

Application No: 11/3738M

Location: Land to the East of Larkwood Way Tytherington Macclesfield

Proposal: Outline Planning Application for Approximately 111 Dwellings

Applicant: Mrs Kerren Phillips, The Emerson Group

Expiry Date: 14-Feb-2012

#### **SUMMARY RECOMMENDATION**

Approve, subject to conditions and the completion of a S106 agreement

#### **MAIN ISSUES**

- Loss of a site allocated for employment purposes
- Housing policy and supply
- Provision of affordable housing
- Design, layout and density
- The scale of the proposal – impact of height, mass, bulk, character and appearance of the area
- Impact on residential amenity
- Noise issues from the Silk Road
- Sustainability of the site
- Environmental issues
- Impact on landscape, trees and ecology
- Impact on highway safety
- Redevelopment benefits
- Heads of Terms for a Legal Agreement

#### **REASON FOR REPORT**

The application seeks outline consent for 111 dwellings and is considered to be of strategic importance.

#### **DESCRIPTION OF SITE AND CONTEXT**

The site is located to the north of Macclesfield. The site is bounded by the A528 dual carriageway (Silk Road) to the east. To the west lies the business park. Cold Arbor Farm is to the north and residential development (on Tytherington Drive) lies to the south.

The site comprises an area of scrub land, which measures 5.2 hectares. It slopes from north to south. The northern part of the site is more visible from the Silk Road than the

southern part. The western boundary is open to the business park. The north, south and eastern boundaries are marked by old field boundaries and footpaths with post and rail fences. There are a number of trees around the perimeter of the site.

Within the Macclesfield Borough Local Plan (2004), the whole site is allocated under policy E3 and E4. These policies allow for business and industrial uses. The southern most part of the site, falls within MBLP policy RT6, which seeks to retain an area for informal recreational and amenity open space purposes.

## **DETAILS OF PROPOSAL**

Outline Planning permission is sought for the redevelopment of the site for residential development – a maximum of 111 dwellings comprising the following: -

- 4 and 5 bed two and three storey detached houses x 28
- 2 and 3 bed two and three storey terraced houses x 82
- one bed two and three storey terraced house x 1

The developer seeks agreement to the principle of development to be determined at this stage, whilst matters of access, appearance, landscaping, layout and scale are reserved for subsequent approval.

Following discussions with officers, revised plans were submitted which increase the size of the public open space and amends some of the indicative footpath proposals. The landscaped area to the east of the site (adjacent to the Silk Road) has also been revised.

## **RELEVANT HISTORY**

Many applications have been received in relation to the business park site over the years. However, it should be noted that these relate to the applications for development as part of the business park. The most relevant/ recent are listed below and all the following planning permissions have been implemented.

- 06/2974P - PLOTS B I-L & Q Variation of 19 conditions on approval 05/0740P to allow them to be discharged on a phased basis – Approved 08-01-07
- 05/0740P - PLOTS B I-L & Q Development of 3 no. three storey, 8 no. two storey and 1 no. single storey buildings for office and ancillary purposes, with associated car parking, cycle / bin stores and boundary fencing – Approved 20.06.2005
- 02/2021P - Erection of three-storey B1 office building - Approved 21.10.2004
- 02/1075P - Renewal of 97/2125P, for erection of industrial building with ancillary offices – Approved 24.06.02
- 97/2125P - General industrial building (B2) with ancillary offices – Approved 12.01.98

97/0237P - Site for B1, B2 and B8 development comprising offices, research and development facilities, light and general industry and warehousing – Withdrawn 29.04.97

83318P - Site for B1, B2 and B8 development comprising offices, research development facilities, light and general industry and warehousing – Refused 01.02.96  
Appeal Allowed 18.07.97

## **POLICIES**

### **Regional Spatial Strategy**

DP1 Spatial principles applicable to development management  
DP2 Criteria to promote sustainable communities  
DP4 Sequential approach to making the best use of existing resources  
DP5 Objective to reduce need to Travel and increase accessibility  
DP7 Criteria to promote environmental quality  
DP9 Objective to reduce emissions and adapt to climate change  
W3 Supply of Employment land  
L2 Understanding Housing Markets  
L4 Criteria on targets for regional housing provision  
L5 Affordable housing provision  
RT2 Strategies for managing travel demand and regional parking standards  
RT9 Provision of high quality pedestrian and cycle facilities  
EM1 Objectives for protecting the Region's environmental assets  
EM2 Remediating Contaminated Land  
EM18 Decentralised Energy Supply

### **Local Plan Policy**

#### **Built Environment**

BE1- Design Guidance

#### **Development Control**

DC1 – New Build  
DC3 –Amenity  
DC5- Natural Surveillance  
DC6 – Circulation and Access  
DC8 – Landscaping  
DC9 – Tree Protection  
DC35 Materials and Finishes  
DC36- Road Layouts and Circulation  
DC37- Landscaping  
DC38- Space Light and Privacy  
DC40 – Children's Play Provision and Amenity Space  
DC41 – Infill Housing Development  
DC63 – Contaminated Land

### **Employment**

E3 & E4 – Allocations for Business and Industrial Employment Uses

### **Transport**

T2 Integrated Transport Policy

### **Environment**

NE11 - Protection and enhancement of nature conservation interests

NE17- Nature Conservation in Major Developments

### **Housing**

H1- Phasing policy

H2- Environmental Quality in Housing Developments

H5- Windfall Housing

H8 – Provision of Affordable Housing

H9 - Occupation of Affordable Housing

H13- Protecting Residential Areas

### **Recreation and Tourism**

RT5- Open Space

### **Implementation**

IMP1- Development Sites

IMP2- Transport Measures

### **Other Material Considerations**

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

‘PPS3 Housing and Saved Policies Advice Note’ and the associated ‘PPS3 Housing Self Assessment Checklist’.

Planning Policy Statement 4: Planning for Sustainable Development

Planning Policy Statement 9: Biodiversity and Geological Conservation

Planning Policy Guidance Note 13 Transport

Planning Policy Statement 25: Development and Flood Risk

SPG Planning Obligations (Macclesfield Borough Council)

Interim Statement on Affordable Housing (Cheshire East Council)

Ministerial Statement – Planning for Growth (March 2011)

Draft National Planning Policy Framework (July 2011)

Tytherington Business Park ... A Development Brief – MBC April 1989

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

The **Strategic Highways Manager** raises no objections to the application. This application is a substitution from a business use to residential use and it brings a reduction in the traffic impact of the development. The site is accessible to non-car modes of transport and is considered to be in a sustainable location.

The **Environmental Health Officer** has assessed the application in relation to the construction phase of development, noise, air quality and contaminated land.

*Construction phase of development -*

It is recommended that conditions are attached in relation to the hours of construction, the hours of pile foundations (should they be required) and the hours of any "floor floating" (the process of mechanical smoothing of concrete to a floor). If piling work was found to be necessary on the site as part of the development, then the contractors should be members of the Considerate Construction Scheme and should also consider and select a piling system which would result in the least disturbance to nearby residents in terms of both levels of noise and vibrational effects.

*Environmental Noise Assessment -*

The Environmental Noise Assessment has been considered and its contents are acceptable and the recommendations should form conditions of any approval of this application. Of particular relevance are the noise mitigation measures from the noise produced from road traffic on the Silk Road. This is:-

- a) The maintenance of a 3 m landscape bund as protection
- b) The specifications of the proposed dwellings in terms of wall construction, standard of glazing and the provision of system 4 mechanical ventilation as noise mitigation measures to the identified dwellings.

*Air Quality –*

The application is accompanied by an Air Quality Assessment, and the conclusions of the report are accepted. However, as concentrations of Nitrogen dioxide are dependent on distance from the source, it will be necessary to ensure that any detailed layout does not place properties significantly closer to the A523 Silk Road.

It is noted there is potential for dust throughout the construction phase of the development, consequently it is recommended that a condition is attached to ensure that the mitigation outlined in the Air Quality Assessment with respect to dust suppression is implemented and maintained throughout the construction phase of the development.

*Contaminated Land -*

This site is within 250m of a known landfill site or area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The report submitted in support of the application recommends that further investigations are required. A Phase II investigation shall be submitted and approved in writing and any remediation works carried out as necessary.

The Definitive Map Officer from the **Public Rights of Way Team** comments that the development will affect Public Footpaths Bollington Nos. 48 and 45 and Macclesfield No. 36, as recorded on the Definitive Map of Public Rights of Way. The developer should be made aware that a width of 2.5 metres must be available for use by the public on these enclosed footpaths. The PROW officer recommends that an informative is attached to any permission granted to ensure that the developer is aware of their obligations.

The **Environment Agency** raise no objections, subject to conditions and informatives relating to the requirement for the discharge of surface water to mimic that which discharges from the existing site. In addition, the discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). A condition should be attached to limit the surface water run-off generated by the proposed development. During times of severe rainfall, overland flow of surface water could cause a flooding problem. The site layout is to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected and that safe access and egress is provided. A condition should be attached to ensure that a scheme to manage the risk of flooding from overland flow of surface water is submitted.

The Environment Agency has reviewed the Preliminary Risk Assessment (June 2011), with respect to potential risks to controlled waters from land contamination. Based on the reviewed information, the site is not associated with any historic land uses that encourage contamination. However, given that the site is underlain by a principal aquifer, it is recommended that a condition is attached to ensure any suspected contamination identified during development is dealt with appropriately.

**United Utilities** raise no objection to the proposal.

**Sustrans** comment as follows: -

- 1) The site lies immediately adjacent to the Middlewood Way, National Cycle Network Route 55. Sustrans would like to see the design of the estate to include greenway type connections for pedestrians/cyclists to the footbridge over the Silk Road, and the Middlewood Way toward Macclesfield.
- 2) Sustrans would also like to see a greenway connection for pedestrians/cyclists to the adjacent housing estate on Tytherington Drive.
- 3) Sustrans question whether a site of this size can make a contribution to the wider pedestrian/cycle network for journeys into Macclesfield.
- 4) The design of any smaller properties should include storage areas for buggies/bicycles.

The **Greenspaces** Officer has commented in relation to the improvement of public rights of way, countryside access and active travel. The proposed development presents an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes. The aim to improve such facilities is stated within the policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026.

The **Housing Strategy and Needs Manager** raises no objection, but the developer should provide social housing throughout.

Comments are awaited from the **Parks Management Officer**.

The **School Organisation and Capital Strategy Manager** has confirmed that there is projected to be sufficient unfilled places at both the "local" primary school and also the "local" secondary school to accommodate the pupils generated by this development.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

Bollington Town Council is concerned about this application in relation to the loss of prime employment land. The Town Council's view is that it is important to maintain the best and well organised employment land for future economic growth and employment. This land was chosen and designed for employment not least because of its ease of access avoiding congested town centres. Other areas should be considered for housing.

## **OTHER REPRESENTATIONS**

A representation was received on behalf of the Macclesfield Civic Society following consultation with the Bollington Civic Society. The letter is summarised as follows (the full letter is available to view on the application file): -

### Consultation

The Society do not consider that the consultation which was carried out during the summer (2011) was sufficient, given the requirements of the Localism Act, wherein developers of major schemes are required to demonstrate meaningful engagement with the community and specifically to indicate where their proposals have been modified in the light of such consultation.

### Strategic Planning implications

Cheshire East Council is currently engaged in the formulation of its Local Development Framework [LDF] and consultations are awaited on the site development options for Macclesfield. The Civic Society considers there is a case for advancing a prematurity argument against the current proposal notwithstanding its superficial attractiveness in terms of local amenity (in the sense of replacing employment land uses and buildings with residential development close to existing housing areas).

However, it is considered that a wider view should be taken on the implications of such a change at this point in time. Firstly, two versions of the adopted local plan allocated land at Lyme Green and East Tytherington for employment purposes. The first such site has been largely developed for retail use and car sales/servicing with the odd office building and the second, up to now, by B1 office/quasi light industrial uses. Both allocations were intended to provide a balance between residential and commercial/employment development over the plan period and it was expected that this approach would be carried forward into the LDF.

Secondly, the present proposal takes a step backwards in some ways with an increased emphasis on housing as opposed to employment leading to less opportunities for work in Macclesfield and an increase in commuting. Such a major shift should only be contemplated after a thorough strategic review of all options rather than in response to short term reluctance to development increased employment opportunities. The commercial appraisal that underpins the application, namely a lack of demand for employment uses, is unsurprising given current economic conditions but it must be remembered that economic cycles can change and the LDF must look to 2020 and beyond in the best interests of the town.

### Neighbourhood considerations

By this the Civic Society means the relationship of this proposal to its wider context in terms of the undeveloped land to the west extending to Manchester Road. In some respects, the land to the west might be a better prospect for residential development – it is more remote from the Silk Road and less exposed to noise; it is closer to shops and schools and the town centre without having to use the Silk Road and in some respects represents an easier site to develop for housing given that industrial/commercial buildings are not intermixed with potential residential. However, this would also require strategic appraisal as to suitability. It would be unfortunate if the effect of permitting the current proposals would be to result in the early development of this adjacent site, thereby eliminating prospects for any further employment development to the north of the town centre.

#### *Relationship to the existing urban structure*

In some respects the proposal is not well integrated with existing development at Tytherington or Bollington. Access is by way of the business park spine road and then through another road serving employment uses both existing and proposed. There is no indication as to the construction of the link to Manchester Road so that any trips to shops or schools must take a circuitous route via Bollington Lane or the Silk Road adding to unnecessary vehicle miles. A pedestrian link through to Tytherington Drive is proposed though the extent of potential use for school trips is uncertain (and from local experience of congestion around Marlborough primary school) and probably over optimistic. Public transport access is available but, in the absence of a link though to Manchester Road, somewhat inconvenient and expensive for the bus operator.

Concern is raised with regard to the effectiveness of the noise mitigation outlined. The originally envisaged employment development would have provided a good barrier between the Silk Road and nearby dwellings in this respect.

Concern is raised in relation to the air quality assessment which appears to be based on extrapolation and analogy rather than recorded data. The mitigation measures appear to rely on changes to vehicle technology to reduce the effect of transport emissions (which could take some years and would be somewhat diffuse) yet it takes no account of proposals for additional landscaping which could filter out some pollutants.

#### *Other external effects and constraints*

The Civic Society are concerned in terms of the impact on local schools at Tytherington Drive (Marlborough CPS) and Bollington Cross. Tytherington Drive suffers from congestion and obstruction in the mornings and afternoon and this also impacts upon public transport schedules as well as the amenities of local residents.

The landscape backcloth to the housing development when viewed from the west would be the 25KV overhead power lines and towers, hardly an attractive prospect for creating a well designed residential scheme. Balanced against this the prospect of views from the east of the Silk Road would be that of the power lines with housing behind, perhaps mitigated to an extent by landscaping and careful choice of materials.

#### *Conclusion*

The Civic Society conclude that the decision hinges upon an assessment of what is best in the interests of the town as a whole, rather than the fortunes of a particular developer.



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A letter of objection was received accompanied by a petition signed by 24 residents. The letter is summarised as follows (the full letter is available to view on the application file): -

1. The Planning Application is contrary to the local plan.

The application is contrary to the Employment Chapter of the Local Plan. Specific reference is made to policies E1, E3 and E11. The land under consideration is zoned for B1 use and quality infrastructure was created to service this Employment Zone, (e.g The Silk Road). Given the proximity of the A523, a satisfactory housing environment cannot be created. Furthermore, the area contains a number of electricity pylons. This is not complimentary to a pleasant environment.

The application is contrary to the Housing And Community Uses policies. Reference is made to policies H13 (Protecting Residential Areas). Uses which would create unacceptable noise, safety or health impacts or generate excessive traffic will not be acceptable.

Reference is made to Chapter 5 – Communities of the Local Development Framework, taken from the Cheshire East LDF AMR 2009/10. This indicates that a continued general decline is predicted- Conclusion Lower demand for Housing. The area of land off Larkwood Way is currently zoned for B1 (Business) use within the Macclesfield Local Plan, a Residential Development should not be granted as there is both a general decline in the demand for new housing and sufficient land is already available. The planning application does not meet the Actions (5.31) within the AMR in either the numbers of affordable housing provision or addressing the predicted change to demographics (e.g. large no of 4/5 bedroom housing within the application)

1. The planning application is contrary to the North West Regional Spatial Strategy (RSS).

The Tytherington Business Park is a high quality B1 development and is required to meet predicted future demand for B1 use, de-allocation would result in a deficient supply of suitable B1 employment land within Macclesfield. The application should therefore be rejected.

2. A residential development would have a negative impact on employment and the surrounding area.

The Tytherington Business Park is a strategic development to provide sustainable employment for the Macclesfield area and in so doing provide financial growth to the local economy. Whilst there is likely to be a pause during a Global economic downturn, we must maintain the strategic plan for delivering employment for Macclesfield and only permit B1 development on this site.

The planning brief submitted by the developer contains a number of predicted benefits, at best these can only be described as weak.

- *Financial contribution to play area improvements-* At no time during the 20 year history of this site have any attempts been made by the developer to improve the area.

However, they have sought to remove restrictions within outline planning (e.g. Re routing the cycle way on a number of occasions, presumably to make way for housing!)

- *75% less traffic compared to Commercial Development*- This figure needs to be independently verified. However, the Silk Road is a purpose built link to the Business Park but would not be used by residents visiting the local amenities. The majority of traffic will use Tytherington Lane. Residents of Tytherington Lane are already frustrated by the traffic volume and additional use is likely to cause major traffic chaos.
- *A vacant development site brings no economic benefit*- A residential site brings no employment benefit.
- *Generation of Jobs during Construction* - Jobs will be created during any development stage, only sustainable jobs will be created from a B1 development.

### 3. Further information for consideration.

There is a long history and desire from developers to develop this parcel of land for residential purposes. The inspectors report (Mr F. Cherington, 1997 Local Plan report) does not support an objection made by Butley Trustees on the Local Plan policy E2. It says

*("I am not convinced that any of these factors are of sufficient weight to justify removing land from this allocation which would conflict with Structure Plan Policy EMP7").*

In February 2002, notification was received from Emerson Group of their intention to develop this land for residential use. However, when it became clear that residents were not in favour of the proposals, the planning application for 24 dwellings was never submitted. The pre application community consultation cited a proposal for 110 dwellings. This has now risen to 111.

As eluded to in section 3, the developers have explored opportunities to remove the "planning restrictions" within the outline approval. These "restrictions" are necessary elements to deliver the Council's plan of a network of cycleways and footpaths. As noted in the 1997 Local Plan;

*("The utilisation of the linear parks such as along the River Bollin and the Middlewood Way would benefit from being linked to one another and to adjoining residential areas".)*

Unfortunately, the developer has had no appetite to make such a contribution to the local area and link the Middlewood Way with a cycleway as specified under the Tytherington Business Park planning document.

In conclusion, the writer suggests that any one of these objections should terminate the application. However, when they are grouped together they make a compelling argument to reject this application without hesitation.

In addition, two further letters of objection have been received from residents on Tytherington Drive, which are summarised as follows:

Permission has been granted for Business development and should be used for such. The designation of the land should not be changed purely to help a developer. If the agreed designation is not viable, then land should be returned to the community even though it is now considered 'brownfield' (although it has never been touched since sheep grazed there). Current infrastructure is struggling to cope with existing demands. The Local Primary school is oversubscribed. Electricity flickers at peak times and water pressure is low.

Previous work to prepare for development of this land has caused flooding in the field and to houses on Tytherington Drive.

There are plenty of unsold houses in the area without building more. This plan proposes to remove the buffer zone that was agreed and constructed between the existing houses and any new development.

Traffic Impact: There is only one primary school in Tytherington (Marlborough County Primary School). To build 111 more dwelling places could potentially mean that up to 222 more children. Assuming a class size of 30, that would mean that a particular year group could be very oversubscribed.

Transport Impact: There will clearly be an adverse transport impact which has been completely overlooked by the 30th November Traffic Impact Assessment (Ref: Neil Jones). Residents will increase the flow of traffic during the normal rush hour periods similar to that of the commercial property usage. However, land use for residential use will add to the all ready heavily congested school run period, leading to scenarios of more parked cars in the Tytherington Drive area close to Marlborough CP school and further local resident irritation and greater potential for accidents close to the school.

Need For Residential Housing: If you do a search on Rightmove for properties in Macclesfield, it returns over 59 pages of properties (ie well over 400 houses). Clearly this can not be a position of housing shortage. Furthermore, if the town is contracting as stated in the planning application, then the need for more residential housing with so many properties all ready available is clearly not there. Hence the basis for conversion of land use from commercial to residential is flawed.

## **APPLICANT'S SUPPORTING INFORMATION**

The following additional information has been submitted in support of the application: -

- A Planning Statement
- A Design and Access Statement
- An Employment Report
- A Transport Assessment
- Ecological Assessments
- A Waste Management Plan
- A Tree Survey
- An Air Quality Report
- An Acoustic Report
- A Contamination Assessment

- A Sequential Site Assessment for Proposed Residential Development
- A Statement of Community Involvement
- A Flood Risk Assessment
- A Code for Sustainable Homes Pre-Assessment
- Head's of Terms for a Section 106 Agreement

Details of the above documents can be found on the application file.

## **OFFICER APPRAISAL**

### **Principle of Development**

The proposed development needs to be considered with regard to the Employment Policies contained within the Macclesfield Borough Local Plan, and policies contained within PPS1, PPS3 and PPS4.

The site is allocated as an existing employment area where policies E3 (Class B1 uses on a scale appropriate to the area) and E4 (Class B2, B8, B1(b) and B1(c) uses will normally be permitted) apply and also part of the site is allocated as proposed openspace (policy RT6(11) – for informal recreation and amenity open space). Policy E1 seeks to normally retain both existing and proposed employment areas for employment purposes to provide a choice of employment land in the Borough. As such, there is a presumption that the site will be retained for employment purposes. This proposal therefore constitutes a departure from the Development Plan. Planning decisions must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

In this case, there are a number of relevant material considerations.

- The site is located in Tytherington and is adjacent to a residential area.
- Take up on Tytherington Business Park has been very limited over the passed few years, and there is an oversupply of employment land in both the former Macclesfield Borough and the wider Cheshire East area.
- The site has been extensively marketed.
- The indicative scheme provides a good mix of housing types and 30% of the units would be affordable.
- An on-site public open space would be provided
- An off site contribution for recreation/outdoor sports would be provided.

The site is sited in a relatively sustainable location. The site has decent access to the major road network (The Silk Road) and a bus service. Shops and schools are in good walking distance. The developer has been struggling to attract new business for a lengthy period of time which goes back before the recession. There is an identified shortage of housing land supply and a need for affordable housing. Consequently, although contrary to the Development Plan, it is acknowledged that there are significant material considerations that indicate that the principle of a residential development on this site could be acceptable. Consideration needs to be given as to whether the material considerations are such that the benefits of the proposal are sufficient to justify the development.

The provision of the affordable housing and the provision of a good quality housing development clearly are very important material considerations which may help to justify the development. As such, it is considered vital to ensure that they are delivered as part of the overall scheme.

## **Loss of Employment land**

The application site is designated for employment uses within the Local Plan. Policy E1 seeks to retain employment land for employment purposes. However, there is an oversupply of employment land in the borough, particularly in the Tytherington area, and the amount of vacant office floorspace, means that it is unlikely that office development on the land will come forward now or in the future.

An Employment Land and Market Overview report from Jones Lang Laselle was submitted with the application.

In conclusion, the report advises:

- The site has been extensively and expensively marketed through traditional methods by a dedicated in house marketing team augmented by external commercial property agents.
- Occupancy levels on the development have been detrimentally affected by the property occupation rationalisation programmes undertaken by major employers in the area, in particular, Astra Zeneca. Moreover, the assumed growth of companies including Cheshire Building Society, HFC and Council reorganisation which would necessitate additional office space never materialised.
- Macclesfield is geographically isolated and office take up is invariably from indigenous businesses. The town is perceived as an inferior location compared to competing locations such as Wilmslow, the airport and other south Manchester locations.
- Based on historic take up, there is an oversupply of employment land both in the former Macclesfield Borough and the wider Cheshire East area.
- The findings are validated by the Macclesfield Economic Plan and Masterplan prepared by CBRE on behalf on Cheshire East (dated 23.11.11). The report states:  
*("there is substantial pressure on current employment land owners with evidence emerging to suggest that there is considerable over supply of employment land within the borough. This largely exists at Tytherington and in the South Macclesfield area".*
- There is around 30 years supply of employment land in the immediate areas of Macclesfield, Tytherington and Bollington based on an analysis of historic take-up figures recorded over the period 2005-2010.
- There is currently an existing supply of 60 385 sq m of existing office accommodation within the Macclesfield area.
- Approximately 23 225 sq m of predominantly office space has been developed at Tytherington over the last 15 years, of which the majority has been let to existing businesses indigenous to the Macclesfield area.
- Despite the Business Park being extensively marketed, there has been a limited demand for new accommodation at the park, due to the prevailing economic

factors. Perhaps more crucially, the local market is not envisaged to improve in the near future.

- The alternative use of the residential part of the site would create a mixed use area which is beneficial in supporting the local economy and creating a healthy mix of uses. Development of a residential scheme would stimulate investment; create a sustainable location with office occupiers capable of living close proximity to places of work and encourage success of alternative uses such as public house, hotel, nursery and ancillary retail provision, ultimately creating a more attractive environment for potential office occupiers.

A number of the points made in the Employment Land and Premises Report are considered to be valid. The comments in relation to the number of office vacancies in area is evident and is backed up by the Council's independent reports. Moreover, it is difficult to anticipate how, or what users would come forward to develop the business park further.

#### Cheshire East's Annual Monitoring Report 2009

Section 5.3 of the 2008-2009 Annual Monitoring Report indicates there is 308.64 hectares of employment land in Cheshire East. Of this 24 ha is committed for non-employment uses, leaving 284.64 ha. Approximately 71ha is located within the former Macclesfield Borough. During this period, the annual take up rate was 2.7 ha per year. Using the same take-up rate, it is assumed that there is a 26.35 year supply across the former Macclesfield Borough.

The key consideration for this application is whether there is sufficient employment land with the local area, to meet current needs. The following is a list of large employment sites in the former Macclesfield Borough where employment land is available:

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

The Council is about to commission an employment land review which in part will identify the nature and scale of employment land needed in Cheshire East to meet its sub-regional policy requirement and local business needs.

At this juncture, it is considered that there is adequate Employment Land available across the District, and the loss of this site will not lead to an inadequate supply in this area.

#### **Need for additional housing/affordable housing in the area**

Planning Policy Statement 3 'Housing' requires local planning authorities to monitor and manage the release of housing land to ensure that there is a five years supply of deliverable sites.

The NW Regional Spatial Strategy (2008) proposes a dwelling requirement of 20,700 dwellings for Cheshire East for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. The Council have decided to continue to use the housing requirement of 1,150 net additional dwellings per annum pending the adoption of the Core Strategy.

The Cheshire East Strategic Housing Land Availability Assessment (SHLAA) November 2010 identifies that at 31st March 2010, the Borough had 4.48 years supply of identifiable, 'deliverable' sites. However, the level of supply is continually changing and at recent appeals the level of housing supply has been identified at a lower level. In order to address the lack of a 5 year housing land supply, an Interim Planning Policy on the Release of Housing Land has agreed by the Council. This policy will allow the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as part of mixed development in town centres and in regeneration areas to support the provision of employment, town centres and community uses. It should be noted that, as part of the development of the business park, the application site constitutes previously allocated land (and permissions have been granted to build 9 no. office blocks on the site), within a settlement boundary, and therefore should be prioritised over Green Gap/Green Belt land.

The failure to be able to demonstrate a five year supply of available housing land has implications for the Council. PPS3 states that:-

*“where local planning authorities cannot demonstrate an up to date five year supply of deliverable sites ...they should consider favourably planning applications for housing, having regard to the policies in this PPS”.*

This includes the considerations in paragraph 69. Paragraph 69 states that 'in general, in deciding planning applications, Local Planning Authorities should have regard to:

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives (e.g. addressing housing market renewal issues'.)

The inability of the Council to demonstrate a five year supply of housing land carries a high risk that land owners/developers will submit speculative planning applications for their development outside settlement boundaries. In the case of a refusal of planning permission, appeals may be upheld on the grounds that there is not a 5 years housing land supply. Nevertheless, whilst there is less than a 5 year supply of deliverable housing sites, there is a high degree of risk that planning permission may be granted on appeal for housing on greenfield sites outside settlement boundaries, in conflict with the policies of the three Local Plans. Such decisions would also prejudice the preparation of the Local Development Framework and affect the Council's ability to objectively determine the most appropriate strategy and sites for future housing development.

PPS3 requires that *'the mix of housing should contribute to the creation of mixed communities having regard to the proportions of households that require market or affordable housing and the existing mix of housing in the locality'*.

Policy H8 of the Local Plan requires the negotiation for the provision of 25% affordable housing. However, since then the Council has adopted the Interim Planning Statement on Affordable Housing which, on sites of 0.4ha or 15 or more dwellings in settlements of over 3,000 population, seeks to provide a minimum proportion of affordable housing of 30%. In addition, this document also looks for developments of 10 or more dwellings to provide a minimum of 25% low cost housing. This site should therefore be providing 33 affordable dwellings and 28 low cost dwellings. The Affordable Housing IPS states that on all sites over 15 units, the affordable housing requirement will be 30% of the total units with a tenure split of 65% social or affordable rent, and 35% intermediate tenure. The Affordable Housing Interim Planning Statement also requires that the affordable units should be tenure blind and pepper potted within the development; the external design - comprising elevation, detail and materials - should be compatible with the open market homes on the development, thus achieving full visual integration.

### **Design, layout, density and impact on residential amenity**

Design, appearance, layout and scale considerations are all reserved and are therefore, not the subject of decision here.

The indicative layout illustrates that satisfactory separation distances can be achieved between the existing office developments in the vicinity of the site and the houses proposed within the new development. The green ways proposed between the proposed housing development and existing residential development off Tytherington Drive also provides adequate separation to secure the residential amenity of both existing residents and future ones. It is considered that it should be possible to design a scheme with separation distances which would comply with the requirements of Local Plan Policy DC36.

Notwithstanding the above, it is important to note that there would be concerns raised if a scheme similar in design to that tabled in the indicative plan was forwarded at the reserved matters stage.

The basic principles have been outlined, but the content of the current design and access statement should not be assumed as an acceptable level of detail or design consideration. The basic parameters identified are acceptable, but work will need to be undertaken to address a number of issues at the detailed design stage.

The general road layout in this case is standardised. The indicative proposed plan would appear to show roads designed for vehicles rather than streets designed for people at present. This element of the scheme will need work at the detailed stage.

Similarly, the indicative set back and separation of the detached houses is standardised which would make it a challenge to create a place of distinctive character. In addition, although house designs and details of boundary treatments have not been provided at this stage, the layout appears to indicate that local context has not been considered yet. Consideration should be given to how the scheme can be adapted to take leads from local



character, to create a greater mix of house types, plot widths, and set backs in the detailed scheme.

Although existing pedestrian routes and cycleways crossing the site have been identified, the need to encourage walking and cycling does not appear to have always informed the design yet.

The affordable housing appears to be in one area rather than following best practice guidance to integrate it with private housing. Whilst this may be more convenient for management purposes, it does not encourage integration in or create a more diverse and interesting built form in the northern part of the site. This will therefore need revision in the detailed application.

It is recognised that this is a development on the urban fringe not in a town centre where potential residents may have different expectations with regard to parking. However, where in-curtilage parking is desired, national guidance advises locating garages, or carports alongside houses, set back from the building line. Options generally need to be explored for reducing the amount and visual impact of cars parked in front gardens.

## **Highway Safety**

It is noted that the Strategic Highways Engineer raises no highway objections. The indicative layout provided shows that the site would be accessed from Larkwood Way, which serves some of the existing business premises. The proposed site already has consent for a business park use and this existing permission has to be taken into account when considering the likely traffic impact of the development. If the business use and residential uses are compared, there is a substantial reduction in trips to and from the site for the residential development. Therefore, the change to residential use brings highway benefits as the number of trips on the road network would be much reduced. As such, no issues are raised concerning traffic impact.

With regard to sustainable travel, there are a number of bus services close to the site, the closest being a 30 minute service on Springwood Way. There are also other bus services running along Tytherington Lane. The site has links to the existing footpaths on Larkwood Way/Springwood Way and also will be connected to footpath and cycle routes serving the wider area surrounding the site.

No comments are provided on the indicative layout as this is an outline application. Internal road design issues will be dealt with in the reserved matters submission.

The Strategic Highways Manager notes that since the original planning permissions for the office based redevelopment were granted, there have been other strategic highways schemes such as the Poynton by-pass and Semms, which need to be funded. This site is considered to further add traffic to the Macclesfield to Stockport corridor and add to congestion levels. The previous consents on the site required a contribution of £70 000 to be made to the highway network to deal with the traffic generation and impact on the highway network. The applicants have agreed to pay this amount towards improvements to the A523, north of the application site.

## **Environmental Issues**

The Environmental Health Officer raises no objection to the application, subject to conditions in relation to construction, noise, air quality and contaminated land. A Phase II contaminated land investigation shall be required and any remediation required as necessary. The proposed residential use is a sensitive end use. A report submitted with the application identified potential contamination and recommends further investigation.

## **Cycling and Rights of Way**

The proposed development should make adequate facilities for pedestrian and cyclist access to, from and within the site. Already crossing the site are public rights of way in the form of public footpaths Macclesfield No. 36 and Bollington Nos. 45 and 48. These routes should be incorporated into the design of the development and enhanced through upgrading cycletracks and inclusion into the green infrastructure of the site. These public footpaths on the site connect with the Middlewood Way and the national cycle network and therefore will provide both pedestrian and cyclist routes for business and leisure journeys.

The layouts submitted with this application suggest that the existing public footpaths will be incorporated into alleys between and behind houses, which are not. They will therefore need amending at the detailed stage.

## **Landscape, Greenspaces and Trees**

Landscape details are a reserved matter not for the consideration in this application, but at the detailed stage.

In addition, walking and cycling links on an east-west alignment through the site and beyond should be developed to provide connections for new and existing communities with Riverside Park and the Bollin Valley to the west and the Middlewood Way and Macclesfield Canal towpath to the east. Works have already been planned and progressed to deliver these links with this development offering an opportunity to complete the proposals. Further, the upgrading of public footpaths on the eastern side of the Silk Road for cycling purposes have been proposed under the Rights of Way Improvement Plan. Contributions towards this upgrade are sought from the developer as the routes would improve accessibility to and from the proposed development site. Contributions may also be required for ongoing maintenance should any new paths be dedicated as public rights of way or for any improved public rights of way.

A revised indicative layout plan has been submitted which is considered to address earlier concerns.

The size of the Public Open Space has been increased, which is welcomed.

It has been demonstrated that the acoustic mound and fence can be achieved along the boundary with the Silk Road – part of the mound would be in the gardens of the dwellings.

The original footpath along the boundary towards Cold Arbor Farm has been omitted and the remaining route is footpath only.

The cycleway along the southern boundary could still be widened further. It is feasible to get a cycleway route from Tewkesbury towards the bridge and the plan includes an access to the end of the cul de sac, which is important for access to the Middlewood Way and the existing residential area and facilities.

A condition will be required which requires the submission of a landscape masterplan which will include a footpath and cycleway routes with links to the existing estate, retain existing trees and hedges, provide new landscape structures, earth mounds, acoustic fencing and Public Open Space details. A Landscape Management Plan will also be required for any parts of the footpath and cycleway routes and open spaces that are not going to be adopted by Cheshire East Council will be required via a s106 to secure appropriate management and public access in perpetuity.

The Arboricultural Officer raises no objections to the outline scheme in principle. It will be expected that the finalised layout for the proposed estate, including the Public Open space (which comes forward at a latter date as part of the reserved matters application), will satisfy the requirements of BS5837:2005 Trees in Relation to Construction and the Councils Trees and Development Guidelines. A detailed Arboricultural Implication Study will be required as part of any future full Planning Application. Adequate space should be made available to retain existing mature trees, whilst allowing early mature specimens to reach maturity. Suitable space should also be established to retain and promote existing hedgerows in the form of green corridors.

## **Ecology**

The Nature Conservation Officer has commented on the application. It is noted that an ecological assessment was submitted to accompany the application which was prepared by a suitably qualified ecological consultant. The Nature Conservation Officer raises no significant ecological issues in relation to the proposed development. The Nature Conservation Officer has commented on hedgerows, badgers, breeding birds, bats and landscape as follows:

### Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. A number of hedgerows are present on site. The existing hedgerows should be retained and enhanced as part of any finalised landscaping scheme for the site.

### Badgers

An outlying badger sett is located close to the proposed development. The location of the active badger setts shown on the phase one plan appears to show it closer to the application boundary than it actually is. The dense nature of the vegetation present on site during the survey made it difficult to establish exactly where the sett was during the site visit. However, the Nature Conservation Officer is satisfied that the proposed development is unlikely to have a direct adverse impact on the sett. To ensure that there is sufficient foraging/commuting habitat close to the sett, it is recommended that as part of a finalised layout for the scheme the 'open space' provision be moved closer to the listed building and that there are suitable green corridors to allow free movement of animals. It will also be necessary to condition that any future reserved matters application is supported by an updated badger survey and mitigation/compensation proposals.

### Bats

No evidence of roosting bats was recorded on site. Whilst a full bat activity survey has not been undertaken, bat species were recorded foraging across the site. It is likely that the proposed development will result in the loss of some foraging habitat for bats. However, this could at least be partially compensated for through the enhancement of the adjacent plantation woodland and the provision of native species planting as part of the landscaping scheme for the site.

In addition, there should be no illumination of trees or boundary features that could be used by foraging commuting bats. Proposed lighting should therefore be low level and directional. It is recommended that lighting is made a condition of any outline consent granted.

### Landscaping

The finalised landscaping scheme for the site should include native species to create 'mini nature reserves' as recommended in the submitted ecological assessment. This approach would maximise the ecological value of the finalised development in accordance with PPS9.

### Breeding birds

Conditions are suggested to safeguard breeding birds and to ensure some additional roosting/nesting potential is provided as part of the proposed development.

### **Open Space**

Formal comments are awaited from the Parks Management Officer. However, it is considered that the revised indicative layout provides an acceptable amount of Public Open Space. The developer would be expected to make a financial contribution towards the Borough Council's sports, recreational and open space facilities as required by policies in the Local Plan. The payment of the sum would be included in the legal agreement and would be based on guidance in the Section 106 SPG.

## **OTHER MATERIAL CONSIDERATIONS**

The comments provided by consultees, neighbours and the Civic Society in relation to the strategic planning implications and the loss of allocated employment land, noise impact of the Silk Road, sustainability and links with the local area, air quality, impact on amenity, transport and traffic are noted. It is considered that the majority of issues are covered in the report above. In addition, the following observations are made with regard to their comments: -

### Consultation

The developer has submitted a Statement of Community Involvement and it is considered that an acceptable amount of pre-application consultation was carried out. It is noted that the application was registered on the same day that the Localism Bill was given Royal Assent.

### Relationship with neighbouring site (Pool End)

Whilst officers note the view that the land to the west (known as Pool End) might be a better prospect for residential development, each application needs to be assessed on its own merits, not on that of others.

### The locality

The Civic Society feel that the 25KV overhead line will not allow for a well designed residential scheme. The location of the power lines within the vicinity of the site are not considered to cause sufficient harm to visual amenity to justify refusal of the scheme.

### The history of the site

It is clearly accepted that the proposed development would be a departure from the development plan. Although there may have been previous attempts to obtain residential consent for development of the site, the amount of weight afforded to the different factors (i.e. amount of available office space, take up rates, and need for housing) has changed since the Planning Brief for the site was approved in 1989. It is the balancing up of these factors which is key to how this application should be assessed.

It should be noted that, as the scheme is in outline form with all matters reserved for future consideration. There will be an opportunity to consider the detail raised in some of the comments expressed, at the time of the reserved matters application.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

- The application site comprises previously allocated land in a sustainable location, with access to local services, including shops, schools and good public transport links.
- The proposal would bring environmental improvements.
- The proposed development comprises a maximum of 111 dwellings, including 33 affordable dwellings. A good mix of house types and sizes are proposed and the development helps meet the Councils housing targets.
- The indicative layout and scale of the development would make efficient use of this previously allocated site and provide a residential scheme that would contribute to the housing needs of the area. Although the access, layout and scale would be a reserved matter, the indicative details submitted would have an acceptable impact on the character of the area and it is considered that it would be possible to comply with the distance standards between properties contained within the Local Plan.
- It is considered that the extent to which the proposal would impact on neighbouring residential amenity would be acceptable.

In summary, for the reasons outlined, it is considered that the principle of residential use on the site is on balance acceptable and although the proposal does not comply strictly with policy, there are sufficient material considerations in relation to an oversupply of employment land which result in a recommendation of approval being made, subject to conditions and a S106 agreement.

## **HEADS OF TERMS**

- 30% Affordable Housing = 33 units be 65% social or affordable rent, and 35% intermediate tenure
- A contribution of £70 000 towards highway improvements to be made to the A523, north of the application site.

- Leisure Services have stated that the quantity of public open space to be provided on site would be acceptable subject to a detailed scheme for the design and layout of the open space to be approved prior to commencement. A NEAP will also be required.
- A commuted sum would be required for Recreation / Outdoor Sport of £77,000 (which includes discount of £33,000 for the affordable housing based on the affordable dwellings). The commuted sums would be used to make improvements, additions and enhancements to the facilities at Rugby Drive playing field. The Recreation / Outdoor sports commuted sum payment will be required prior to commencement of the development
- A 15 year sum for maintenance of the open space will be required IF the council agrees to the transfer of the open space to CEC on completion. Alternatively, arrangements for the open space to be maintained in perpetuity will need to be made by the developer, subject to a detailed maintenance schedule to be agreed with the council, prior to commencement
- Provision of art in public areas to be incorporated into the landscaping scheme

It is noted that the commuted sums required for open space and outdoor recreation, art work, and affordable housing provision would form part of a S106 agreement.

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

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

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

The provision of 30% affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu for recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 111 dwellings, the occupiers of which will use local facilities, and there is a necessity to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The payment towards highways improvements to the A523 are considered necessary in order to deal with traffic generation on the highway network, and address congestion issues at the southern end of the Macclesfield to Stockport route, which ties in with the Poynton by-pass and Semms scheme.

The contribution/provision of some public art is necessary, fair and reasonable, as this form of expression is considered to represent good design and provide cultural awareness and stimulation which helps to deliver a quality environment for the new residents.

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

## Application for Outline Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. A06OP - Commencement of development
2. A03OP - Time limit for submission of reserved matters (within 3 years)
3. A01OP - Submission of reserved matters
4. A02OP\_1 - Implementation of reserved matters
5. A09OP - Compliance with parameter plans
6. A10OP\_1 - Details to be submitted -layout
7. A08OP - Ground levels to be submitted
8. A01LS - Landscape Masterplan - submission of details
9. A04LS - Landscaping (implementation)
10. A01GR - Removal of permitted development rights
11. A02HA - Construction of access
12. A04HA - Vehicular visibility at access to be approved
13. A32HA - Submission of construction method statement
14. A19MC - Refuse storage facilities to be approved
15. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources
16. Phasing of landscaping works - along Silk Road first
17. Submission of a landscape management scheme to be submitted with the Reserved Matters application
18. The landscaping scheme shall incorporate details of boundary treatment
19. Protection of breeding birds
20. Provision of bird boxes
21. Arboricultural Implication Study required
22. Details of lighting to be approved
23. the maintenance of a 3 m landscape bund as protection
24. the constructional specifications of the proposed dwellings in terms of wall construction, standard of glazing and the provision of system 4 mechanical ventilation as noise mitigation measures to the identified dwellings.
25. Piling - contractor to be members of the Considerate Construction Scheme
26. Hours of construction/noise generative works

27. Mitigation to follow submitted air quality assessment
28. Submission of a drainage scheme including details in respect of surface water run-off
29. Submission of a scheme to manage the risk of flooding to be submitted
30. Submission of a Character Assessment justifying scale, layout and materials as part of the Reserved Matters application
31. Maximum scale of dwellings
32. Contaminated land
33. Times of Piling
34. Times of floor floating



