

Application No: 13/2661M

Location: LAND OFF, SPRINGWOOD WAY AND LARKWOOD WAY,
TYTHERINGTON, MACCLESFIELD

Proposal: Erection of 167 Dwellings

Applicant: P E Jones (Contractors) Limited

Expiry Date: 27-Sep-2013

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 30% affordable housing
- Impact on Cold Arbor Farm, a Grade 2 Listed Building
- Provision of open space
- Design considerations
- Impact on residential amenity
- Noise issues from the Silk Road
- Sustainability of the site
- Environmental issues
- Flooding and drainage
- Impact on landscape, trees and ecology
- Impact on highway safety
- Land contamination
- Air quality
- Redevelopment benefits
- Heads of Terms for a Legal Agreement

REASON FOR REPORT

The proposal is a major development as defined by The Town and Country Planning (Development Management Procedure) Order 2010. Under the Council's constitution such applications are required to be considered by Committee.

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. The site wraps around Cold Arbor Farm, to the northern part of the site, and residential development (on Tytherington Drive) lies to the south.

The site comprises an area of scrub land, which measures 8 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 policies E3 and E4. These policies allow for both 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

This application is a Full Application. It follows the granting of Outline permission (11/3738M), which related to development on a smaller area of land (5.2ha) for 111 dwellings. Application 11/3738M was approved, subject to a S106 Agreement, on 11th October 2013. Under the Outline application, the developer was granted permission for the principle of development, whilst matters of access, appearance, landscaping, layout and scale were reserved for subsequent approval.

Revised plans have been submitted increasing the number of dwellings to 175 dwellings.

The dwellings comprise the following mix of house types/sizes: -

- 22 no. 3 storey Town houses
- 68 no. 2 storey mews
- 9 no. 2.5 storey detached dwellings
- 76 no. 2 storey detached

Following discussions with officers, revised plans were submitted, which provided more space around the Listed Building, seeks to address the size of the public open space, improve the landscaping and green links overall (including widening footpaths) and strengthen the overall design.

RELEVANT HISTORY

11/3738M - Outline Planning Application for Approximately 111 Dwellings – Approved 11.10.13

In addition, 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

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

Interim Planning Policy: Release of Housing Land (Feb 2011)

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SMHA)

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats) Regulations 1994

North West Sustainability Checklist

SPG on Section 106 Agreements (Macclesfield Borough Council)

Ministerial Statement – Planning for Growth (March 2011)

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

National Policy

National Planning Policy Framework 2012

Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the framework, the greater the weight to be given). It is considered that all of the local plan policies listed above are consistent with the NPPF and should be given full weight.

Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development.

CONSULTATIONS (External to Planning)

The **Strategic Highways Manager** raises no objections to the application.

The site has a previous approval for office employment for a considerable amount of floorspace (25,764 Sq.m) and this development traffic was tested on the road network at the time of the application.

It is clear that the additional 64 units will not produce anywhere near the impact that the B1 office would have generated. The office permission was granted some time ago but assessments on background traffic flows show that AADT flows have not increased and have remained at similar levels up to 2013. Therefore, although there is a difference in distribution with residential development as opposed to the office development, the additional housing proposed will still not reach the traffic generation levels approved previously for the office and so this proposal does have a reduced impact on the road network.

The **Environmental Health Officer** has assessed the application in relation to noise, pile foundations, hours of operation, air quality and contaminated land.

Environmental Noise Assessment -

The Environmental Noise Assessment has been considered. A scheme of acoustic insulation has been included. The report recommends mitigation designed to ensure that occupants of the proposed properties are not adversely affected by noise from the nearby Silk Road and also treatment of certain properties which would be affected by noise from condenser units of the Subway sandwich shop.

Whilst in general, the contents of the report are acceptable to the Environmental Health Officer, the report mentions the achievement of 'reasonable' standards in certain properties in terms of BS8233:1999. The Environmental Health Officer recommends that due to the fact that BS8233:1999 is over ten years old and considerable advances have been made in terms of constructional design, acoustic insulation, materials and methods, that the development achieves the internal noise levels defined within the "good" standard within BS8233:1999 wherever possible.

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). If piling work was found to be necessary on the site as part of the development, then the contractors should select a piling system which would result in the least disturbance to nearby residents in terms of both levels of noise and vibrational effects on neighbouring sensitive properties.

Air Quality –

The application is accompanied by an Air Quality Assessment, and the conclusions of the report are accepted.

It is noted that air pollution from road traffic drops off rapidly as distance from the source increases. As such, the conclusions of the report depend on the distance of the properties from the road. It is therefore important that a condition is attached which ensures that the distances between residential properties on the North of the development and the A523

Carriageway are not reduced from that shown on Site Plan A and Site Plan B, submitted with the application.

In addition, the cumulative impact of developments in the Macclesfield area is likely to increase air pollution in other sensitive areas. As such, it is considered, given the scale of this development, it is necessary to condition a number of measures which aim to incentivise low carbon transport options, which contribute to the overall aim of the Council's Air Quality Action Plan.

Travel Planning

Individual Travel Plans should be developed for all residential occupants with the aim of promoting alternative / low carbon transport options.

Electric Vehicle Infrastructure

The developer shall provide Electric Vehicle Recharging Points in 50% of residential properties. The provision of the EV points shall be highlighted to occupants in the travel plan.

Dust Control

The Air Quality Impact Assessment predicts a Moderate Adverse impact from dust generated during the construction phase. It is therefore, considered that a condition is attached which minimises dust emissions arising from demolition / construction activities on the site.

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 **Public Rights of Way Team** initially had concerns with regard to the scheme. However, following discussions with the applicant, the objections have been withdrawn.

The Countryside Access Development Officer from the Public Rights of Way Team comments that the proposed development may present 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. These aims are further stated within the Draft Spatial Vision for Cheshire East stated in the Local Development Framework Core Strategy.

As the application notes, the general principles of the design include ensuring the existing footpath network and cycle network is maintained and reinforced, and ensuring links by all modes of transport are convenient and accessible within the development and linking to the surrounding area. The transport statement refers to a link from the site to the National Cycle

Network on the Middlewood Way though the details of this are hard to glean from the application documents. Further detail as to the layout, specification and legal status of this route is required. The developer would be expected to maintain the route within the scope of the open space management plan. Legal order processes may be required to legitimise the use of this route by cyclists and the developer would be expected to cover the costs of this process. Further, to deliver the general principles of design referred to above, a contribution towards the improvement and maintenance of the Middlewood Way to accommodate the increased traffic arising as a result of the development would be required.

Appropriate and adequate destination signage and interpretation should be required to be provided by the developer on-site and off-site to inform local users about the availability of pedestrian and cyclist routes, and the developer should be tasked to provide new residents with information about local routes for both leisure and travel purposes.

The **Environment Agency** raise no objections, subject to conditions relating to the requirement for the discharge of surface water to mimic that which discharges from the existing site. 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 submitted FRA explains that the discharge of surface water from the proposed development is to be into an existing surface water attenuation basin, which then discharges to a public sewer at a 'greenfield' runoff rate. This attenuation basin being part of the surface water drainage strategy for the wider Business Park development area. This is acceptable in principle.

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.

Sustrans comment as follows: -

- 1) The Middlewood Way, NCN55, runs adjacent to the site. Sustrans would like to see a direct greenway connection to it for pedestrians/cyclists, from the new estate. Also, there is scope to create a simpler ramped solution up to the west side of the bridge over the Silk Road.
- 2) A site of this size should make a contribution to improvements on the adjacent pedestrian/cycle network to promote walking/cycling for short journeys to the town centre/station/schools.
- 3) The design of any smaller properties should include storage areas for buggies/bicycles.
- 4) The design of the estate should restrict vehicles speeds to 20mph.
- 5) We would like to see travel planning with targets and monitoring.

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.

United Utilities raise no objections to the proposal subject to the following conditions: -

Prior to the commencement of development, a foul and surface water drainage scheme shall be submitted to the local planning authority and approved in writing. Surface water must be attenuated to existing green field run off or 6.5l/s whichever is greater. The surface water drainage scheme to be submitted shall be in accordance with sustainable drainage principles and demonstrate how the scheme shall be maintained and managed. The development shall be implemented, maintained and managed in accordance with the approved details.

Foul and surface water shall drain on separate systems

United Utilities water mains may need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991.

A separate metered supply to each unit will be required at the Applicant's expense and all internal pipework must comply with current water supply (Water Fittings) Regulations 1999.

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

The **School Organisation and Capital Strategy Manager** has confirmed that this development is expected to generate some 27 primary places and forecasts indicate that by 2018 the primary schools within 2 miles will have 17 places available. On this basis, a sum of £108,463 is required towards primary education.

VIEWS OF THE PARISH / TOWN COUNCIL

Bollington Town Council is very supportive of this Heads of Terms action to allow a through route to traffic

OTHER REPRESENTATIONS

A letter of support has been received on behalf of The Dumbah Association. The Dumbah Associations support will be fully consistent with their support for ASL's housing scheme (12/4390M) at the Pool End section of the Business Park viz.,

- The Dumbah Associations paramount desire to get the end-to-end connection of Springwood Way underway
- Houses, compared to offices, significantly reduce traffic
- Much of the Business Park remains moribund with little uptake for offices
- The above factors were formally communicated in detail on application 12/4390M (see CE's website)

As the Emerson Group is in control of both the existing commercial development (Orbit) and the proposed housing scheme (Jones Homes) then the outcome is likely to be particularly pleasing in terms of design and style i.e., as can be seen throughout the neighbourhood.

4 representations have been received from local residents in respect of the original proposals. A full copy of the representations is available for inspection on the application file, but the following is a summary of the concerns raised: -

- Loss of employment growth opportunities
- The application should not be considered in isolation but as a package that could feasibly consist of 329 dwellings (due to the scheme approved under application 12/4390M)
- Increase in traffic
- Tytherington Lane and Manchester road, already experience high volumes of traffic, the increase in dwellings can only exasperate the existing problems.
- There has been a reduction in water pressure since Tytherington Business Park was constructed
- Allocation of space for community use is limited
- 3 storey properties in an elevated position is detrimental to the areas amenity and will impact on privacy and character
- The plans indicate over development and insufficient environmental enhancement
- The social housing units should be pepper potted and not built in a stand alone 'estate' in a less desirable area of the plot
- The local primary school is at full occupancy and has a waiting list, Tytherington High school is at a similar occupancy rate.
- A contribution to the wider community, such as the Tytherington rugby/football fields, should be made a pre-commencement condition
- Proposal is not sustainable on the existing infrastructure

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 Land and Premises Report
- A Transport Statement
- A Protected Species Report
- A Bat Survey Report
- A Site Waste Management Plan
- An Arboricultural Report
- A Preliminary Tree Survey
- An Air Quality Report
- A Noise Assessment
- An Environmental Noise Assessment
- A Statement of Community Involvement
- A Flood Risk Assessment
- A Preliminary Risk Assessment
- A Climate Change and Sustainability Report
- 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

Residential development on the majority of the site was secured by the developer by way of an outline application for up to 111 dwellings on 11th October 2013. The remainder of the site falls within the Business Park allocation and benefits from consent for two and three storey office buildings.

The principle for development on the majority of the site has previously been established and this application does not represent an opportunity to re-examine the appropriateness of the site for residential development for that part of the site. Consideration should be given to weighing up whether the rest of the proposed site should be developed for housing. The other key issues in question in this application, are the acceptability of the access, appearance, landscaping, layout and scale of the buildings, particularly in respect of residential amenity, their relationship to tree and hedges and the surrounding area and the impact on Cold Arbor Farm (a Grade 2 Listed Building).

NPPF Paragraph 215 of the National Planning Policy Framework (NPPF) indicates that relevant policies in existing Local Plans will be given weight according to their degree of consistency with the NPPF.

In general, the Macclesfield Local Plan 2004 is considered to be consistent with the NPPF. Paragraph 11 states that:

“applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.

At paragraph 14 it advises that decision takers should approve development, unless:

“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;

or

specific policies in this Framework indicate development should be restricted”

The National Planning Policy Framework strongly encourages Local Planning Authorities to be pro-active and positive in terms delivering sustainable forms of development. At paragraph 187, it advises that:

“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area”.

Therefore the key consideration in the determination of this application is whether the loss of employment land significantly and demonstrably outweighs the benefits of additional housing coming forward.

There are a number of additional 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 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.
- An on-site public open space would be provided.
- The proposed development comprises 175 dwellings 30% of which would be affordable. 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.
- An off site contribution for recreation / outdoor sports would be provided.
- £162 694 of contributions towards the local schools.

Loss of Employment land

The application site is allocated in the MBC Local Plan (2004) as an existing employment site (Business and Industry). Policies E1, E3 & E4 apply, which seek to retain the land for both existing and proposed employment uses. However, it should be noted that paragraph 22 of the NPPF suggests that employment land allocations should be regularly reviewed, and that long-term protection should be avoided. It advises:

“Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable location communities”.

In March 2012, CEC appointed Ove Arup & Partners and Colliers International to produce an Employment Land Review for the Borough. The Employment Land Review considers the need for employment land (for B1, B2 and B8 uses) over the period from 2009 – 2030, and forms part of the evidence base for developing the new Local Plan.

The report suggests that the application site should be released. Appendix E1 (pages 41-42) advises:

“The slow rate of take-up of vacant property on Phase 1 (and Phase 2) would suggest that even in a stronger economic climate, this site would struggle to be developed over the plan period.

The key barrier to the delivery of the site is the lack of an identified office market in Macclesfield. There is also a high degree of vacancy in Phase One and it will take considerable effort to fill this space. Macclesfield is too far from Manchester to be considered part of the sub-regional market.

MA-02's frontage to the Silk Road gives it a good profile and would seemingly commercially attractive to occupiers. It seems that the issue is the size of the market that demands space in Macclesfield."

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.

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 reasonable 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 currently an acknowledged 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 carries significant weight and the provision of a good quality housing development is a further important material consideration which would support the development. As such, it is considered vital to ensure that they are delivered as part of the overall scheme.

Sustainability

The site was considered under the outline application (11/3738M) to be 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.

With regard to the economic role of sustainable development, the proposed development will help to maintain a supply of land for housing as well as bringing direct and indirect economic

benefits to Macclesfield, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

With regard to its social role, the proposal will provide 175 new family homes (including 53 affordable homes), public open space, footpath links from the Middlewood Way and financial contributions towards to improve sports facilities and schools.

Taking this into account, the site is considered to be in a sustainable location and therefore, accords with the NPPF's aims of fostering sustainable development.

Housing Land Supply

The National Planning Policy Framework (NPPF) states at paragraph 47 that there is a requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land".

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government's overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011, a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. In October 2013 the Cabinet Member agreed the Cheshire East Local Plan Pre-Submission Core Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, an annual average of 1350 homes per year. This figure represents not only the objectively assessed need for housing based on the latest household projections but also a policy "boost" to allow for an enhanced level of economic development once the downturn recedes.

However the most up to date position on the Councils 5-year housing land supply figure is following the recent appeal decisions. As part of the consideration of the Congleton Road and Sandbach Road North decisions, the Inspector found that the housing land supply over 5 years is 5750 dwellings. It is necessary to add to this figure the existing backlog 1750 dwellings and a 20% buffer for a record of persistent under delivery which gives a total

requirement of 9000 dwellings over 5 years or 1800 per annum. This calculation took account of the High Court judgement in the Hunston Properties case (subsequently reinforced at the Court of Appeal). For whilst the RSS has clearly been revoked, it remains the only examined housing figure for the current period and itself represented a step change in housing growth when it was adopted (reversing the previous policy of restraint). Accordingly the three Appeal decisions published on 18 October 2013 all use the RSS base.

In terms of the existing supply the Inspector found that there is currently:
'a demonstrable supply, taking the generous approach to Council estimates, which is likely to be in the region of 7000 to 7500 dwellings at most' (Sandbach Road North Appeal)

This demonstrable supply therefore equates to a figure of 4.0 to 4.2 years.

The NPPF clearly states at paragraph 49 that:

"housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

"where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- specific policies in the Framework indicate development should be restricted."*

As it has been found that Cheshire East cannot demonstrate a five year supply of housing land, the provisions of paragraphs 49 and 14 apply in this case. It is therefore necessary to carry out a balancing exercise in this case to assess whether the harm 'significantly and demonstrably' outweighs its benefits.

Emerging Policy

Clarification has been given on the weight which can be attributed to the emerging Local Plan as part of recent appeal decisions for Abbeyfields, Sandbach and Congleton Road, Sandbach and Sandbach Road North, Alsager. As part of the decision for the Abbeyfields site the SoS stated that:

'As the emerging LP is still at an early stage the Secretary of State accords it limited weight in his decision making'

As part of the appeal decision for Congleton Road, Sandbach and Sandbach Road North, Alsager the Inspector found that:

‘There is a draft Local Plan, variously described as the Core Strategy and Development Strategy, which is moving towards a position in which it can be submitted for examination. The Council is seeking to achieve this in late 2013. The current state of the plan is pre submission. It is not disputed that there are many outstanding objections to the plan, and to specific proposals in the plan. Hence it cannot be certain that the submission version of the plan will be published in the timescale anticipated. The plan has already slipped from the intended timetable. In addition there can be no certainty that the plan will be found sound though I do not doubt the Council’s intentions to ensure that it is in a form which would be sound, and I acknowledge the work which has gone into the plan over a number of years.

Nonetheless I cannot agree that the draft Local Plan should attract considerable weight as suggested by the Council. There are many Secretary of State and Inspector appeal decisions which regard draft plans at a similar stage as carrying less weight. The Council’s own plan has been afforded little weight in the earlier months of 2013, and although the plan has moved on to an extent, it has not moved on substantially. For these various reasons I consider that the draft Local Plan can still attract no more than limited weight in this case’

Since then the Council has published the Pre-Submission Core Strategy which is supported by fuller evidence and takes account of the 16,000 comments made during the two consultations in 2013. Accordingly its weight should correspondingly increase in decision making. Never the less, given the stance taken in the above appeals the emerging Local Plan can only be given moderate weight in the determination of this planning application.

Conclusion

- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies for the supply of housing land are out of date and there is a presumption in favour of development unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.
- Cheshire East has a housing land supply figure of in the region of 4.0 to 4.2 years
- Only moderate weight can be applied to the emerging Local Plan.

As the Council cannot demonstrate a 5 year housing land and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects as part of the planning balance.

Need for additional affordable housing in the area

The Interim Planning Statement: Affordable Housing states that for both allocated sites and windfall sites the Council will negotiate for the provision of a specific percentage of the total dwelling provision to be affordable homes. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the

recommendations of the 2010 Strategic Housing Market Assessment. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

The affordable housing requirements for this site based on the originally submitted scheme for 167 dwellings was therefore, 51 dwellings, with 33 provided as social or affordable rented and 18 provided as intermediate tenure.

The SHMA update 2013 shows that for the Macclesfield sub-area there is a net annual requirement for 180 new affordable units per year, these are made up of a need for 103 x 2 beds, 116 x 3 beds and 80 x 1bed older persons units. The SHMA has identified a surplus for 1 and 4 bed units and a surplus of 2 bed older persons units, which has been deducted from the shortfall to give the net annual requirement of 180 new units.

In addition to this information, taken from the SHMA update 2013, Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East, there are currently 1272 active applicants who require properties in Macclesfield, these applicants require 543 x 1 bed, 477 x 2 bed, 181 x 3 bed & 28 x 4 bed (40 haven't stated how many bedrooms they require).

The applicants planning statement (based on the original proposed number of dwellings being 167) indicates an affordable housing offer of 51 dwellings, according to both the original application form and the Planning Statement the applicants affordable housing offer is 51 units, with 38 provided as rented affordable dwellings and 13 intermediate units, which represents a tenure split of 75% rented and 25% intermediate affordable dwellings, after seeking clarification from the applicant they advised the affordable housing offer should have been 51 units with 33 of the dwellings provided as rented and 18 as intermediate tenure affordable homes. This represents 30% of the total dwellings and the tenure split is 65% rented and 35% intermediate, this is acceptable.

The type of dwellings being proposed as affordable housing are 31 x 2 bed and 2 x 3 bed properties as social/affordable rented dwellings and 14 x 2 bed and 4 x 3 bed properties as intermediate dwellings. A wider range and type of properties highlighted as affordable rented dwellings would have been preferable.

However, the number of proposed dwellings has increased to 175 units, however, no detail has been provided with regard to the type, size and number of affordable units offered. It is assumed that the proposal will include the same provision of 30% affordable housing, including a tenure split of 65% rented and 35% intermediate tenure.

The Affordable Housing IPS 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. Not in discreet or peripheral parts of the site as per the IPS.

The plan submitted in August identifies 16 of the rented dwellings, plots 5 – 20 to be served by a separate access road – these are not fully integrated with the site. These units are discrete and peripheral to the rest of the site and this is not acceptable. Furthermore, the pepper-potting of the remaining affordable units is limited. As outlined in the IPS, one would expect to see pepper-potting of the affordable units across the site. On a site of this size, the

Housing Strategy and Needs Managers would like to see no more than 10 affordable units per cluster and to ensure full integration, the Strategic Housing Officer would like to see a mix of rented and intermediate tenure units within each cluster. It is the Housing Strategy and Needs Managers preference that the peripheral part of the site accessed via a separate road, includes a mix of tenures and that affordable housing should not constitute more than 30% of the total units within this area.

The Affordable Housing IPS also states that affordable homes should be constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007). This is a requirement for all of the affordable units, both rented and intermediate, to comply with these design and quality standards.

Finally, the Affordable Housing IPS states that no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased. The Housing Strategy and Needs Managers would require a plan outlining the location of the affordable units and tenures to decide whether sufficient high degree of pepper-potting allows for an increase to 80% of open-market dwellings for delivery of the affordable units.

The draft Heads of Terms submitted to accompany the planning application, gives little detail about the affordable housing provision other than outlining 30% provision on site. It is the Housing Strategy and Needs Managers preference that the Heads of Terms includes provision for the applicant to submit an affordable housing scheme prior to commencement of development outlining:

- The tenure proposals for the intermediate units and provisions to ensure these are affordable in perpetuity.
- Timing/phasing of affordable housing
- Arrangements for transfer to a Registered Provider.

Paragraph 5.1 of the Interim Planning Statement: Affordable Housing states the following:

The Council will require any provision of affordable housing and/or any control of occupancy in accordance with this Statement to be secured by means of planning obligations pursuant to Section 106 of the Town and County Planning Act 1990 (as amended).

It is therefore, the Housing Strategy and Needs Managers preferred option that the developer undertakes to provide the affordable/social rented units through a Registered Provider, who are registered with the Homes and Communities Agency to provide social housing.

Design, layout, density and impact on residential amenity

Since the application was submitted in June 2013, there have been various alterations made to improve the scheme and create a place of distinctive character. The proposed layout reflects the character of the surrounding area, by proposing some terraced, detached and

semi-detached properties. The house designs and details of boundary treatments are generally acceptable.

The layout submitted illustrates that satisfactory 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 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.

At the time of report preparation, the heights and general sizes of dwellings proposed and layout of roads are acceptable.

However, there are a number of minor areas where the separation distances are a little tight. Officers are confident that there is sufficient scope within the site to comply with the requirements of Local Plan Policy DC38. An amended layout has been requested to deal with these matters. It should also be noted that any impacts are within the confines of the site. It is recommended that should the scheme be approved by Members, this should be subject to a condition in respect of the amended plan or that this matter or if need be delegated to the Interim Planning and Place Shaping Manager, in consultation with the Chairman of Strategic Planning Board and Local Ward Member.

Impact on Cold Arbor Farm

Cold Arbor Farm is a Grade II Listed Building, which lies to the west of the site. The farm falls within the ownership of the applicant. Strong concerns were raised to the originally submitted plan, as the curtilage around the farm had been drawn too tightly. It is considered that the revised plan establishes a far better setting, which respects the historic curtilage and a better relationship.

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.

The Strategic Highways Manager considers the internal road design to be acceptable.

It should be noted that under the outline application 11/3738M, the Strategic Highways Manager noted 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 outline permission and 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. This amount is required towards improvements to the A523, north of the application site.

Members may recall that application 12/4390M (an outline application for up to 162 dwellings at Land of Manchester Road Tytherington), required a through link from that development to Larkwood Way to create a spine road through to Springwood Way in line with the Development Brief for the site. It is proposed to attach a condition to this application, which mirrors the condition attached to the adjacent development to deliver the spine road.

Environmental Issues

The Environmental Health Officer raises no objection to the application, subject to conditions in relation to noise mitigation, hours of work during construction, air quality and contaminated land. Individual Travel Plans should be developed for all residential occupants with the aim of promoting alternative / low carbon transport options. It is also considered that the developer should provide Electric Vehicle Recharging Points in 50% of residential properties.

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.

Landscape, Greenspaces and Trees

There have been several revisions to the layout plan in order to achieve a quality landscape environment. The submitted landscape plans are considered to be broadly acceptable.

There are a few detailed matters which can be addressed by way of a condition or revised plans as follows: -

The southern boundary and cycleway

It is recommended that this is widened to a minimum of 20 metres in accordance with the outline approval 11/3738M. The footpath should be a 3.0 metre wide combined footpath/cycleway and include a link to the proposed housing area, linking the Middlewood Way, Tewkesbury Drive and Malvern Road route. Details for the proposed cycleway links and boundary treatments/fencing are required at Tewkesbury Drive and the Middlewood Way, can be conditioned.

Public footpath routes

The pathway is only 4 to 5 metres in width and previous garden boundary fences have been shown on both sides. Care is required to ensure that this route is not too narrow and oppressive.

Planting

Various improvements are required to the planting, however, these details can be conditioned. The revised plan, which is awaited at the time of report preparation should address the concerns raised above.

Trees

The Arboricultural Officer notes that the application is supported by an Arboricultural Statement by Cheshire Woodlands Arboricultural Consultancy. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on, or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations no longer refers to Arboricultural Implications Assessments, but to Arboricultural Impact Assessments (sub section 5.4 of the Standard). The assessment should evaluate the effects of the proposed design, including potentially damaging activities, such as proposed excavations and changes in levels, positions of structures and roads etc. in relation to retained trees. In this regard, BS5837:2012 places greater robustness and level of confidence necessary to ensure the technical feasibility of the development in respect of the successful retention of trees. An Arboricultural Impact Assessment has been requested, the details of which, and assessment of, shall follow in an update report to Members prior to committee.

The British Standard identifies at para 5.2 Constraints posed by Trees that all relevant constraints including Root Protection Areas (RPAs) should be plotted around all trees for retention and shown on the relevant drawings, including proposed site layout plans. Above ground constraints should also be taken into account as part of the layout design.

The development proposals have been subject of extensive detailed pre-application discussions, including a pre-application site visit. The original layout has been modified to accommodate the retention of the identified and accepted high value trees and retained moderate value specimens.

The submitted plans and particulars illustrate which trees are suggested for retention and cross referenced with their Root Protection Areas and respective Tree protection details onto the proposed Master Plan.

The majority of the trees either as individual specimens or forming groups identified for removal are low value category C specimens. The category B specimens identified for removal as part of both G5 and G6 were agreed and accepted as part of pre-application discussion.

The proposed layout is broadly reflective of the requirements of BS5837:2012 with only a limited number of minor incursions within the identified RPA's. It is accepted that the impact of the incursions and minor changes will have a limited and insignificant impact on the retained trees.

Details of all existing hedgerows within the application site appear not to have been assessed for their importance under the Hedgerow Regulations 1997. This is particularly important in respect of the hedgerows located either side of the green lane associated with Cold Arbor Farm, which is depicted on historic Tithe maps.

The above details have been requested and final comments will be provided in an update report prior to the committee meeting.

Open Space

Discussions have taken place between the Parks Management Officer and applicant with regard to the quality of and amount of Public Open Space to be provided.

It is understood that the revised plan awaited will address many of the concerns previously raised.

On the basis of 167 dwellings, a payment of £167 000 was required towards Recreation and Outdoor Sport provision. The commuted sum will be used to make additions, enhancements and improvements at Rugby Drive sports facility in line with the Supplementary Planning Guidance.

Further comments will be requested from the Parks Management Officer and these will be reported to Members in an update report.

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.

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 surveys undertaken included a revised extended phase one habitat survey and updated bat and badger surveys, the contents of which were considered to be acceptable.

OTHER MATERIAL CONSIDERATIONS

The comments provided by consultees and neighbours in relation to the strategic planning implications and the loss of allocated employment land, sustainability impact on amenity, transport and traffic are noted. It is considered that the majority of issues are addressed in the report above. One specific matter which has been raised is the relationship with neighbouring

site (Pool End). Whilst Officers note the adjacent site to the west (known as Pool End) has been granted consent for residential development, each application needs to be assessed on its own merits.

CONCLUSIONS AND REASON(S) FOR THE DECISION

As mentioned above, a revised plan is awaited at the time of report preparation, which should address the minor issues raised in relation to amenity, open space and design of pedestrian routes/cycleways crossing the site.

The affordable housing needs to follow best practice guidance to integrate it with private housing. Whilst this may be more convenient for management purposes, it does not encourage integration.

Whilst the application site is allocated for employment uses, the Arup Employment Land review acknowledges that there is an over-supply of employment land, and recommends that the site is released from employment use. During the determination of application 11/3738M – Land to the East of Larkwood Way, Members concluded that as there were a number of vacant office buildings on Tytherington Business Park, and take-up rates were low the site was not required for employment uses. The same argument can be made in respect of the rest of the site the subject of this application.

In accordance with paragraph 14 & 49 of the NPPF:

“housing applications should be considered in the context of the presumption in favour of sustainable development”, unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted”.

The site is considered to be in a sustainable location with access to local services, including shops, schools and good public transport links, and there are no adverse impacts which would significantly and demonstrably outweigh the benefits.

The proposal will bring a number of redevelopment benefits namely:

- 175 dwellings comprising a good mix of house types and sizes, which will help meet the Council's housing targets;
- the provision of 30% will be affordable housing;
- green links and footpaths, which will provide a pedestrian/cycle link between the Middlewood Way, residential development, and adjacent existing residential areas;
- on-site Public Open Space containing play provision;
- Highways improvements;
- £167 000 for Recreation and outdoor sports (based on 167 dwellings – to be recalculated for the number of dwellings actually approved);
- £108,463 towards primary education.

In summary, for the reasons outlined, it is considered that the principle of residential use on the site is considered acceptable, and although the proposal does not comply strictly with policy, there are sufficient material considerations in relation to an oversupply of employment

land and the current lack of housing land supply which result in a recommendation of approval being made, subject to conditions and a S106 agreement.

HEADS OF TERMS

- 30% Affordable Housing = 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.
- A detailed scheme for the design and layout of the open space to be approved prior to commencement. A NEAP is also required.
- A commuted sum would be required for Recreation / Outdoor Sport of £167 000 (which includes discount 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 175 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 Poytnon 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 Full Planning

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

1. A07EX - Sample panel of brickwork to be made available
2. A03FP - Commencement of development (3 years)
3. A03AP - Development in accord with revised plans (unnumbered)
4. A01GR - Removal of permitted development rights
5. A05EX - Details of materials to be submitted
6. A01LS - Landscaping - submission of details
7. A04LS - Landscaping (implementation)
8. A12LS - Landscaping to include details of boundary treatment
9. A15LS - Submission of additional landscape details
10. A06NC - Protection for breeding birds
11. A04NC - Details of drainage
12. A22GR - Protection from noise during construction (hours of construction)
13. A23GR - Pile Driving
14. A19MC - Refuse storage facilities to be approved
15. Tree - Arboricultural Impact Assessment
16. Existing and proposed site levels, contours and cross-sections
17. A Greenway / Green link of a minimum width of 20m in accordance with the outline application 11/3738M
18. A programme for the implementation of the southern cycleway, public open space and footpath routes

19. Floor floating (polishing large surface of wet concrete floors)
20. Dust Control
21. Bin and Cycle Store in accordance with approved details
22. Compliance with noise mitigation scheme
23. Contaminated land
24. To accord with Arboricultural Statement
25. Details of provision of access to Poole End site to be provided Manchester Road
26. Phasing plan
27. Incorporation of features to house birds and bats to be submitted with reserved matters application
28. Construction Method Statement
29. Information on walking, cycling and public transport to be provided and electrical hook up points
30. Submission of lighting scheme with reserved matters application
31. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources
32. Submission of a foul/surface water drainage scheme
33. Submission of SUDS
34. Verification of the remediation works, if required
35. Remediation strategy if contaminants are found during development phase
36. Compliance with Waste Management Plan

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