has the potential to be outstanding.
- The usual assessment of impact on site features and neighbours amenities will require undertaking.

2no. Public comments were received making observations in respect of the proposals:

- Good to see the plans support provision of natural wildlife areas including bat and bird boxes.
- Concerned that the development may lead to damage of shared boundary hedges as a result of the development which may impact birds and bats and overall nature conservation.

Hedgerows should be conserved so as to respect and protect biodiversity. The 1.8m high fences should not damage these hedgerows.

-Neighbours sharing boundaries request fence heights be 2.1m to allow for better privacy protection from overlooking into the gardens/habitable rooms of neighbours.

-The payment of £65,370 due to shortfall on primary and secondary school places does not appear to compensate for a lack of school plans, when school places are already at capacity? What will this payment be used for and how will it be used to create additional pupil availability?

-Queries whether wider road layouts and speed reduction techniques will be implemented on Ivy Road as a result of the development given Ivy Road already has significant issues with speed and traffic usage and that the development will add to this through the additional larger dwellings with multiple cars, trip generation, drop off at St Johns school etc. Further assessment of the Ivy Road situation should be undertaken with solutions to these existing problems brought forward.

-Further to the Phase II assessment what measures will be taken to prevent adjacent residents exposure/affects by inhalation of elevated levels of potential contamination during the construction of the new houses. During the demolition of the Ivy House bungalows and flats residents were already exposed to dust even with the considerate contractors dust suppression in place, which impacts health adversely.

-Support the replacement of existing garages with parking spaces.

1no. public comments were received objecting to the proposals based on the following:

- Currently 8no. spaces for no. 61-69 Countess Road but plans only show 3no. spaces for 5no. houses where there are already parking issues for those on Countess Road and also during school drop off and pick up.
- Insufficient information regarding how boundary treatments will be placed, accessed and maintained against Countess Road properties.
- Insufficient information regarding trees and hedgerow planting, retention and maintenance as residents already face issues maintaining these due to bin sizes.

## **OFFICER APPRAISAL**

### **Principle of the development**

The site is located within the Macclesfield Principal Town settlement boundary as defined by policy PG9 Settlement Boundaries of the SADPD. In accordance with policy PG2 Settlement Hierarchy of the CELPS, it is in these locations that significant development will be encouraged to support their revitalisation, recognising their roles as the most important settlements in the borough. It is in these areas that 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 principle of development of 29no. C3 Use Class residential dwellings on a site that has formerly provided this within this settlement boundary location is therefore considered acceptable. The development would also directly respond to policies such as SE2 Efficient Use of Land as it encourages the re-use of previously developed land and buildings.

### **Housing Mix**

Between the listed policies, guidance and supporting studies/assessments, which seek an appropriate mixture of dwellings in terms of their types, facilities and tenure it new development

should contribute to the creation of sustainable and mixed communities in line with the specific needs for that settlement or location.

Policy SC4 Residential Mix of the CELPS states that *'1.New residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. This could include Key Worker Housing and people wishing to build or commission their own home.*

*2.To meet the needs arising from the increasing longevity of the borough's older residents, the council will require developers to demonstrate how their proposal will be capable of meeting, and adapting to, the long term needs of this specific group of people. This would include the provision of a variety of dwelling types and other measures to support Health and Wellbeing and independent living through new developments that recognise the needs of older people, those with dementia and other vulnerable people; this will include developing dementia-friendly communities.'*

Policy SC5 Affordable Homes of the CELPS states that *'1. In residential developments affordable housing will be provided as follows:*

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

*iii.in future where Cheshire East Council evidence, such as housing needs studies or housing market assessments, indicate a change in the boroughs housing need the above thresholds and percentage requirements may be varied;*

*2.Units provided shall remain affordable for future eligible households or for the subsidy to be recycled for alternative affordable housing provision;*

*3. The affordable homes provides must be of a tenure, size and type to help meet identified housing needs and contribute to the creation of mixed, balanced and inclusive communities where people can live independently longer;*

*4. Affordable homes should be dispersed throughout the site, unless there are specific circumstances or benefits that would warrant a different approach;*

*6. The Council will seek to improve choice and increase supply of affordable homes to reflect that housing markets change over periods of time and therefore the products that are made available to help people access rented and other affordable housing need to change to meet these market conditions.'*

Policy HOU1 Housing mix of the SADPD states *'1. In line with LPS Policy SC 4 'Residential mix', housing developments should deliver a range and mix of house types, sizes and tenures, which are spread throughout the site and that reflect and respond to identified housing needs and demands. Taking account of the most up to date housing needs and demand information, national policies and where relevant, neighbourhood plan policies, a housing mix statement should be provided at detailed planning/reserved matters stage for all major housing schemes on how the proposed housing mix and type on the site responds to:*

- i. assessments of housing need including house types, tenures and sizes using Table 8.1 'Indicative house type tenures and sizes' as a starting point for analysis;*
- ii. assessment of the local housing market and its characteristics;*
- iii. character and design of the site and local area reflecting on the scheme's ability to accommodate a mix and range of housing; and iv. the requirements of Policy HOU 3 'Self and custom build dwellings'.*

2. *The housing mix statement should demonstrate how the proposal would address the needs of particular groups in the borough including first time buyers, those wishing to self build, families, the requirements of an ageing population and those also wishing to downsize.*
3. *The housing mix statement should also address how the proposal will be capable of meeting, and adapting to, the long term needs of the borough's older residents including supporting independent living.*
4. *Housing developments that do not demonstrate an appropriate mix on the site will not be permitted. Where a housing mix statement is required, the council will consider the extent to which it addresses the factors outlined above in determining whether a scheme provides for an appropriate housing mix on site.'*

Further to this policy HOU8 Space, accessibility and wheelchair housing standards states that '1. *In order to meet the needs of the borough's residents and to deliver dwellings that are capable of meeting people's changing circumstances over their lifetime, the following accessibility and wheelchair standards will be applied.*

- i. *For major developments:*
  - a. *at least 30% of dwellings in housing developments should comply with requirement M4 (2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings; and*
  - b. *at least 6% of dwellings in housing developments should comply with requirement M4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings.*
- ii. *For specialist housing for older people:*
  - a. *all specialist housing for older people should comply with M4 (2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings; and*
  - b. *at least 25% of all specialist housing for older people should comply with requirement M4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings.*

2. *The standards set out in Criterion 1 will apply unless site specific factors indicate that step-free access cannot be achieved or is not viable. Where step-free access is not viable, the Optional Technical requirements in part M of the Building Regulations will not apply.*
3. *Proposals for new residential development in the borough should meet the Nationally Described Space Standard. The standard will apply from six months after the date of adoption of the plan.'*

The site covers a 0.93ha area proposing 29no. dwellings, which would be in line with the aims of emerging policies HOU14 and HOU16 which support small to medium scale residential development of up to 30no. dwellings and for residential schemes that generate a new density of at least 30 dwellings per hectare particularly for those in Principal Town locations such as this. The proposed density and overall number of dwellings, based solely on housing density/number expected (design/amenity considered below) is therefore considered to be acceptable. In terms of the size and adaptability of housing the proposals would meet the requirements set out in the NDSS and HOU8 providing much needed single level and four-bedroom family homes of required tenure.

Paragraph 12.48 in the justification section for policy SC5 states 'The council will seek the balance of housing that best meets local needs and the characteristics of the site. Currently, this is 65% affordable (or social) rent housing and 35% intermediate affordable housing. The council may refine both the headline percentage, tenure split and any geographical variation as



*the plan progresses. Any future requirements will be determined through evidence such as the Strategic Housing Market Assessment and local housing needs surveys.'*

With regard to policy SC5 of the CELPS the scheme would exceed the 30% threshold for affordable dwelling provision on site by providing 100% affordable homes. Whilst no market units are proposed, the previous dwellings were also housing association/affordable units, as such concern is not raised that the development would result in a proliferation of affordable units, which would lead to an unbalanced or non-sustainable community within the immediate area, which already has an appropriate mixture of market and housing association/affordable and assisted living residential housing developments. The owners and managers of the site, Peaks and Plains Housing Trust, are a Registered Provider of Affordable Housing within Cheshire East, therefore the replacement housing scheme would be very similar, albeit instead of directed towards older persons, it will be directed largely at family accommodation.

The proposed scheme will provide a 100% affordable housing scheme with tenure split as a 45% Shared Ownership and 55% Affordable Rent mix, in excess or differing to policy requirements. In comparison a policy compliant scheme, based on a market development with 30% affordable dwellings on site, would equate to 9no. of the 29no. dwellings being affordable and a split of 6no. affordable rent and 3no. intermediate tenure (shared ownership). The Strategic Housing Officer raised no objections to the proposals as they consider the development would assist in meeting the rented and intermediate housing needs for Macclesfield as highlighted in the SHMA and other updated housing documents. The SHMA update recognises the need in Macclesfield for affordable housing for two and three bedroom homes as a priority, alongside the additional need to provide bungalows, which this development would make a meaningful contribution towards. The proposed tenures albeit all affordable, are otherwise appropriately distributed across the site in terms of siting considering 'pepper-potting'. The Strategic Housing Officer seeks the securing of the affordable housing via use of s106 agreement that:

- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

## **DESIGN / CHARACTER**

Between them the policies and guidance listed above relating to design seek that new development is of an appropriate size, scale and design that is commensurate to the character of the area in which it would be situated, whilst championing higher quality design to enhance and improve the wider borough.

The proposals have been reviewed by the Urban Design Officer who raises no objection to the proposals. They note that the revised proposals, which has followed on from a pre-application enquiry and earlier design consultation in the lifetime of the application, is now a sympathetically designed scheme that sits comfortably in the location and as such is supported on design grounds. The Design Officer notes that the building lines are effective, active frontages are well-located and levels of passive surveillance are good. They also comment that the proposals

accommodate the various changes in topography well with a suitable hierarchy of streets, being predominantly shared surface. The Design Officer notes the landscaped footway that bisects the site along an easement to be a highlight of the scheme. It was also noted that the scale and massing of dwellings reflects the immediate local area comprises of single and two storey dwellings and is softened by stepping of the roofline to reflect levels. The architectural design is considered to be clean and crisp with elevations of depth having good articulation taking reference from a local contextual study, reinterpreting it in a contemporary way avoiding pastiche. There have been clear efforts to ensure even on rear or side elevations that face the public realm that there are interesting architectural details that enhance and provide features within the streetscene, also providing windows that directly overlook public spaces or parking areas, to ensure good visually activity. The indicated simple material palette is strong with subtle variation in brick type and detailing with recessed areas and is considered to be effective.

At this time as the specific facing materials, windows, doors, wet verges, rainwater goods etc. are yet to be confirmed suitably worded planning conditions are recommended to secure these elements should approval be recommended. Subject to conditions it is considered that the proposals are in compliance with the listed policies and guidance covering design and local character.

## **LIVING CONDITIONS**

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

With regard to residential amenity, during the course of the public consultation, concern was raised that due to the land levels of the proposals and proximity to existing neighbouring form that this could lead to privacy and loss of light issues due to overbearing development following overdevelopment of the site that causes shadowing or overlooking as a result.

HOU13 Residential Standards of the SADPD sets out that housing development should generally meet the standards for space between buildings as set out in Table 8.2 'Standards for space between buildings' unless the design and layout of the scheme and its relationship to the site and its characteristics provides an adequate degree of light and privacy between buildings.

Table 8.2 is as follows:



Position/height of building	Standards for space between buildings from the centre line of any window
<b>1. Habitable room facing habitable room or facing non-residential buildings</b>	
1 or 2 storeys	<ul style="list-style-type: none"> <li>• 18 metres front to front of buildings</li> <li>• 21 metres back to back of buildings</li> </ul>
3 storeys or upwards	<ul style="list-style-type: none"> <li>• 20 metres front to front of buildings</li> <li>• 24 metres plus 2.5 metres per additional storey back to back of buildings</li> </ul>
<b>2. Habitable room facing non-habitable room</b>	
1 or 2 storeys	<ul style="list-style-type: none"> <li>• 14 metres</li> </ul>
3 storeys or upwards	<ul style="list-style-type: none"> <li>• 2.5 metres per additional storey</li> </ul>
<b>3. Allowance for differences in level between buildings</b>	
All cases where 1 and 2 (above) are applied and difference in level exceeds 2 metres	<ul style="list-style-type: none"> <li>• Add 2.5 metres to distance</li> </ul>
Each further 2 metres difference in level	<ul style="list-style-type: none"> <li>• Add additional 2.5 metres per 2 metres difference in level</li> </ul>

**8.63** A habitable room is any room in a house except the hall, stairs, landing, toilet, bathroom, and kitchen, unless the kitchen is a kitchen diner.

**8.64** The space criteria apply where the sole or principal window in the habitable room faces:

- in the case of 1, another habitable room; or
- in the case of 2, a blank wall or a wall that contains obscure glazing only.

The layout, orientation and distancing between each dwelling is considered to be acceptable providing good levels of private external amenity space commensurate with the immediate area. Internally the dwellings proposed are laid out in a pattern that either achieves the recommended spatial standards above, or where they are at distances slightly lower than those listed above (see below list where this applied for clarity), are staggered their siting, plan and elevational layouts (placement of habitable room windows or form also staggered to avoid direct views into rooms/gardens) so that they would not result in detrimental impacts on future occupants amenity. The internal layout of the proposed development adequately allows for adequate light to habitable rooms, privacy and would not result in overbearing or overlooking impacts overall. Where there are lower distance standards for habitable rooms of living rooms, kitchen/diners and bedrooms this is also considered acceptable as the majority of the plots highlighted also have windows in at least 2no. elevations to allow for adequate light and amenity and lessen overbearing impacts.

- Block 1 – Block 12 = minimum 19m rear to rear
- Block 2 – Block 11 = minimum 20m rear to rear
- Block 3 – Block 11 = minimum 19m rear to rear
- Block 3 – Block 4 = minimum 14m front habitable rooms to front non-habitable rooms
- Block 4 – Block 10 = minimum 9.5m rear habitable room to blank wall (only partial due to placement of first floor bedroom window)

- Block 5 – Block 10 = minimum 9.5m rear habitable room to blank wall (only partial due to placement of first floor bedroom window)
- Block 6 (Plot 12) – Block 7 = minimum 9.5m rear habitable room to blank wall (only partial due to placement of first floor bedroom window), Plot 11 of Block 6 to Block 7 14m is met.
- Block 9 – Block 10 – minimum 12.5m rear habitable room to black wall on bungalow (only partial due to placement of first floor bedroom window)

Side windows are provided to those with side driveways to allow passive surveillance and additional light into habitable rooms. This responds to the comments provided earlier in the application lifespan from the police.

Due to the levels and the orientation and number of stories proposed for the development it is not considered that as a result the existing satisfactory amenity relationship of existing neighbours on Countess Road or Ivy Road are detrimentally impacted subject to the use of planning conditions to secure appropriate landscaping. Externally the spatial distances achieved between proposed dwellings and existing dwellings are as follows:

- Blocks 1 to 6 – dwellings on Ivy Road and Saint John the Evangelist Primary School = all distance standards exceed or met
- Block 6 – Bransdale Way = all distance standards exceed or met
- Block 7 – Bransdale Way = all distance standards exceed or met
- Block 8 – Bransdale Way = all distance standards exceed or met
- Block 8 – Countess Road = minimum 11m side blank wall to rear elevation (staggered)
- Block 9 – Countess Road = minimum 21m front to rear habitable room windows (Countess Road dwellings set at higher topographical level)
- Block 11 – Countess Road = minimum 20m side to rear habitable rooms
- Block 12 – Countess Road = minimum 21m front to rear habitable room windows (Countess Road dwellings set at higher topographical level)
- Block 13 – Countess Road = minimum 13m from blank wall to rear habitable room windows (Countess Road dwellings set at higher topographical level).

Whilst spatial distances between buildings are considered to be acceptable to ensure ongoing amenity protection from privacy, overlooking and overdevelopment it is considered reasonable in this instance to seek the removal of Classes A to E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This is also with regards to the proposed density.

In terms of contamination and pollution, the application is supported by a Phase I and Phase II Ground Assessment Appraisal. The Environmental Health Officer has reviewed the proposals and supporting documents and raises no objections. In respect of contaminated land they noted that 'The reports, Sutcliffe reference 31470-SUT-ZZ-00-RP-G-701-0001, dated January 2021 and Sutcliffe reference 31470-SUT-ZZ-00-RP-G-702-0002, dated July 2021, submitted in support of the application recommend that a remedial strategy be developed.' The Environmental Health officer noted that they were in agreement with that report and strategy but *'have several observations and comments regarding the reports:*

*-References to CLR11 and the null hypothesis test were made within the report. These were superseded in 2020 by [Land Contamination Risk Management \(LCRM\)](#) and the Professional guidance: [Comparing soil contamination data with a critical concentration](#).*

*-It is noted that site investigation works were pre demolition, did not cover the full extent of proposed residential development and the locations may not have been in areas of particular sensitivity, such as gardens. Given the identified low risk the site presents, these matters can be addressed either before the development of a remedial strategy or as part of enabling works within the strategy.*

*-A ground gas risk assessment was undertaken, and gas protection measures have been recommended. It is noted that the made ground encountered was low in organics (other than the presence of cinder and natural peat, though these locations were not monitored for gas). It is also noted that all the response zones were below the made ground.*

*Reference was made to a site wide strip of soil. The sustainability of this proposal should be considered given the limited contamination identified to date.'*

Following on from this the Environmental Health team seek the use of planning conditions to secure the following of which the details are not presently within the supporting documents and are required but not on a prior to determination basis: Sustainable Travel Plan submission on a prior to first occupation basis to secure sustainable travel methods uptake; Prior to commencement Phase II ground investigation report with remediation strategy if applicable; prior to first occupation Verification Report submission following on from any approved Remediation Strategy; Prior to importation to site basis any new soil forming materials testing evidence submission plus any relevant verification information and previously undiscovered contaminated land. In addition to this informatives are recommended to be attached to any approval of the development covering construction hours and duty to adhere to the regulations under Part 2A of the Environmental Protection Act 1990.

The Environmental Health officer also requested that an ultra-low emission boiler per dwelling, 1no. electric vehicle charging point location and specification to be confirmed via planning condition on a prior to occupation basis, 10% capacity electric vehicle charging point provision for apartments with location and specification secured via planning condition. Notwithstanding this as these elements are covered by Building Regulations, it is not considered these recommended conditions would meet the tests for the use of planning conditions as they do not specifically coincide with any planning policies or guidance adopted at the moment and to this end will not be attached as a planning condition as this would be unnecessary duplication.

The Environmental Health officer also recommended for the following informatives be attached to any decision notice to secure pile foundations details and a site specific dust management plan. On this occasion as it is a major development surrounded by sensitive residential development it is considered that these instead should be secured by condition to ensure the protection of amenity covering dust, noise and vibration etc. during the construction period of the development. In addition following comments from the police it is also considered sensible to secure external lighting scheme via planning condition from the development from a safety perspective and also with regards to protecting amenity from external light sources for future and neighbouring occupants.

The proposals are considered to be in compliance with the listed policies and guidance regarding residential amenity and pollution control subject to the use of conditions attached to any approval of the development.

## **HIGHWAYS**

Between them the listed policies and guidance seek that new development deliver safe, sustainable, high quality, integrated transport systems that encourage a modal shift away from car travel to public transport, cycling and walking; supportive of the needs of residents and businesses and preparing for carbon free modes of transport.

During the course of the application concerns were raised by members of the public regarding a lack of parking for the dwellings on site, detrimental impacts on highways safety and flow as a result of additional vehicle movements due to additional occupants at the site and a need for implementation of traffic calming and speed reduction at the development in the interests of wider area users such as the school. Concern was also raised at a loss of parking for the residents of no. 61-69 Countess Road which as a result of the development is stated there will be a reduction in off-road parking available for them.

Blocks 1 – 3 will have new dropped kerb accesses formed off Ivy Road leading to their individual driveways between existing trees. As part of the development the existing level access to Ivy Road will be slightly re-aligned to provide access to shared surface driveway leading to the individual driveways of Blocks 4 – 6. To the west the existing access from Countess Road will be re-utilised and it is proposed that the arms of the highway running north and south leading to Blocks 7-9 and Blocks 11-13 will become an adopted highways surface. From this adopted roadway will be areas of shared surface of different material texture leading to the individual driveways or shared surface parking for the relevant plots. The Highways Officer raised no issue to these accesses noting that swept paths provided show adequate access and tracking for all vehicles including delivery/service vehicles and also adequate siting of bin stores. They did note that an s184 licence would be required separate to planning to form the accesses onto the surrounding adopted highways network. A condition requiring a Construction Management Plan to be submitted is recommended to protect the highways network during the construction stage of the development.

The following parking requirements apply to this development:

- One bedroom dwelling – 1no. space
- Two bedroom dwelling – 2no. spaces
- Three+ bedroom dwelling – 2no. spaces

For surface parking a minimum dimensioned area of 4.8 x 2.5m is required and where this leads onto a road or shared manoeuvring surface the aisle width required would be 6.9m for two-way routes and 6m for one-way routes. In addition to this 1no. secure cycle parking space per dwelling is also recommended.

In respect of these minimum requirements and recommendations all of these have been met as part of the revised plans and it is noted there is a great improvement on the siting and location of surface vehicle and cycle parking provision compared with the original scheme. The improvements include less frontage vehicle parking which allows the architecture of the dwellings and their landscaping to be the prominent form on site rather than parked vehicles through the use of tucked away side parking and overlooked cycle parking facilities surrounded by landscaping.

Notwithstanding comments received from the public the Highways Officer has confirmed they have no objection to the proposals subject to the use of conditions. Taking into account the small-scale nature of the proposals and noting that the number of dwellings on this site is reduced and form larger family units, it is not anticipated that there would be a detrimental



impact on the surrounding highways network in terms of trip rates and additional vehicles as a result of the development. The site is already well-connected to the surrounding Macclesfield settlement with pavements to either side of Countess Road and Ivy Road, to this end no improvements to pedestrian infrastructure are warranted either. No objections have been raised by the Public Right of Way Officer either noting the retention of the adopted highways footpath from Ivy Road to Countess Road (not a PROW) and upgrading as a result of the development.

As part of the works several garages are to be removed to facilitate the development. The garages to the most northerly corner were previously used and accessed by the residents of 25-37 Countess Road, 7no. properties total. The garages and parking areas are within the applicant's ownership and management area. The proposed development includes 7no. replacement surface parking spaces for these properties retaining the existing access point albeit securing further details of the gate. It is proposed that the applicant will continue to maintain these 7no. parking spaces. Overall it is considered the impact on the highways network as a result of the proposed development will be limited. The number of parking spaces per property meets the recommended parking provision for the area, noting there is also unrestricted parking available and utilised on Countess Road. It is recommended that details of the access gate to this parking area is secured by condition.

Taking into account the above it is considered that the development is in compliance with local and national planning policies and guidance covering highways safety and parking subject to conditions relating to parking (vehicle and cycle) and access.

## **BIODIVERSITY AND GEODIVERSITY**

Between them the listed policies and guidance seek that all development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. Where appropriate, conditions will be put in place to make sure appropriate monitoring is undertaken and make sure mitigation, compensation and offsetting is effective.

During the course of the application concern was raised by the public at the loss of habitats and nature from the site as a result of the development including loss of some trees.

The application is supported by various bat and habitat surveys, Biodiversity Impact Assessments, Tree Surveys and Assessments. The application has been reviewed by the Nature Conservation Officer who considers that whilst the bat and bird boxes proposed on Landscape General Arrangements plan Rev. H are acceptable and should be installed on a prior to first occupation basis and retained thereafter. The DEFRA Biodiversity Metric indicates a loss of 0.94 Biodiversity Units (-39.36%). In order to comply with the requirements of policy SE3 of the CELPS off-site habitat creation would be required (with the applicant ideally working in partnership with a suitable habitat provider to deliver sufficient biodiversity units to achieve a net gain)

This would require a financial contribution to secure off-site habitat creation (net gain) at 0.94 Biodiversity Units (alongside on-site bat/bird enhancement features) via purchasing of such units from a suitable habitat provider. £16,980 per habitat unit, plus Council administration fee of £1,200 per habitat unit  $((16,980 \times 0.94) + (1,200 \times 0.94)) = £15,961.20 + £1,128 =$

**£17,089.20.** The direction of spend for the off-site habitat creation will be confirmed by way of committee update.

Subject to securing this the proposals would be in compliance with the listed policies and guidance covering Nature Conservation, biodiversity and geodiversity.

## **TREES, HEDGEROWS AND LANDSCAPE CHARACTER**

The listed policies and guidance above seek to protect the continued health and life expectancy of trees, hedgerows or woodlands and where loss of or threat to them is proposed development will not normally be permitted unless there are clear overriding reasons for allowing development and that there are no suitable alternatives. Where such impacts are unavoidable, development proposals must satisfactorily demonstrate a new environmental gain by appropriate mitigation, compensation or offsetting. The policies and guidance also seek that all development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes.

To Ivy Road is an established street tree line and the southern boundary of the site also has a tree line to Bransdale Way. These trees are not formally protected, but do provide positive visual relief and softening of the streetscene. The application is supported by a Tree Survey Schedule, Arboricultural Method Statement and several other Site and Landscaping Plans. Trees throughout the site, to boundaries and grass verges comprise mature: Norway maple; Sycamore; Cherry; Whitebeam; Lawsons Cypress; Holly; Mahonia; Cypress and Lime.

The Forestry Officer has reviewed the proposals and noted that a full AIA in accordance with BS5837:2012 Trees in relation to design, demolition and construction does not support the application. The documents that do support it does not provide the level of information normally expected to assess the impacts of development upon trees. During the course of the application the Forestry Officer has noticed that the Proposed Site Plans and associated Landscaping Layouts indicate that 13no. trees are scheduled for removal due to their quality and to facilitate the development: 2no. Norway Maple, 3no. Cherry, 2no. Whitebeam, Holly, Mahonia, Cypress and 3no. Wild Cherry. Also, they sought a plot switch of block 8 to allow for further distancing from the trees to the west, so to avoid the feeling of over-dominant trees or encourage felling or pruning as a result of the development, which has been actioned in the revised proposals.

In terms of trees sought for removal, it was noticed from site visit that some of this had already taken place prior to the determination of the application. The Forestry Officer notes that the removed trees are of moderate quality B category trees, within the site edged red. They noted *'Ordinarily confirmation regards the number and quality of tree removals would be expected in advance of determination to ensure that adequate mitigation is provided for any accepted tree loss in accordance with Policy SE5. Offsite trees along the southwest boundary and a number of trees along Ivy Lane remain, although no evaluation of the impact of the proposal on these trees has been submitted in terms of above ground relationships with the development, construction in the RPAs, the impacts of levels changes, drainage or visibility splays for access, or any pruning requirements.'*

Further to this the Forestry Officer notes that Group G3 high quality A category Lime trees located off-site along Bransdale Way are considered to make an important contribution to the visual amenity of the area. They note that further to previous comments that the proximity of block 8 to these trees has been increased providing a distance of 8m from the stem centre of these 15m high trees, which though improved is still considered close with regards to their future growth potential. It was further noted that opportunities exist to provide greater separation between the development and trees along Bransdale Way, although it is accepted that the relationship is not dissimilar to that which existed previously with the demolished dwellings, therefore on balance the layout is considered to be broadly defensible. The Forestry Officer noted the Nature Conservation Officers comments regarding biodiversity loss arising from the development as calculated in the BNG assessment and the provision via planning obligation/financial contribution to secure off-site habitat creation. The Forestry Officer notes it is not clear if the BNG calculations take into account the loss of trees formerly present and removed prior to determination. Losses occurred should be mitigated for either on or off-site to demonstrate Environmental Net Gain. No issues are raised at the other trees set for retention as part of the proposed development as this would continue the visual green and tree lined aesthetic of both Ivy Road and Bransdale Way. Overall, the Forestry Officer does not object to the scheme subject to conditions relating to a tree protection plan and arboricultural method statement.

In general, no issue is raised as to the proposed landscaping of the site of which detailed planting, boundary treatment, hard-surfacing, levels and retaining walls details have been provided. The site will still benefit from the existing street tree framing and the soft landscaping proposed is commensurate with the domestic style of landscaping within this immediate area. The adopted footway through the centre of the site will benefit the most from the development with wildflower and bulb planting and a more soft, managed aesthetic to it creating a pleasant pedestrian connection to housing to the west. The Urban Design Officer indicated this as a highlight of the scheme. As the scheme has been amended over time to carefully lay out hardstanding for parking to the side of dwellings to promote architecture and soft landscaping as the key visuals for the site, it is recommended that permitted development rights for the insertion of additional or amended boundary treatments, new vehicular accesses and hardstanding are removed from each dwelling for any approval issued, to ensure a sensitive development with a clear architectural and landscape narrative. Subject to the use of conditions and informatives it is considered that the proposals are in compliance with the listed policies and guidance covering landscaping and trees.

## **FLOOD RISK AND WATER MANAGEMENT**

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

An existing foul water sewer easement runs across the site from east to west along the adopted footway from Ivy Road to Countess Road and then across and under Ivy Road and a surface



water sewer easement also from north to south under the tree line to Ivy Road and around the corner to Bransdale Way. It is noted that the government flood risk map shows that part of the site has a medium and high risk of surface water flooding.

The application is supported by a Drainage Strategy and Flood Risk Assessment. This has been reviewed by United Utilities (UU) and the LLFA who do not object subject to the submission of a more detailed strategy for foul and surface water, and finished floor levels being a minimum of 300mm above the surrounding ground level to ensure safety from surface water flooding. The LLFA also queried the proposed drainage strategy usage of attenuation tanks and discharge routes into culverted watercourses and if these go through third party land. The LLFA sought the use of CCTV surveys of any outlets that watercourses are to discharge into and confirmation of new and existing pipework. With this said there were previously dwellings on the site and albeit in a different layout they were able to successfully drain into surrounding networks etc. To this end it is considered that subject to the use of conditions to secure the submission of a detailed surface and foul water drainage strategy taking into account comments from the LLFA and UU that the development is in compliance with the relevant policies and guidance on this subject.

## **OPEN SPACE**

Between them the listed policies and guidance seek to protect and enhance existing areas of Protected Open Space. The site includes some areas highlighted in policy constraints mapping as Protected Open Space.

The relevant area within is included in the Council's Open Space Assessments (OSA) as site WE29 and is therefore classed as open space and protected by local plan policies SE6 and REC1. The description given for WE29 is *'Bungalows south of Ivy House – Site Description – Grass verges and amenity space provided for the bungalows – total area – 0.15ha – overall quality award – good – reviewed 21<sup>st</sup> August 2017'*.

Policy SE6 of the CELPS states *'Cheshire East aims to deliver a good quality, and accessible network of green spaces for people to enjoy, providing for healthy recreation and biodiversity and continuing to provide a range of social, economic and health benefits. This will be done by:*

- 4. Strengthening the contribution that sport and playing fields, open space and recreation facilities make to Cheshire East's green infrastructure network by requiring all development to:*
- i. Protect and enhance existing open spaces and sport and recreation facilities;(66)*
- ii. Encourage multiple use and improvements to their quality;*
- iii. Provide adequate open space (as outlined in Table 13.1);*
- iv. Contribute to the provision of outdoor sports facilities in line with Policy SC 2;*
- v. Create or add to the networks of multi-functional Green Infrastructure;*
- vi. Secure new provision to help address identified shortages in existing open space provision, both in quantity, quality and accessibility;*
- vii. Locate open space facilities in appropriate locations, preferably within developments;*
- and*
- viii. Promote linkages between new development and surrounding recreational networks, communities, and facilities.'*

Policy REC1 of the SADPD states *'1. Development proposals that involve the loss of open space, as defined in Criterion 2 below, will not be permitted unless: i. an assessment has been*

*undertaken that has clearly shown the open space is surplus to requirements; or ii. it would be replaced by equivalent or better open space in terms of quantity and quality and it is in a suitable location; or iii. the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss. 2. The types of open space to which this policy applies includes: existing areas of open space shown on the adopted policies map, such as formal town parks, playing fields, pitches and courts, play areas, allotments and amenity open space; other incidental open spaces, which are too small to be shown on the adopted policies map, but which are of public value for informal recreation or visual amenity; and open spaces provided through new development yet to be shown on the adopted policies map.'*

Concern was raised by the Open Space Officer regarding the loss in its entirety of this area of open space without consideration of the loss or whether mitigation in the form of securing other open space off site has been investigated. They noted that the highlighted areas of Protected Open Space 'were included along Ivy Road as it was felt that together with open space in the area, they made a significant contribution to the public realm and amenity of the area'. The Open Space Officer noted that the immediate locality is a busy area close to schools and shops with lots of traffic and the green spaces running along this road provided a more attractive environment and access to green space. They further noted that the Weston estate to the east of Ivy Road is a dense area of housing, with long acknowledged deficiencies in open spaces of all types as such smaller areas such as those allocated on this site are important in contextual setting, also noting the connecting link from Countess Road.

From the description provided in the OSA for the Protected Open Space on site, it is clear that these were directly for the bungalows that once stood on the site and for the amenity of its former residents. It is also clear that the spaces were not playing pitches or playgrounds of any kind noting the various signage once affixed to the bungalows discouraging ball games. However, as these bungalows have now been demolished it is logical to conclude that the functional value of these spaces has dissolved, which provides positive weight in argument for their loss. The size of existing Protected Open Space at the site marked on GIS constraints mapping amounts to 3853sqm or 0.38ha.

As part of the proposals 3550 sqm or 0.355ha of private external amenity space and 1070sqm or 0.107ha of amenity/public open spaces will be created.

The Open Space Officer noted that the proposed loss in part may be offset by a LAP (Local Area of Play) or similar, around the link with Countess Road which may help integrate the new scheme with surrounding community. It was confirmed that if on site open space provision was lost in its entirety or provided in part that the following commuted sums (financial contributions) to fund off-site open space areas/projects would be required with directed spend towards Public Open Space and Outdoor Sport/Recreational Open Space at Weston Playing Field and Play Area (to west of site) taking into account areas of amenity/public open space proposed as part of the new residential development. This is as taken from the S106 SPD.

#### Open Space contribution

£3,000 per family dwelling or £1,500 per bedspace for apartments this would equate to the following:

23no. family dwellings x £3,000 = £69,000

6no. one bedroom, two person apartments = 12no. bedspaces x £1,500 = £18,000.

Total open space off-site financial contribution required = **£87,000.**

### Outdoor sport and recreation contribution

In respect of Outdoor sports and recreation the following financial contribution towards off-site project would be generated and therefore required as a result of the development.

23no. family dwellings x £1000 = £23,000.

6no. one bedroom, two person apartments = 6 x £500 = £3,000.

The total Outdoor sports and recreation off-site financial contribution required would therefore equate to **£26,000.**

Notwithstanding the loss of Protected Open Space for the previous bungalows, it is considered that as they no longer exist that the loss can be justified on this occasion as other areas of public open space are provided that are an enhancement on the previous offer such as the landscaped adopted footway between Ivy Road and Countess Road for the development which achieves a better density, layout and design. It is also worth noting comparing the building footprints of what previously existed on the site (block of flats, bungalows and garages) of 1683sqm and that proposed 1496sqm, that the built footprint on the site is actually less than what previously existed and there are still areas of landscaping albeit in private domains. In addition, the landscaping proposed retains the street trees and improvements in the layout of the site amended during the application result in parking down the sides of properties which help to still give the site an open, leafy feel which is a characteristic and reason why the open spaces were protected and more generally that of Ivy Road. The proposals also provide for much needed affordable family housing including single storey bungalows and four bedroom houses which bares positive weight in justifying loss in part of open space on the site. To mitigate for the difference in the existing defined Protected Open Space and that proposed to be provided as part of the development it is considered reasonable that financial contribution/planning obligations are secured for the off-site projects highlighted. Subject to this it is considered that, on balance, the proposals would adhere to local and national planning policies and guidance on this subject.

## **INFRASTRUCTURE**

Policy IN1 of the CELPS sets out that '*2. The council will also require new and improved social and community facilities, utilities infrastructure and other infrastructure to be provided in a timely manner to meet the needs of new development as they arise so as to make a positive contribution towards safeguarding and creating sustainable communities, promote social inclusion and reduce deprivation.*'

Policy INF2 of the CELPS explains that developer contributions will be sought to make sure that the necessary physical, social, public realm, economic and green infrastructure is in place to deliver development, which will be used to mitigate the adverse impacts of development (including any cumulative impact). Such contributions will help facilitate the infrastructure needed to support sustainable development.

Policy SD1 Sustainable Development in Cheshire East sets out that '*In order to achieve sustainable development in Cheshire East, the following considerations to development will apply. Development should wherever possible:*

*3. Contribute to the creation of sustainable communities;*

4. Provide appropriate infrastructure to meet the needs of the local community including: education; health and social care; transport; communication technology; landscaping and open space; sport and leisure; community facilities; water; waste water; and energy.'

Taking into account the proposals and these policies it is important to consider what impact the development would have on these elements of infrastructure and local services or facilities.

#### Healthcare

NHS Estates were consulted on the proposals and confirmed that as a result of the additional occupants generated from the development a financial contribution of **£27,559** directed towards Waters Green medical centre improvements, would be required to ensure sufficient healthcare facilities for the additional occupants/residents generated from the development. The breakdown of these calculations was summarised as follows.

*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. Even with modifications to the existing Waters Green Medical Centre, it is anticipated that the GP practices and NHS Community Services will need to expand out into an additional building within the next 10 years.*

*Given the above, the ICB therefore requests section 106 monies to support capital improvements to the premises tied to the below formula (set at 2022 costs – requires inflation for RPI as necessary).*

No. of Beds	Amount of Occupants	Correlating Cost
1 bed unit	1.4 persons	£612 per 1 bed unit
2 bed unit	2.0 persons	£875 per 2 bed unit
3 bed unit	2.8 persons	£1,225 per 3 bed unit
4 bed unit	3.5 persons	£1,531 per 4 bed unit
5 bed unit	4.8 persons	£2,100 per 5 bed unit

1 bed unit x 6 = £ 3,672

2 bed unit x 14 = £ 12,250

3 bed unit x 7 = £ 8,575

4 bed unit x 2 = £ 3,062

Total: £ 27,559

#### Education

The Council's Education Officer was consulted on the proposals and confirmed that as a result of the additional occupants generated from the development a financial contribution of

**£49,028.07** would be required to ensure sufficient education facilities/secondary education places for the additional occupants/residents generated from the development. The breakdown of these calculations was summarised as follows, only 23no. of the 29no. dwellings are included as the remaining 6no. one bedroom flats are not considered as family dwellings that would generate an education need.

*‘The development of applicable 23 dwellings is expected to generate:*

*4 - Primary children (23x 0.19)*

*3 - Secondary children (23 x 0.15)*

*0 - SEN children (23 x 0.51 x 0.023%)*

*The development is expected to impact on primary and secondary school places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at primary and secondary schools in the area because of agreed financial contributions. The analysis undertaken has identified that a shortfall of primary and secondary school places remains.*

*The Service acknowledges that this is an existing concern, however the 4 secondary age children expected from the Ivy House, Ivy Road, Macclesfield application will exacerbate the shortfall.*

*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. The Service acknowledges that this is an existing concern.*

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

*4 x £17,959 x 0.91 = £ 49,028.07 (Secondary)*

*Total education contribution: £ 49,028.07.’*

## **OTHER MATERIAL CONSIDERATIONS**

### Viability

Policy GEN7 Recovery of planning obligations reduced on viability grounds of the SADPD states ‘1. Development proposals should meet all relevant planning obligations required by local plan policy. It is up to the applicant to demonstrate to the council whether particular circumstances justify the need for a viability assessment at the application stage.

2. Where the council has agreed to reduce required planning obligations on the grounds of viability, the applicant must enter a legal agreement that enables the council to review an agreed viability assessment against future trigger points, with the aim of recovering all or part of the reduced planning obligations should a new assessment indicate that profits are higher than the normal developer returns already accounted for in the agreed viability assessment and the council considers the reduced obligation can no longer be justified on viability grounds. The underlying principle being to prioritise the use of any higher than anticipated returns, so that they are used in the first instance to deliver policy requirements that were previously determined not to be deliverable before being considered as an additional profit return to the developer.



3. *The details of the reduced planning obligation will be recorded in the legal agreement together with the form or nature that any recovery of obligation will take. These obligations should comply with national regulations on planning obligations.*

4. *The council will refuse planning applications where applicants request the reduction of planning obligations on viability grounds but have not agreed a legal agreement that enables these planning obligations to be reviewed and recovered, should a proposal deliver higher returns than the normal developer profit already accounted for in the agreed viability assessment.'*

Taking into account the above details, subject to the securing of the following financial contributions, there is no objection from nature conservation, open space, outdoor sport and recreation, NHS healthcare and education perspectives.

- Public Open Space - £87,000
- Outdoor sport and recreation - £26,000
- Education - £49,028.07
- NHS Estates - £27,559
- Total confirmed financial contributions (not including biodiversity units – see below) = £183,587.07

Paragraph 58 of the NPPF states *'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'*

Further to this, it is confirmed that at this time all of the relevant local plan policies are considered up to date and the Council can confirm a housing land supply of well in excess of 5 years.

During the course of the application the applicant has submitted a Viability Appraisal in respect of the development. The applicant's also notes that there is such a defined and specified need for the affordable housing in this area of Macclesfield, which is proposed at 100% provision by a Registered Provider, on a site previously operated and owned for social housing by the applicants, which is 70% in excess of policy requirements, that this is a material consideration that bares significant positive weight in the non-delivery of financial contributions for other facilities/services/considerations. It is noted that the applicants propose to seek grant funding from Homes England to build the development, as such their appraisals take this into account. They note that an application for grant funding can only be made to Homes England following any planning application being approved. The applicant states that the Homes England funding expected is estimated to be a maximum of £1,305,000 @ £45,000 per dwelling. The applicants also state they operate as a 'not for profit' body where any surpluses generated are reinvested into the provision of affordable housing. To this end the requirement for viability assessment was triggered as per GEN7.

The applicants original Viability Appraisal (VA) was submitted in November 2022 and concluded that based on a 100% affordable housing scheme there is a deficit upon completion of £124,720 as such there is no scope for them to provide the financial contributions requested towards planning obligations. This appraisal however notes that if the development was a traditional market housing scheme with the 30% affordable housing provision on site in line with policy (9no. dwellings) that it would be possible to support the financial contributions requested towards planning obligations. The applicant has since updated its viability information with updated costs relating to the proposed development in August 2023.

The applicants Viability Appraisal work has been independently reviewed by a third party RICS viability appraisal specialist on behalf of the LPA. The Independent Assessor (IA) considered the following scenarios:

- Scenario 1 – Policy excess scheme, no contributions - proposed scheme of 29no. units delivered as 100% affordable (inclusive of grant funding) and no s106 contributions.
- Scenario 2 – Policy compliant scheme - scheme delivered on a policy compliant basis to include 9 affordable (30%) units without grant funding and a sum of £183,587 towards s106 contributions.
- Scenario 3 - Policy excess scheme, plus contributions – proposed scheme of 29no. units delivered as 100% affordable (inclusive of grant funding) and a sum of £183,587 towards s106 contributions.

The benchmark land value (BLV) for the site was assumed and adopted at £660,000.

The IA concluded they agreed with the rise in costs associated with the build overall and concluded that none of the above scenarios were viable based on the information provided.

It should also be noted that the Viability Appraisal does not include or refer to the required Nature Conservation financial contribution to secure off-site habitat creation which was only confirmed after the viability work was completed. As noted above a further £17,089.20 is required for off-site habitat creation.

In response to this the applicant has confirmed that they will not know the exact amount until the construction cost is known following a competitive tender. To assist with viability, a CME [Continuous Market Engagement] bid for grant funding will be submitted to Homes England once they know the exact construction cost. Internal subsidy is available, and if required, approval from Peaks & Plains Board will be applied for. Budget has been allocated to this development in the Trust's Business Plan at a higher build cost than that identified as appropriate by the Independent Assessor.

In summary, the viability information provided has been tested independently, and the three considered scenarios for residential development on this site have all been found to be not viable. However, this is a brownfield site, which has been cleared of its previous residential development, is owned by the applicant and is in need of redevelopment. In the current application we have a willing applicant (a Registered Provider of affordable housing), who is prepared to bring the development of this brownfield site forward with a 100% affordable housing scheme, in full knowledge of the viability issues surrounding the site, and with a budget in place at the very top end of the anticipated build cost parameters.

It is therefore considered that the provision of 100% affordable housing of high design quality and layout, which includes four bed two storey houses, two bed single storey bungalows, two



and three bed houses, and one bed apartments which are in high social need, on a site owned and operated by a Registered Provider, outweighs the lack of policy compliant financial contributions in this case.

Policy GEN7 of the SADPD explains that where the council has agreed to reduce required planning obligations on the grounds of viability, the applicant must enter a legal agreement that enables the council to review an agreed viability assessment against future trigger points, with the aim of recovering all or part of the reduced planning obligations should a new assessment indicate that profits are higher than the normal developer returns already accounted for in the agreed viability assessment and the council considers the reduced obligation can no longer be justified on viability grounds. Given the uncertainties around build costs this provides, this is considered to be appropriate in this case.

It is therefore recommended that a s106 agreement with the following Heads of Terms is required:

- Provision of 100% affordable housing
- Review of viability

These requirements are considered to be necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development.

### Representations

The comments received in representation have been largely considered with the preceding text, however it is also noted that concerns were raised by the public about the protection and damage of hedgerows, boundary treatments and properties as a result of the development. Damage to property is a civil matter for consideration outside of the planning process.

## **CONCLUSION**

Having regard to the viability issues surrounding this site and the need for affordable housing of the types, mix and tenures proposed on a previously developed, recently residential site within the Macclesfield settlement boundary, the lack of policy compliant financial contributions is outweighed by these other material considerations in this case. The application is therefore recommended for approval subject to the prior completion of a s106 agreement to secure the affordable housing provision and a review of the viability of the scheme, and the following conditions.

### **Conditions**

1. Time limit - 3 years
2. Development in accordance with approved plans
3. Materials to be submitted.
4. Removal of Permitted Development rights - alterations, extensions and outbuildings
5. Removal of Permitted Development rights - hardstanding, driveways and boundary treatments
6. Construction management plan to be submitted.
7. Parking to be provided
8. Details of the secure access gate to the 7no. supplementary neighbour parking spaces
9. Access to be provided
10. Management plan for shared surfaces including the central landscaped accessway

11. Secure cycle parking details to be submitted
12. Bin storage details to be provided.
13. Pile foundations details to be submitted
14. Dust management plan to be submitted
15. Sustainable Travel Plan to be submitted
16. Phase II ground investigation report with remediation strategy to be submitted
17. Verification Report to be submitted following on from any approved Remediation Strategy;
18. Testing of imported soil
19. Bat and bird boxes to be implemented
20. Breeding bird survey to be submitted
21. Tree protection plan, tree retention plan and arboricultural method statement to be submitted.
22. Implementation of landscaping scheme
23. Prior to occupation scheme of external lighting for private and public spaces.
24. Foul and surface water drainage strategy to be submitted



