

Application No: 13/4640M

Location: Eddie Stobart Ltd, Knutsford Road, Chelford, Macclesfield, SK11 9AS

Proposal: Outline planning application for demolition of existing cold storage depot and development of site and adjacent car park land for a mixed use scheme comprising up to 122 dwellings with associated public open space, pedestrian crossing and relocation of bus stops on Knutsford Road and either up to 603 sqm of B1a business space and or car parking with all matters reserved, except for access.

Applicant: Richard Butcher, Eddie Stobart Group Limited

Expiry Date: 03-Feb-2014

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
- Sustainability of the site and links between the site and Chelford Village
- Noise issues from the railway line and Knutsford Road
- Design, layout and density
- The scale of the proposal – impact of height, mass, bulk, character and appearance of the area
- Impact on residential amenity
- Loss of a Preferred Site (WM23) for a Waste Bulking or Materials Recycling Facility
- Flooding and drainage
- Impact on landscape, trees and ecology
- Impact on highway safety and traffic generation
- Provision of open space
- Redevelopment benefits
- Heads of Terms for a Legal Agreement

REASON FOR REPORT

The application seeks outline consent for up to 100 dwellings with up to 603 sqm of business space and is considered to be of strategic importance.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises the former Irlams Depot. The site was purchased from James Irlams and Sons in 2008, by the Eddie Stobart Group Limited. Stobarts are operating a haulage business from the site on a temporary basis whilst the group establishes a network of depots in closer proximity to the motorway network. The site also includes the Cattle Market overflow car park, which is also under the ownership of Stobarts.

The site is bounded by Knutsford Road, the bowling green and Dixon Court apartments to the north, the railway line to the east, a woodland area and bridle path to the south, and residential properties and Chelford Farm Supplies to the west.

The application site measures 4.45 hectares, and is predominantly hard surfaced. There are a number of storage and office buildings on site. Around the perimeter of the site there are a number of trees. The trees along Knutsford Road frontage are protected by a Tree Preservation Order.

Within the Macclesfield Borough Local Plan (2004), approximately two thirds of the site (the haulage depot) is allocated as an Existing Employment Area, the remaining third (the Market car park) falls within the Green Belt.

DETAILS OF PROPOSAL

Outline Planning permission is sought for the redevelopment of the site for residential purposes – a maximum of 100 dwellings, including 30 affordable dwellings. Provision would also be made for 603 sq m of offices and / or car parking for community/public use.

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 advice from Officers, during the life of the application revised plans have been submitted to omit 22 dwellings from the site (reducing the total number of dwellings from 122 to 100), whilst reducing the amount of land dedicated to housing on the Market car park area (which falls within the Green Belt) and replacing it with an area of land which would be possibly developed at a later date.

RELEVANT HISTORY

11/2658M Hybrid Planning Application: outline application for development of 10 affordable homes together with associated access works and private car parking. Full application for the reconfiguration of access to and retention of the overflow car parking area for Chelford Agricultural Market – awaiting determination – approved subject to S106

- | | |
|----------|--|
| 10/3267M | B1 Employment development (maximum 603 square metres) – Approved 12.12.2012 |
| 10/3239M | Re-development of depot for residential development (maximum 50 dwellings) – Approved subject to S106 08.12.10 |
| 03/1642P | Use of car park by private vehicles unconnected with the market (certificate of lawfulness for a proposed use or development) - Positive certificate issued 30.03.04 |

Many additional applications have been received in relation to the Irlams / Stobarts site over the years. However, it should be noted that these in the main relate to the applications for development of the industrial premises.

POLICIES

National Policy

National Planning Policy Framework (The Framework)

Local Plan Policy

Built Environment

BE1– Design Guidance

Green Belt

GC1 – New Buildings

GC3 – Visual Amenity

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

E1 – Retention of Employment Land

E4 – General Industrial Development

E14 – Relocation of unneighbourly businesses

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

Cheshire Waste Local Plan (2007)

Policy 4 – Preferred sites for Waste Management Facilities

Policy 5 – Other sites for Waste Management Facilities

Appendix 4 – Site Profiles – Preferred site WM23- Chelford Depot

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, Unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG3 – Green Belt
PG6 – Spatial Distribution of Development
SC3 – Health and Wellbeing
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 - The Landscape
SE5 – Trees, Hedgerows and Woodland
SE9 –Energy Efficient Development
IN1 - Infrastructure
IN2 – Developer Contributions

Other Material Considerations

Interim Planning Policy: Release of Housing Land (Feb 2011)
Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Market Housing Assessment (SHMA)
Cheshire East Employment Land Review 2012.
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
SPG on Section 106 Agreements (Macclesfield Borough Council)
North West Sustainability Checklist
Cheshire East SHLAA

SUMMARY OF CONSULTATIONS

Strategic Highways Manager

No objections, subject to conditions and a legal agreement requiring the provision of a pelican crossing, relocation and reinstatement of the bus stops and provision of traffic management measures on Knutsford Road. The redevelopment does not produce a severe capacity problem in regards traffic generation on the local road network or cause congestion issues. There are benefits of the redevelopment in that there will be a reduction in HGV traffic, as an industrial use has been removed.

Environmental Health Officer

No objections, subject to conditions.

Environment Agency (EA)

No objection, subject to conditions and informatives.

The proposed development will only meet the requirements of the National Planning Policy Framework (NPPF) if the following measure(s) as detailed in the Flood Risk Assessment (FRA) submitted with the application are implemented and secured by way of planning conditions which relate to preventing the risk of flooding both on and off sit. This includes the following: -

- Construction of a SUDS-based surface water drainage system.
- Provision to store excess surface water run-off within suitable areas within the site boundary, up to the 100-year standard of flood protection (including adjustment for future climate change)

United Utilities

Raise no objection to the proposal providing that the following conditions are met: -

- Foul flows emanating from the site must discharge at a maximum rate of 5 l/s in to the public foul sewerage system located within Knutsford Road.
- Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. As the FRA suggests soakaways are practicable and therefore the use of soakaways for the entire site must explored and evidence of such submitted to UU before any surface water flows generated from the site would be allowed to connect to the public surface water system are considered.

Public Rights of Way Team

Commented that the development does not appear to affect a public right of way.

Leisure

A financial contribution is required in lieu of Public Open Space (POS)/off site play and amenity facilities / recreation and outdoor sport.

The POS based on 100 units is £180 000

The Recreation / Outdoor Sport commuted sum on 100 units is £70 000

The reduction to the Recreation / Outdoor Sport commuted sum for the affordable units, presuming that there are 30 units is £30 000.

The sum for Community Facilities is £75 000

Housing Strategy and Needs Manager

Initially objected to the application, however, the revision to the scheme is policy compliant, therefore, the Housing Strategy and Needs Manager now supports the scheme. This is on the basis that the Council's Affordable Housing Interim Planning Statement states that Cheshire East Council will seek provision of 30% affordable housing on any sites over 15 units, with a

tenure mix of the affordable housing of 65% rented affordable housing and 35% intermediate tenure.

The School Organisation and Capital Strategy Manager

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.

A development of 100 dwellings is anticipated to generate 18 primary and 16 secondary places.

The 2 primary schools within a 2 mile radius are Chelford and Peover Superior. These schools are forecast to be oversubscribed and therefore a contribution will be required for every primary aged pupil generate.

$18 \times 11919 \times 0.91 = \text{£}195\,233$

The Secondary School located within a 3 mile radius of the site is Holmes Chapel Comp., which is currently forecast to have sufficient capacity to accommodate the pupils generated.

VIEWS OF THE TOWN COUNCIL

Chelford Parish Council

Chelford Parish Council (PC) supports the planning application 13/4640M in principle with some reservations. The development would provide essential housing including affordable houses for our young families. This development is vital for the sustainability of the village and is strongly supported by the community.

Background context to Chelford PC's support for this application.

Chelford community has a robust Parish Plan (published in March 2009) based on extensive consultation with the residents. The plan identified the need for new, mixed housing (including affordable houses) to assure the continuity of residency of families in our village and for our community to thrive.

The vital need for these new homes to retain and attract younger families is also supported by the latest census data. These show that from 2001 to 2011 the population of Chelford Parish fell from 1254 to 1174 (80 persons, 6.4%) and that our population has aged. If this current trend continues, by the time the Local Plan is established and as we are informed, by the time at which smaller developments are considered in 2016, our population will have reduced by a further 3.2% (40 persons).

The Parish Council commissioned its own report to provide guidance in determining an appropriate and consistent response to development in the village. This was adopted in May 2010 and identified this site as one, which is suitable to provide the housing and startup employment that is vital for the village.

Further consultation by Eddie Stobart Group (ESG) in 2010 for a development of approximately 100 houses and more recently in March 2013 for 122 homes have shown residents' continuing support for this development. Indeed, in 2013, over 100 residents

attended an open day to view the development proposals or responded to a mail shot and 91% of these residents were in favour of this development.

Such community support for new development is, we believe, very unusual, if not unique, in Cheshire East. This is reflective of the community's strong commitment to ensuring a sustainable future for Chelford.

Cheshire East Council's Core Strategy has identified Chelford as a Local Service Centre providing a sustainable community with facilities such as essential shops, transport by rail and bus, dispensing surgery, primary school, an award winning tenants and residents association which caters for our older folk, and many other thriving organisations.

As a Local Service Centre, it is planned in the Core Strategy, that there should be 'modest development' to satisfy local needs. This is exactly what this development is and the only problem is that part of it is designated Green Belt which requires very special circumstances (VSC) to be able to gain approval.

Parish Council Concerns and Reservations

GREEN BELT

The Parish Council has always and will always vigorously oppose any erosion of the green belt around the village. However, the Parish Council feel that this particular site should probably never have been designated Green Belt and has never been perceived as being Green Belt by the Parish Council, or the residents of Chelford. Having stated this, the Parish Council would not wish to create a precedent, which might be exploited by developers in our community and others similar to ours.

In this case the Parish Council believes that such a precedent is **not** set and that the VSC, which should allow building of this development on this piece of Green Belt are so exceptional that they could not be replicated on any of the Green Belt land that surrounds Chelford, or other communities.

For example, the residents whilst supporting this development, would not support any proposed development in the Green Belt land surrounding the village with the intrinsic loss of farm land and open, rural space.

This proposed development site is a Brown field site, which the local and national governments advocate should be used as a priority over green field sites. It is within the village curtilage and does not offer the benefit of recreational open space or views of the countryside. The benefit to our community of new homes and start-up employment units far outweigh the loss of this particular small area of Green Belt land.

The developer has presented a compelling case for this site to be regarded as having eleven VSC's in respect of green belt policy and the Parish Council are in agreement with the points made.

AFFORDABLE HOUSING

The Parish Council has consistently stated that Chelford is in urgent need of approximately 36 affordable dwellings (2008 Housing Needs Survey). The numbers suggested in the previous applications by Eddie Stobart Group and also Frank Marshall & Co were considerably in

excess of this figure and we had serious concerns about this over supply. On this new application, if the 10% affordable housing is approved on this site then only 10% will be provided on the Marshalls site also. This would then cause an under supply and will inevitably lead to further pressure to develop good quality agricultural land outside the village for affordable housing. This will not be supported by the Parish Council under any circumstances and there are no other suitable sites within the villages.

The developer makes the point that a financial viability appraisal has been carried out, which makes it unviable to provide affordable housing at greater than 20%. This application is for only 10%. The Parish Council would like to suggest that an absolute minimum of 15% affordable housing be provided on this site (and subsequently on the Marshall's site).

EMPLOYMENT

The Parish Council have been open-minded regarding this point but following the presentation day arranged by the developer, it became clear that the view of the village was in favour of some form of employment on the site, possibly even some new retail units. The area of the site set aside for employment use is well placed but somewhat restricted. The proposed layout of the access and the building units is very much dictated by the constrained nature of this part of the site. The Parish Council note that it would be the developers' intention to actively market the employment site for a maximum period of 24 months following a successful planning application.

There has already been some local interest in the part of the site zoned for commercial and the Parish Council would hope this bodes well for an early development of this area.

SECTION 106 AGREEMENT

Chelford PC is in broad agreement with the Draft Head Of Terms presented by the developer but would wish to make the following observation and one further suggestion based on detailed local knowledge. The items contained in the current Section 106 Agreement were identified at quite an early stage in the consultation process, which the Parish Council welcomes. It is clear however, that the application now submitted which includes the Green Belt land, contains a significant proportion of higher value properties, which is not possible without inclusion of the Green Belt. If the planning application is successful (which the Parish Council support), the Parish Council would hope that increased value to the developer will be reflected in the final Section 106 Agreement.

The Parish Council's detailed local knowledge still strongly suggests that further attention must be paid to the new access road junction with Knutsford Road and should be considered at the same time and as part of any development on the Marshalls site. The Parish Council are still of the firm view that at least some form of roundabout must be provided at this junction. The Parish Council believe that planning approval ref 11/1682C (the Fisons application) provides support for our view. This recent development in Holmes Chapel is for the provision of 231 dwellings (not many more than the 200 dwellings proposed in Chelford between this and the Marshalls site) and is situated on a less busy road than Knutsford Road and at a clearly less busy junction.

The existing established large residential development (Seddons Estate) has only one access point near the Egerton Arms as opposed to the original, envisaged additional separate access at the junction now under discussion. Following the closure of the cattle market and the

development of Marshall's site, Dixon Drive could be opened to allow traffic flow to these two access points. The Parish Council believe that this should also be considered in any traffic management proposals for this junction.

CONCLUSION

The Parish Council welcome the degree of consultation that has taken place between the developer, Cheshire East Council and the Parish Council. The Parish Council feel that the development plans now submitted, with some minor revision/modification, form the basis of a development which will ensure the village receives the investment necessary for its continued economic health, diversity and strong community.

Snelson Parish Council

Snelson Parish Council raise concerns with regard to the vehicle traffic on Pepper Street and are seeking speed limits and traffic calming measures.

The question raised by Snelson Parish Council, is would the development to which this application refers, have an impact on vehicular traffic on Pepper Street - both construction vehicles and residents?

Pepper Street is part of a rat run providing a convenient cut through from the Knutsford Macclesfield A537 to the Knutsford Holmes Chapel A50. At either end are large employers - Barclays and Astra Zeneca

Pepper Street is for a country road unnaturally wide and straight and is used by the whole community, including horse riders pedestrians and animals, children on bikes and all manner of heavy farm vehicles and HGV vehicles (up to 32 ton articulated).

Snelson Parish Council have investigated vehicle speeds with police assistance and speeds in excess of 60mph were not uncommon at the junction of Pepper Street with Common Lane and at "Earlham" cross roads. Given the stopping distance for a car at this speed is in excess of 70 metres, we concluded there was a grave potential for a serious incident

Whilst there has not been "reportable incidents" recorded, that is not to say there have not been incidents of a serious nature. From talking to local residents we have been told of a number of bad accidents and numerous near misses to children and equestrian riders and horses.

OTHER REPRESENTATIONS

6 letters of objection have been received, and comments made as follows: -

- The development is purely based on greed and economical gain. it is a totally unsuitable location for such a development and will only bring misery to the village and all of us who live in it.
- The development is not in the interests of local residents and will have a negative impact on the local population of the village. The infrastructure is simply not there to

support such a development and the business buildings are totally inappropriate and unnecessary in such a rural location

- The adjacent road leading to Knutsford is already extremely busy and this development will only contribute to heavier traffic and inevitably lead to an increase in congestion and accidents. As a resident of Dixon Court the writer already has severe difficulty in safely exiting their car park and do battle every morning with heavy traffic plus the comings and goings of Chelford Farm Supplies.
- Why is it necessary to build such a development in a small village in such a rural location. It is an intrusion into yet further dwindling countryside. The impact on the woodlands and greenery will be devastating and will not contribute anything positive to the landscape of the village.
- The maximum density of housing should be no greater than the current average density in the village. Otherwise we will have far more demand on scant resources
- This potentially puts 250 (2 x no of houses) further cars onto Chelford Road. This will generate too much traffic for Chelford Road, especially at peak times, and will create bottlenecks.
- It is hoped that the majority of these houses will be semis or 2/3 bedroom houses for young people because there are a large number of elderly people already living in Chelford. The village needs more young people with children to support the local school and use the newly installed sports area.
- It will ruin the view and peace and quite at the back of Dixon Court. At the moment this outlook is effectively green and rural that will go. Woodland will be lost also and the value of the properties at the back of Dixon Court will be affected. Any development should be kept to the existing yard only, ie brownfield not greenfield.
- The traffic generation will be excessive as the infrastructure for modern life will require many car journeys to surrounding towns. The shopping infrastructure of Chelford is not sufficient and that soon if it goes ahead will be result in planning application for a small national supermarket, which if granted will put the two existing shops out business. Also the traffic coming from this development near the bridge will cause a lot of problems. Also parking within the village will not be enough to cope with the increase in cars.

1 general comment has been received, as follows: -

The Treasurer of Chelford Bowling Club asks that the planners ensure the local established current amenities available to both old and young do not get overlooked in the overall development for the village of Chelford.

APPLICANT'S SUPPORTING INFORMATION

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

- A Planning Statement
- A Design and Access Statement
- A Contaminated Land Report
- An Arboricultural Statement
- A Noise Assessment
- A Flood Risk Assessment
- A Transport Assessment
- An Ecological Survey
- An Air Quality Assessment
- A Landscape Assessment
- Draft Head's of Terms for a Section 106 Agreement

Details of the above documents can be found on the application file. It should also be noted that a Financial Appraisal was submitted.

OFFICER APPRAISAL

Principle of Development

Paragraphs 12 and 13 of The Framework states that the development plan is the starting point for decision making.

"Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

The:

"NPPF constitutes guidance for local planning authorities and decision-takers"...

and is:

"a material consideration in determining applications".

Paragraph 14 states:

"At the heart of the NPPF is a presumption in favour of sustainable development"...

"For decision-taking this means" (unless material considerations indicate otherwise)...
"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 this Framework taken as a whole: or*
- *Specific policies in this Framework indicate development should be restricted"*

Allocation as a 'Preferred Site' in Cheshire Replacement Waste Local Plan / Loss of Employment land / Housing Land Supply / Green Belt / Context of the proposals

Cheshire Replacement Waste Local Plan 2007

The application site is allocated in the Cheshire Replacement Waste Local Plan 2007 as a 'Preferred Site' (WM23). Site allocation WM23 has been considered suitable in principle for the development of waste management facilities which would form part of an integrated network of sites capable of making adequate provision for waste arising within Cheshire. Potential uses for the site as identified in the Plan are for bulking facility and a material recycling facility.

The Plan and more specifically policies concerning the Preferred Sites were 'Saved' in the Local Plan Strategy and are retained until they are superseded by the Waste Development Plan Documents; therefore the loss of this allocation for potential future waste management use needs to be considered against any benefits offered by the proposal when weighing the overall decision.

In respect of these considerations it is noted that the plan identifies more sites than may actually be required in order to provide flexibility and choice; and it acknowledges that not all of the potential uses listed against each site would necessarily be brought forward for development. The Plan identifies 4 other sites in the north of the authority which may be potentially suitable for the same waste management uses identified on this allocation. Since its allocation, no applications for waste management uses on this site have come forward. It is however noted that permission has recently been granted for a bulking up facility and a waste transfer station in the north of the authority at Danes Moss Landfill.

The Plan was adopted in 2007 and as such many of the preferred sites have since been built out by other non-waste uses, including on the application site. An application for a non-waste use on this site comprising residential development was approved at Strategic Planning Board in December 2010; and the officer's report concludes that the other alternative allocations are more appropriate locations for a waste management facility due to being located on industrial estates with better access to highway networks. As such the principle of a non-waste use on this site has already been accepted, and this is a material consideration which should be given weight when considering the merits of this application.

Loss of Employment Land

The application site is designated for employment uses for approximately three quarters of the site (haulage yard to the eastern side) and green belt (overflow car park for Chelford Market to the western side) for the remaining quarter, within the Local Plan. Policy E1 seeks to retain employment land for employment purposes, however, the site is not considered to be well located for employment uses. The site is positioned at the entrance to Chelford Village, with a number of residential properties located immediately west of the site within Dixon Court, and other residential properties directly opposite the site entrance on Station Road and Knutsford Road. The use of the site by a haulage business is considered to be unneighbourly, as the only access to the site by Heavy Goods Vehicles is off Knutsford Road, where a number of residential properties are located.

Policy E14 of the Local Plan advises that the Borough Council will encourage the relocation of businesses, which create an unacceptable level of nuisance to neighbouring dwellings arising from noise, smell, safety or traffic generation. Infill housing will be encouraged on such sites. It is considered that the haulage business creates significant nuisance to neighbouring dwellings due to the volume and type of traffic generated, and therefore the relocation of the haulage business is encouraged.

It is noted that an Employment Land and Market Overview report from GVA Grimley was submitted with an application for 50 dwellings, which was granted planning permission subject to a S106 Agreement in December 2010. This view is supported by the evidence put forward supporting the Local Plan). This application still awaits formal determination. It is noted that it is now asserted that delivery of that application in accordance with the S106 obligations is not financially viable.

The applicant (the Eddie Stobart Group) remains committed to redeveloping its landholding and ESG has promoted a review of the Green Bet boundary at Chelford and allocation of its land for housing through the Local Plan. The emerging Local Plan Strategy Version identifies Chelford as a Local Service Centre, suitable to accommodate modest housing growth including thorough review of Green Belt boundaries. This is a matter for the subsequent site allocations Development Plan Document.

Due to the delays in progressing the Local Plan, and following support from the local community and general support from the local community (via the Parish Council) an application was submitted for 122 dwellings in November 2013.

The 2010 application resolved to grant 50 dwellings subject to a S106 Agreement which would deliver the following obligations: -

- 30% affordable housing;
- Financial contributions to education, public open space and community facilities;
- A pedestrian crossing on Knutsford Road;
- A footpath link through the site;
- And, a requirement to speculatively build the offices approved on the other side of the bowling green.

It has been demonstrated that the Development Appraisal put forward for the 2010 development, even with 0% affordable housing is not financially viable.

The application, which came forward in November 2013 initially sought permission for 122 dwellings across the whole of the haulage yard area and overflow car park which serves Chelford Market. It also provided a new pedestrian crossing on Knutsford Road, provision of a footpath link and the following S106 contributions: -

- £238 618 towards education provision in Chelford;
- £125 000 towards public open space in Chelford;
- And, £75 000 towards local community facilities.

The Development Appraisal that was submitted indicated that the proposals could deliver 10% affordable housing (12 dwellings). Any higher level of affordable housing would, according to the applicants' agent render the scheme unviable.

Officers indicated that this proposal would not be supported. Officers requested that consideration be given to reducing the number of dwellings and a higher proportion of affordable homes. It is likely that ESG will come forward with a scheme on the remaining part of land (overflow Market carp park) if it is released from the Green Belt through a forthcoming stage of the Local Plan.

The proposal was revised and now seeks permission for 100 dwellings, 25% of which would be affordable.

The site does not provide an important contribution to the local area in terms of employment land and that there is already an adequate supply of Employment land in Cheshire East. This has been confirmed in the Cheshire East Employment Land Review 2012.

A number of the points made in the Employment Land and Market Overview report are considered to be valid. The site's location is poor at the entrance to the Village, some distance from the Motorway network in either Knutsford, or Holmes Chapel, which would make the site very difficult to market. The site and buildings have been designed specifically for haulage purposes, limiting the market for future users, and the buildings are fairly old, making conversion/refurbishment works unviable.

As compensation for the loss of the employment use on site, a B1 office building with a floorspace of 604m² is proposed on land to the rear of Chelford Farm Supplies. The applicant considers that the proposed offices will generate 50 jobs, which is similar to the number of jobs currently at the application site. Furthermore, it is argued that the proposed office units will meet the needs of the local businesses and will be more compatible use within this residential area. No objection is raised to these proposals, and if this application is approved, it is recommended that the Employment Development is the subject to a programme of marketing of the office buildings, over an agreed period of time, if suitably commercially acceptable terms can be agreed. This would be included within the Section 106 Agreement. It is not considered to be either reasonable or viable to bring forward the Employment Development on a speculative basis.

In this case, there are a number of relevant material considerations when considering the proposed loss of proposed employment land. These are:

- The delivery of up to 100 residential dwellings comprising a mix of detached, semidetached, and mews properties. The indicative scheme provides a good mix of housing types. 30% of which is offered to be affordable.
- Extensive landscaping and formation of an attractive buffer to the east of the site adjacent to the railway line.
- Some on-site public open space would be provided.
- HGV's associated with the proposed employment allocation of the site would be removed from the highway.
- ESG will be vacating the site soon and there is an oversupply of employment land in both the former Macclesfield Borough and the wider Cheshire East area

- Increased spending in the local economy.
- New construction jobs.
- The site has good access to the major road network (A50, Knutsford Road).
- There is an identified shortage of housing land supply and a need for affordable housing.
- The site is deliverable.

Consequently, although contrary to the Development Plan, it is acknowledged that there are significant material considerations that indicate that the principle of a residential-led development on this site is acceptable in this location and that a case to retain employment land would not be sustainable.

The application site is designated for employment uses within the Macclesfield Local Plan. Policy E1 seeks to retain employment land for employment purposes. However, Paragraph 22 of The Framework states that:

“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. 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 local communities.”

In short, the site does not meet the modern day requirements of industrial occupiers and there are more suitably located sites within the wider area that are better connected to the strategic highway network. There are also other more suitable locations for office demand in Knutsford and Macclesfield. As a result, the site has limited market attractiveness for employment development.

In summary, the development of the site for housing will not have any materially detrimental impact on the wider Borough’s employment land supply.

Furthermore, the Local Plan will be making new allocations in more appropriate locations better related to the strategic road network.

A number of the points made above are considered to be valid. Cheshire East’s Annual Monitoring Report 2010/2011 Table 5.3 of the 2011-2012 Annual Monitoring Report indicates there is 328.43 hectares of employment land in Cheshire East. Of this, 5.51 hectares is committed for non-employment uses, leaving 322.92 hectares. The key consideration for this application is whether there is sufficient employment land within 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

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.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the 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 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 in paragraph 14 of the NPPF which has been set out previously in this report.

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Position Statement set out that the Borough's five year housing land requirement as 8,311. This was calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times was applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five-year supply were 'sense-checked' and assumptions altered to reflect the circumstances

of the particular site. The criticisms made of the yields from certain sites in the recent appeals, particularly those in the emerging Local Plan, were also taken on board.

Sources of supply included sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accorded with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance* at that time.

A discount was applied to small sites, and a windfall allowance included reflecting the applications, which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission were identified and could contribute to the supply if required. However, these sites were not relied upon for the five-year supply.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer' the *Five Year Housing Land Supply Position Statement* demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Notwithstanding this, however, the recent appeal at Elworth Hall Farm, Sandbach (11 April 2014) determined that the Council had still not evidenced sufficiently the 5-year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be.

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during March and April 2014 and are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 5.94 year housing land supply with a 5% buffer or 5.2 year housing land supply with a 20% buffer.

Following the release of the Planning Practice Guidance (PPG), which now proposes that Councils include development which falls into the C2 Use Class category (i.e. care homes, halls of residence etc.) when considering housing land supply figures, the requirement provisionally drops to 6,496 (due to increased delivery in previous years) and the supply is elevated to 10,514. This equates to 8.09 years supply.

At the time of the Elworth Hall Farm inquiry the PPG was only in draft form, and although the Inspector gave consideration to the potential contribution of C2 accommodation to supply, the full implications of its inclusion were not known at that stage. The Inspector considered that the Council had a record of under-delivery and expressed the view that a 20% buffer would be appropriate. However, the inclusion of the C2 consents takes away the suggestion of persistent under supply.

The Elworth Hall Farm inspector also criticised assumptions which the Council had made around build rates and lead in times, which he considered to be overly optimistic. In

response Officers have been reworking the supply figures using longer lead in times, and on build rates which do not assume that on large sites there will be two or more developers except where there is the actual site specific evidence. Whilst this clearly reduces the overall supply, this is balanced out by the inclusion of the C2 permissions, and (subject to confirmation) the most recent figures still indicate that the Council can demonstrate a 5-year supply of housing land.

In the light of the above the Council will demonstrate the objective of the framework to significantly boost the supply of housing is currently being met. With specific reference to the current proposal, site CS25 is one of the Strategic Sites included within the latest housing supply figures. 135 dwellings are expected over years 1-5.

Green Belt

Policy GC1 of the Macclesfield Borough Local Plan and guidance within the NPPF set out the policy framework for development in the Green Belt. There is a presumption against inappropriate development, Inappropriate development should only be allowed in very special circumstances. Such circumstances will only exist if the harm by inappropriateness, and any other harm, is clearly outweighed by other considerations.

The most important attribute of the Green Belt is openness. There is clearly a loss of openness by introducing the built form in this location and weight must be attributed to that. However, the context of the site means that the development is well integrated in the landscape.

As said previously, approximately one third of the site falls within land allocated as Green Belt. Both National and Local Plan policy allows for limited affordable housing for local community needs on Green Belt land which is normally protected from development. The number of dwellings which would fall on the Green Belt land equate to 30% of the total number of dwellings applied for. In theory, all the dwellings shown on the Green Belt land could be delivered as being affordable and the open market housing could be built out on the haulage depot part of the site. However, no objection is made to the development coming forward spreading the affordable dwellings throughout the site, as it is desirable for the affordable dwellings to be “pepper-potted” throughout the development. As such, it is considered that the development complies with the spirit of the policy.

If it were to be concluded that any open market house which fell on the Green Belt land did not strictly adhere to policy and was therefore inappropriate development, it is considered that there are a number of considerations in favour of this particular development. The provision of housing is not sufficient in itself to outweigh the presumption against inappropriate development. However, the community benefits with this proposal, the sustainability merits in terms of development location, the provision of affordable housing, the lack of visual harm and integrated nature of the development within the built environment, as well as the advantages of ‘pepper potting’ the affordable housing throughout the development, are considered in combination be sufficient to clearly outweigh any harm by way of inappropriateness, and the limited harm to openness that would result from this proposal.

SUSTAINABLE DEVELOPMENT

The NPPF defines sustainable development and states that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

Environmental role

The site is a brownfield site and therefore can be considered a priority for development. However, it is acknowledged that the Council's Strategic Housing Land Availability Assessment (SHLAA) recognises that the land is capable of development for housing.

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from decentralised and renewable or low carbon sources. This can be secured by condition.

The development will also provide a new footpath link through the development from Knutsford Road linking to the footpath to the south.

The nearest shops and services lie across the road from the site and will be easily accessible following the formation of a new pedestrian crossing. Chelford train station is approximately 1.8km from the site, and the nearest bus stop is sited across the road to the north. The nearest primary school is also within easy walking distance of the site, off Oak Road. Some of the distances will exceed the recommended distances in policy SD2 of the Local Plan Strategy Submission Version, however all facilities are reasonably accessible and, of course, location / accessibility is only one aspect of sustainable development.

Economic Role

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

Social Role

The final dimension to sustainable development is its social role. In this regard, the proposal will provide 100 new homes, 30% of which will be affordable. In addition, a small area of open space shall be provided on site and financial contributions towards enhancing areas of open space and facilities within the village and enhancing the education provision in the local area will be provided.

Overall, the proposal is considered to be a sustainable form of development, for which there is a presumption in favour within the Framework.

AFFORDABLE HOUSING

There is a clear need for affordable housing within the local area, which is evidenced by:

The Interim Planning Statement on affordable housing requires 30% of the site to be provided as affordable housing. This amounts to 30 dwellings. The applicant has confirmed that they are prepared to offer 30% affordable housing and therefore, the Housing Strategy and Needs Manager raises no objection to the proposals.

SHMA 2013 update

The Cheshire East SHMA Update 2013 identifies a need for 87 new affordable dwellings in Chelford, Mobberley and Alderley Edge. The need is for a mix of size of dwellings. Included in this is a need for 31 units of older person's accommodation per annum.

Cheshire Homechoice

Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East. There are currently 28 people on the waiting list for Chelford. 15 people are asking for 1 bed accommodation, 9 for 2 bedroom and 4 for 3 bedroom

Rural Housing Needs Survey

In addition, a Rural Housing Needs Survey was carried out in Chelford in 2008. The evidence from this shows that there are 35 hidden households in Chelford who cannot afford to access accommodation in Chelford and 21 households who have had to leave Chelford in the recent past because they cannot afford to access accommodation there. The majority of these would need smaller accommodation.

Policy

Policy H8 of the Macclesfield Borough Local Plan states that in developments of 25 or more dwellings or on residential sites of 1 hectare or more the Council will negotiate for the provision of 25% of the dwellings to be affordable. No tenure split is identified in the policy.

The Council's Interim Planning Statements on 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 rent, 35% intermediate tenure. This equates to a requirement of 30 affordable units in total on this site, split as 20 to be provided as social or affordable rent and 10 as intermediate tenure. In addition, the IPS indicates that affordable needs are for the additional supply to be 14% for older persons comprising one or two bedroom units 50% one or two bedroom properties for general needs. 23% three-bedroom and 13% four bedroom. The IPS also identifies property preferences for house 42.3%, flats 38.7% and bungalows 19%. Consideration should also be given as to whether 25% of the properties could meet the Lifetime Homes standard and whether 1 of the rented affordable properties could be specifically designated for key workers and in particular suitable for Police use.

The Affordable Housing IPS 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.

Furthermore, the affordable homes should be constructed in accordance with Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

The IPS stipulates that all the affordable housing be delivered no later than 50% occupation of the open market units.

It is the Housing Strategy and Needs Manager preferred option that the developer undertakes to provide the social rented affordable units through a Registered Provider who are registered with the Tenant Services Authority to provide social housing.

HIGHWAY SAFETY & TRAFFIC GENERATION

The Strategic Highways Manager makes the following comments on the proposal:

The development of this site has been previously considered and accepted in highway terms. This application is outline for 100 dwellings and a mixed-use scheme.

The development of the residential element will use the existing access to the Eddie Stobarts site with some improvements in regards to geometry and providing footways. The mixed-use aspect of the scheme, uses the existing access to the overflow car park to the side of Chelford Farm supplies.

As has been previously considered, the development does not produce a severe capacity problem with regards traffic generation on the local road network and there are no objections in this regard. There are highway benefits that arise from the application in removing the HGV use of Knutsford Road that the site generates currently.

In order for residents to gain access to the nearby shops and bus stop there is a requirement for a pedestrian crossing to be provided on Knutsford Road and in order to provide the crossing the bus stops will need to be relocated. In addition, the applicant is proposing to

install some traffic calming measures on Knutsford Road and these are accepted, as they will aid speed reduction in the village.

As the existing access to the Eddie Stobart site is located close to the bridge, a number of different options for access have been considered including a roundabout. However, there are difficulties in providing a satisfactory roundabout design at the junction due to the limited space and also that the road safety audit raised concerns with a roundabout at this location. Therefore, it is considered that the existing junction design with improvements is an appropriate access to serve the development.

In summary, there are no highway objections to the development subject to conditions requiring the provision of a pelican crossing, relocation and reinstatement of the bus stops and provision of traffic management measures on Knutsford Road (to be delivered by way of S278 Agreements).

The comments from Snelson Parish Council are appreciated by the Strategic Highways Engineer, and it is agreed that there is 'rat running' that takes place on Pepper Street, however, the Strategic Highways Engineer can not see how this developer could be asked to address this issue, as it is so remote from the site and also the proposed development would not make matters materially worse as there are already staff going to and from the site and in addition, HGV's are being removed from the highway network.

Design, layout, density and impact on residential amenity

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

Local Plan policies BE1, H2, H13, DC1 and DC35 address matters of design and appearance.

Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting.

Policy H2 requires new residential development to create an attractive, high quality living environment.

Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

It is considered that, in the context of this site, it should be possible to design a scheme, which satisfies the policy requirements highlighted above. The indicative layout would confirm this and helps to illustrate that a decent landscaped setting can also be provided.

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 DC38.

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 for design consideration. The basic parameters (i.e. number of storeys) identified are acceptable, but work will need to be undertaken to address a number of issues at the detailed design stage. Officers are confident that a high quality design package can be accommodated on the site.

Design and Access Statement

The applicants have produced a Design and Access Statement which examines the indicative details for the final form of the development and this provides supporting information for the design of the scheme.

Scaled parameters

It is considered that the scale of the proposed buildings would respect the traditional scale of residential properties in Chelford, whilst providing a good mix of size and type of dwellings to provide a well-mixed cohesive community.

The eastern part of the site, towards the railway line, is higher in density and comprises predominantly terraced/mews properties. In contrast, the layout of the southern western part of the site is informal, with a lower density and comprising mostly detached and semi-detached houses. This reflects the change in landscape character towards the woodland.

Bearing in mind:

- a) the scale of the buildings that currently exist in the vicinity of the site,
- b) factors such as distance standards, amenity and outlook (which will have to be satisfied on a reserved matters application).

The development should primarily comprise of 2-storey properties, with the careful placing of some 2.5 and 3-storey buildings towards the east, screening the railway line. Other 2.5 storey dwellings should be used sparingly to address key junctions and the central open space; creating visual interest through the development. All buildings towards the south western part of the site should be 2-storey in height.

It is recommended that the ridge height of the dwellings be conditioned to scale parameters between 8.5 metres (for two storey dwellings) and 11.0 metres in height (for three storey dwellings).

The density and scale of the proposed housing is considered to present an adequate compromise between the need to make efficient use of land whilst respecting the character of the locality.

Environmental Issues

The Environmental Heath Officers have assessed the application in relation to the construction phase of development, noise, air quality and contaminated land.

Demolition and construction phase of development

It is recommended that conditions are attached in relation to the hours of construction and 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 consider and select a piling system, which would result in the least disturbance to nearby residents in terms of noise and vibration.

In addition, a condition requiring the location and details (generators, security, lighting) of the site compound and screening of the site in order to protect the amenity of local residential properties in close proximity to the proposed development should be submitted.

An Environmental Management Plan should be submitted, which should provide mitigation for Noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes; Waste Management: There shall be no burning of materials on site during demolition / construction; and dust generation caused by construction activities and proposed mitigation methodology.

The application was accompanied by an Air quality Impact Assessment which considered the impact of transport related emissions and construction phase dust on existing and new receptors. As the proposal would remove a large number of HGV's from the network there is predicted to be a reduction in overall vehicle trips from the site.

Although the conclusions are accepted it is considered on a development of this scale that the developer seeks to encourage and incentivise sustainable transport options. As such conditions are recommended which relate to Individual Travel Plans being developed for all occupants. This might include the provision of Electric Vehicle infrastructure on the residential properties. The plan shall be agreed with the LPA prior to the first occupation / use coming into effect and shall include suitable and measurable targets with the aim to reduce transport related emissions.

Contaminated Land

This site has a history of use as an industrial use and therefore, the land may be contaminated. 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 identifies potential contamination issues and recommends that further investigations are required to allow the preparation of a suitable remedial method statement.

A Phase II investigation shall be submitted and approved in writing and any remediation works carried out as necessary.

Cycling and Rights of Way

The proposed development should make adequate facilities for pedestrian and cyclist access to, from and within the site. The documents refer to the creation of a footpath link on the site, which shall connect the proposed paths on the site with Footpath BR5 Snelson Way, to the south.

Landscape, Greenspaces and Trees

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

The Arboricultural Officer raises no objections to the outline scheme in principle. This outline application is supported by an Arboricultural Statement, which identifies those trees proposed for retention within the proposed scheme and those identified for removal due to their condition, or for the purposes of development.

The principal relating to the removal of the identified trees and hedges was agreed as part of the previous development proposals for the wider aspect associated with the Irlams haulage site including land to the west. The higher value trees and hedge can be retained and protected in accordance with current best practice BS5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations.

A specimen landscape scheme should be seen as a net gain and mitigation for the tree and hedge loss.

Ecology

The Nature Conservation Officer raises no significant ecological issues in relation to the proposed development. The Nature Conservation Officer has commented as follows:

Bats

None of the buildings on site are particularly suitable for roosting bats. A single oak tree on the site frontage has been identified as having potential to support roosting bats however it appears that this tree will be retained as part of the development. No further action is therefore required in respect of bats.

Great Crested Newts

This species is not reasonable likely to be present, or affected by the proposed development.

Badgers

A badger sett has been recorded to the south of the proposed development, however this is unlikely to be affected by the proposed development.

Breeding Birds

If planning consent is granted the following conditions are required to protect breeding birds and ensure some additional provision is made for roosting bats and breeding birds as part of the proposed development.

Open Space

The Parks Management Officer has commented in relation to the commuted sum, which would be required from the developer 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. Comments have been made in relation to the scheme in general.

40 sqm of Public Open Space (POS) is required for every new dwelling. The Parks Management Officer is prepared to accept some on site provision, subject to detailed schemes to be submitted at the reserved matters stage. However, this should be in a central location and where the amenity and play elements are combined to form a meaningful

community space with play facilities. The community open space should form a focus for the development, contain hard surfaced paths, seating and signage, be appropriately fenced and landscaped, and contain as a minimum 5 pieces of play equipment for toddlers and young juniors with some social play features and a kick about area. It should benefit from good surveillance but be clearly separated from residential properties.

A 100 dwelling site is required to provide 4,000sqm of POS, the applicant is proposing 1,600sqm and a commuted sum for off site provision in lieu of the full on site provision. This shortfall of POS of 2,400sqm, equates to 60 dwellings, which would result in a commuted sum of £180,000 being required.

In the absence of any on site Recreation Outdoor Space (ROS), a commuted sum of £1,000 per dwelling would be required. The ROS is waived on the affordable housing units and as the applicant is now proposing 30% affordable, the commuted sum required would be £70,000.

In addition, it has been agreed that the Community Facility commuted sum will be made in line with the SPG, to make improvements, enhancements and additions to community facilities within the village for the benefit of the whole community and with a view to integrating the existing and new communities.

Commuted sums will be required on commencement of development.

The sites where POS improvements will be made are (additions, enhancements and improvements to formal and informal play and amenity facilities in line with the SPG):

- Mere Court open space and play area
- Amenity Open Space Dixon Drive

The site where the ROS commuted sum will be used (for additions, enhancements and improvements to Pitches, Courts and Greens and supporting / ancillary facilities): -

- Mere Court - creation of a junior football pitch
- Chelford Village Hall - pitch improvements and contribution towards football changing facilities

The sites where the Community Centre and Facilities improvements, additional services and opportunities spend will be made include: -

- the Astle Court Community Room (a CPP facility) a village centre location
- the Chelford School (community uses only)
- village scouts and youth services / clubs
- station House

Landscape master plans and detailed designs for the POS will be required at the reserved matters stage, with a phasing scheme for the delivery of the open space. The open space should be provided prior to 50% occupation.

In addition, a Landscape Management Plan will also be required to accompany the reserved matters application, which details the management and maintenance of the POS in

perpetuity. The council reserves the right to consider adoption of the POS at the reserved matters stage, subject to the payment of a 15 year commuted sum for maintenance.

OTHER MATERIAL CONSIDERATIONS

The comments made by the consultees are considered to be appropriate and conditions can be attached to address the various concerns raised. It is considered that the majority of issues raised by the public are covered in the report above. In addition, the following observations are made with regard to their comments:

The development will not encroach beyond the area of the existing haulage depot and Market car park.

HEADS OF TERMS

Viability

A full viability appraisal has been submitted with the application. This identifies the costs of the development and expected returns and takes into account the following:

- Residential build cost.
- Employment build cost.
- Road infrastructure.
- Contingency.
- Abnormal costs.
- Professional fees.
- Finance rate.
- Marketing costs.
- Land value
- Public Open Space and Community Facilities.

The Council has had the developer's viability appraisal independently assessed. Although the developers viability consultant considered that there were some disagreements with regard to build costs of the development and number of dwellings to be sold per month compared to the recommendations suggested by the Council's external assessor, the applicant has agreed to accept our conclusions and as such, Officers have negotiated a package which would provide a full quota of S106 contributions in line with Local Plan policies:

- 30% affordable housing,
- £180 000 of Public Open Space contributions,
- £70 000 of Recreation and Outdoor Sport contributions,
- £75 000 towards Community Facilities,
- And, £195 233 towards Educational Facilities at Chelford and Peover Primary schools.

The money should be spent on

- Mere Court open space and play area
- Amenity Open Space Dixon Drive
- Mere Court - creation of a junior football pitch
- Chelford Village Hall - pitch improvements and contribution towards football changing

facilities

- the Astle Court Community Room (a CPP facility) a village centre location
- the Chelford School (community uses only)
- village scouts and youth services / clubs
- station House

The developer is supportive of the money being spent on local requirements for local people. However, it is of course essential to ensure that the contributions meet CIL regulations and are suitably linked to the proposed development.

The Supplementary Planning Guidance on Section 106 Agreements does allow for commuted sum payments to be requested for such facilities, separate to the requirements for public open space, sports and recreation, education etc. as required in national legislation.

For clarity the heads of terms are:

- 30% Affordable Housing = 30 units to be 65% social or affordable rent, and 35% intermediate tenure.
- A commuted sum would be required for offsite provision for use towards play (formal and informal) at Mere Court, Dixon Drive and Chelford Village Hall. The commuted sum total is £250 000.
- £195 233 towards Educational Facilities at Chelford and Peover Primary schools.
- 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

Community Infrastructure Levy (CIL) Regulations

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) 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 off site provision of recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 100 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.

A commuted sum would be required for offsite provision for use towards play (formal and informal) at Mere Court, Dixon Drive and Chelford Village Hall is necessary, fair and

reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

A sum towards educational facilities at Chelford and Peover primary schools is required to as it is anticipated that the development will generate 18 primary places.

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

CONCLUSIONS

This 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.

Overall, the scheme is considered to be sustainable development as:

- 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 100 dwellings, 30% of which would be affordable dwellings (satisfying policy requirements). A good mix of house types and sizes are proposed and the development helps meet the Councils housing targets. A viability appraisal has been independently assessed to ensure that the development is deliverable.
- 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.
- Although some of the housing falls within the Green Belt, this equates to the number of dwellings which would be affordable and therefore, is considered to be acceptable in Green Belt policy terms. These dwellings would be pepper-potted throughout the development following sound planning principles for the delivery of affordable dwellings.
- 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 acceptable.

Consequently, a recommendation of approval is made, subject to conditions and a S106 Agreement.

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board, to

correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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 details
6. A10OP_1 - Details to be submitted -layout
7. A12OP - The location of the access point is approved as part of outline consent
8. A08OP - Ground levels to be submitted
9. A01LS - Landscape Masterplan - submission of details
10. A04LS - Landscaping (implementation)
11. A01GR - Removal of permitted development rights
12. A02HA - Construction of access
13. A04HA - Vehicular visibility at access to be approved
14. A32HA - Submission of construction method statement
15. A19MC - Refuse storage facilities to be approved
16. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources
17. Phasing of landscaping works - along railway line first
18. Submission of a landscape management scheme to be submitted with the Reserved Matters application
19. The landscaping scheme shall incorporate details of boundary treatment
20. Protection of breeding birds
21. Provision of bird boxes
22. All arboricultural works shall be carried out in accordance with Cheshire Woodlands Arboricultural Statement
23. Development in strict accordance with the ecological survey
24. Details of lighting to be approved

25. Acoustic mitigation in accordance with submitted report
26. Pile driving
27. Exact specification of noise mitigation measures shall be detailed in full, at the design stage
28. Hours of construction/noise generative works
29. Construction phase environmental management plan
30. Submission of a drainage scheme including details in respect of surface water run-off
31. Submission of a scheme to manage the risk of flooding to be submitted
32. Contaminated land
33. Environment Agency conditions relating to SUDS and preventing risk of flooding
34. Travel Planning
35. United Utilities
36. Highways works delivered by way of S278 Agreement
37. Environmental Protection Act
38. Public Rights of Way

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