

Application No: 15/0585M

Location: Former TA Centre, Chester Road, Macclesfield, Cheshire

Proposal: Erection of a high quality residential development set in attractive landscaping with associated car parking, construction of a new roundabout access from Chester Road and landscape and ecological enhancements to the adjoining open space

Applicant: The House Maker (Macc) Limited

Expiry Date: 18-May-2015

REASON FOR REPORT:

The proposal is a major development requiring a Committee decision.

SUMMARY:

It is acknowledged that the Council is unable to robustly demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favourably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

There is an environmental impact in the locality due to the development taking place on land which is partly designated as public open space. However, the majority of the site falls within a predominantly residential area. Planning permission was granted in 2008 for 87. no dwellings.

It is considered on balance, that the scheme for housing proposed contains sufficient mitigation and benefits to outweigh the harm of building on an area of privately owned open space. Mitigation has been proposed for the adjacent area of public open space. The development will also help to contribute to both local housing needs, and the Council's five year housing supply. It is also considered that bringing forward development on the site, will have a positive impact locally, as the existing pile of rubble from the original TA Centre building is somewhat of an eyesore.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing within an existing settlement where there is existing infrastructure and amenities. 20% of the houses would be affordable, and contributions would be made to public open space.

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable development, where it can be demonstrated that the enhancement to the adjacent public open space, mitigate for the harm to the loss of the privately owned open space.

Local concerns of residents are noted, however, none of the impacts highlighted are considered to be severe under the NPPF test. In fact, the impact from the proposed residential scheme would be not substantially greater than that of the previously approved scheme. The inclusion of a roundabout on Chester Road, is considered to be a benefit to the movement of traffic in the local area.

The design is considered to be appropriate as too is any impact on amenity. Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, drainage, landscape and ecology.

The scheme represents a sustainable form of development and that the planning balance weighs in favour of supporting the development subject to a legal agreement and conditions.

RECOMMENDATION:

Approval is recommended subject to conditions and completion of a S.106 Agreement.

DETAILS OF PROPOSAL

Full Planning Approval is sought for the construction of a residential housing development comprising a total of 75 units, comprising 25 detached dwellings, 28 semi-detached, 4 terraced dwellings and 18 apartments in two apartment blocks. The application would also include 15 affordable dwellings.

All properties would be provided with off street parking spaces. The detached, semi detached and terraced properties would have private gardens and the apartments would be surrounded by a shared amenity space.

It should be noted that the development also includes the addition of a new roundabout on Chester Road opposite Field Bank Road where there is currently a signalled junction.

SITE DESCRIPTION:

The application site is irregular in shape and extends to 3.52 hectares. The site is located approximately equidistant between Macclesfield Town Centre and Broken Cross Centre, so is well served by services, facilities and amenities. To the north and west is residential development. To the east is Macclesfield Fire Station and the south lies All Hallows Roman Catholic School.

The site is divided into loosely 3 parcels.

The former TA Centre – this is 1.12 hectares of brownfield land fronting onto Chester Road. This part of the site previously housed the former TA Centre buildings which have been demolished and the land cleared for development.

Private Open Land – this is 0.89 hectares of land located immediately south of the former TA Centre. This parcel is privately owned open land and has been separated off from the area of public open space by a fence, so is therefore not accessible to the public.

Public Open Space – this measures 1.512 hectares and is located to the west of the former TA Centre and the private open land. This public open space is accessible.

The site is subject to Tree Preservation Orders. The most significant group of which is situated around the site entrance and along the boundary between the former TA Centre land and the publicly accessible open space.

The existing vehicular access to the site is from Chester Road, to the east of the site, close to the fire station.

The former TA Centre has been vacant for a period of in excess of 10 years and is in clear need of redevelopment. The site is currently an eyesore. The site has an approved and extant planning permission for a housing scheme on part of the site (09/3213M). The previously granted developments have stalled and the 2012 scheme is not considered to meet the current housing demand due to a large number of apartments proposed. The applicant has secured the site from the previous developer (Brackenhurst Properties) and put forward a revised family housing scheme, which is considered to meet current market demand.

RELEVANT HISTORY:

- | | |
|----------|---|
| 09/3213M | Erection of a residential development with associated landscaping, access and car parking arrangements as well as landscape alterations to the wider area of the existing open space – approved 17.12.12 |
| 07/0430P | Erection of a continuing care retirement community (Class C2) comprising 49 no. care apartments within the main building, 38 no. care mews cottages and 27 no. care apartments within 3 storey buildings with formation of new access, car parking and associated works - approved 19.09.08 |
| 03/3063P | Outline planning application proposing a residential development comprising of 15 shared equity properties and 44 starter homes and construction of a landscaped cycleway / footway - refused 02.02.04 |
| 03/1591P | Outline planning application seeking planning permission for the construction of 59 dwellings and a landscaped cycleway and upgrading of the existing public open space – Refused 04.08.03 |
| 02/2282P | Outline planning application proposing the demolition of the disused TC Centre buildings and construction of a residential estate – withdrawn 05.12.02 |
| 01/0163P | Outline planning application proposing residential development - Refused 09.04.01 |

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14 Presumption in favour of sustainable development

50 Wide choice of quality homes

56-68 Requiring good design

69-78 Promoting healthy communities

Development Plan:

The Development Plan for this area is the 2004 Macclesfield Local Plan, Approximately a third of the site is allocated as falling within a predominantly residential area. The remainder of the site is allocated as Existing Public Open Space, where policy RT1 applies.

The relevant Macclesfield Local Plan Saved Policies are considered to be: -

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

Recreation and Tourism

RT1 – Open Space

RT5 – Minimum standards for open space provision

Transport

T2 – Integrated Transport Policy

Environment

NE11 – Protection and enhancement of nature conservation interests

NE17 – Nature Conservation in Major Developments

NE18 – Accessibility to areas of nature conservation interest

Housing

H1 – Phasing policy

H2 – Environmental Quality in Housing Developments

H5 – Windfall Housing

H13 – Protecting Residential Areas

Implementation

IMP1 – Development Sites

IMP2 – Transport Measures

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

- MP1: Presumption in favour of sustainable development;
- PG6: Spatial Distribution of Development;
- SE1: Design;
- SE2: Efficient Use of Land;
- SE3: Biodiversity and geodiversity;
- SE4: The Landscape;
- SE5: Trees, Hedgerows and Woodland;
- SE6: Green Infrastructure;
- SE9: Energy Efficient Development;
- SE12: Pollution, Land contamination and land instability;
- SE13: Flood risk and water management;
- EG3: Existing employment sites;
- IN1: Infrastructure
- IN2: Developer Contributions:
- SC1: Leisure and Recreation;
- SC4: Residential Mix
- SC5: Affordable Homes
- SD1: Sustainable Development in Cheshire East;
- SD2: Sustainable Development Principles; and
- CO1: Travel Plans and Transport Assessments.

Supplementary Planning Documents:

The following Supplementary Planning Documents (SPDs) have been adopted and are a material consideration in planning decisions (within the identified former Local Authority areas):-

Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Housing Market Assessment (SHMA)

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994
North West Sustainability Checklist
SPG on Section 106 Agreements (Macclesfield Borough Council)

CONSULTATIONS (External to Planning)

HIGHWAYS:

The Strategic Highways Engineer raises no objections to the proposals.

Residential development has previously been approved for this site for slightly more units than in the current application. The proposed new roundabout will have capacity benefits over the traffic signal scheme and will reduce queues at the junction. The formal pedestrian crossing on Chester Road is to be retained or albeit repositioned, there are other uncontrolled crossing points on the other arms or the junction.

The internal road elements of the scheme are acceptable as is the level of car parking provision across the site.

PROW:

The Public Rights of Way Officer recognises that the proposed developments should present an opportunity to deliver and improve walking, cycling and equestrian facilities for transport and leisure purposes, both within the proposed development site and in providing access to local facilities for education, employment, health etc. These aims are stated within the policies and initiatives of the Council's statutory Rights of Way Improvement Plan and also in the Cheshire East Local Plan Strategy.

The proposed upgrade of the pedestrian crossing on Chester Road to a toucan crossing for the use of cyclists as well as pedestrians would increase the permeability of the site for these users. For users of the pedestrian/cyclist route to/from Westbury Drive, this would be helpful. However, this crossing would be on the wrong side of the proposed roundabout for users travelling between the proposed houses and the town centre. It should be noted therefore, that cyclists may seek to use the proposed pedestrian access onto Chester Road, so an assessment of this provision should be given in terms of design, to best practice shared use, and status.

The Transport Assessment contains proposals for a roundabout on the Chester Road. This proposal would need to take into account the existing footway cycle route to ensure its continuity.

Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists.

ENVIRONMENTAL HEALTH:

No objection subject to conditions relating to hours of operation, dust control, floor floating, pile driving, contaminated land and to ensure that sufficient acoustic mitigation is put in place to ensure that occupants of the properties are not adversely affected by noise from Chester Road / Ambulance / Fire Station.

The proposed development has the potential to change traffic patterns and congestion in the area. The applicant has now submitted an Air Quality Impact Assessment and its contents are considered to be acceptable.

UNITED UTILITIES:

No objection subject to a condition relating to site drainage.

A public sewer crosses this site and United Utilities will not permit building over it. United Utilities will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.

HOUSING:

The applicant has stated in their Planning Statement that the affordable units will be transferred to Peaks and Plains Housing Trust. The proposal includes 20% affordable housing which will include 9 x 2 bed apartments and 6 x 2 bed houses. The residential mix is acceptable and meets housing needs, they have also confirmed the 65% social rented and 35% intermediate tenure split. The location of the affordable units is not sufficient pepper-potting, whilst I recognise that apartments must be located together it would be my strong preference that the 2 bed houses are located in another part of the site to increase the pepper-potting.

PUBLIC RIGHTS OF WAY:

The Public Rights of Way Officer raises no objections to the proposed development. The Public Right of Way Officer advises the applicant that they should not interfere with the public right of way in any way – such interference may give rise to enforcement action being taken against the developer to prevent obstruction of the public right of way.

ENVIRONMENT AGENCY:

The development shall be carried out in accordance with the approved Flood Risk Assessment and the mitigation measures detailed within the FRA.

1. *Limiting the surface water run-off generated by the proposed development, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.*
2. *Provision of compensatory flood storage.*

3. *Finished floor levels are set no lower than the 1% plus climate change plus 600mm freeboard, design river flood level.*

The EA have reviewed the Preliminary Risk Assessment with respect to potential risks to controlled waters from land contamination. Based on the information provided within the desk study the site's previous uses appear to be unlikely to give rise to significant contamination. Therefore, the EA have no requirements for additional works to be undertaken at this time in respect of controlled waters.

THE SCHOOL ORGANISATION AND CAPITAL STRATEGY MANAGER:

Comments are awaited.

GREENSPACES:

No comments have been received from the Green Spaces Officer.

ARCHAEOLOGIST:

The Development Control Archaeologist from the Cheshire Archaeology Planning Advisory Service comments that no features are currently recorded on the Cheshire Historic Environment record from within the site boundary. Following an examination of the historic mapping and aerial photographic evidence no points of interest have been identified. In these circumstances, and mindful of the disturbance caused by the construction of the former TA centre, it is advised that further archaeological work would be difficult to justify and no further mitigation is advised.

MACCLESFIELD CIVIC SOCIETY:

The Civic Society welcome the development of brownfield sites within the urban area as the locations are usually sustainable, have good access to services and can be served by public transport. This site meets such criteria.

The mix of housing is welcomed with a good range of choice and an element of affordable provision (subject to legal agreement).

Access from a new roundabout appears to be the optimum solution and the internal layout is relatively economical.

Open space provision forms part of the scheme and no doubt the planning authority will carefully assess any prospective ecological and flood risk impacts. Amenities of existing residents appear to be safeguarded. No doubt the planning authority will wish to carefully appraise the noise assessment which although it correctly identifies traffic as the major external source the Civic Society consider that the relationship of prospective occupiers' amenities to the nearby ambulance/fire station may not have given sufficient weight to the effect of "one-off" noise events, particularly during night-time periods.

REPRESENTATIONS

The planning application was originally advertised by the Council through neighbour notification letters that were sent to all adjoining land owners and by the erection of a site notice.

One objection has been received from a resident of Kershaw Grove in relation to replacing the traffic lights at the junction of Chester Road and Fieldbank with a roundabout instead of modifying the traffic lights for a fourth arm leading to the development. The proposed roundabout will only have one controlled crossing on Chester Road, to the west of Fieldbank.

The existing controlled crossing on Chester Road to the east of Fieldbank is not part of the plan and this is considered to be a serious oversight with regard to pedestrian safety. There is a bus stop on each side of Chester Road between Kershaw Grove and Fieldbank and the controlled crossing to the east of Fieldbank provides easy access to cross Chester Road. Without the controlled crossing to the east of Fieldbank, in future pedestrians needing to cross Chester Road from the bus stops will need to cross three roads, Fieldbank, Chester Road and the new development road instead of one single crossing.

The two previous planning applications both received approval for the continued use of the traffic lights with a fourth arm serving the new development. This option would significantly reduce costs and it would also maintain the current controlled traffic crossings on Chester Road to the east and west of Fieldbank.

The traffic lights at present provide regular breaks in the traffic, which during the busy periods, allow easier access into Chester Road from Kershaw Grove and also into Kershaw Grove from Chester Road, particularly when trying to cross the on-coming traffic from the Fieldbank direction.

A roundabout will not provide the same degree of accessibility to and from Kershaw Grove because the traffic flow during busy periods will be more or less constant.

A representation has been received on behalf of **All Hallows Catholic College**. In principle the school support the erection of a high quality residential development on the former TA site. However, the school is concerned about the loss of privacy and are keen to ensure that the school site is not overlooked or easily accessible – either during the construction phase or once the site is fully developed.

There is currently a boundary issue which the school are discussing with the developer, but the school seek reassurance that during the planning process appropriate screening measures are put in place. The school has discussed with the developer the possibility of covenants to prevent removal of fencing / prevention of access gates through fencing, and appropriate planting. The developer is assessing the schools proposals but until they have received formal response the school lodge this as a matter of concern.

A second issue is the maintenance plan for the public access site and how the landscaping and nature conservation issues will be dealt with long term and assurances are sought that the maintenance of the public area would last in perpetuity. Given the close proximity of the

school to this area and fact that it is used by students as a route to school, the school is concerned that over time, this may lead to a deterioration in this space and thus a risk of litter and other contamination potentially leading to noise and disruption should the area cease to be a well managed space.

A representation has been received on behalf of **Cheshire Fire and Rescue Service**. The applicants have already undertaken clearing work close to the boundary with Macclesfield Fire Station and have been informed that they encroached upon Cheshire Fire Authority land during their operations. The applicant also appears to have encroached upon the boundary of All Hallows Catholic College with whom the Fire Authority also shares a boundary. The Fire Authority has notified the applicant of the encroachment and has requested sight of a topographical survey and meeting to resolve the dispute.

VIEWS OF THE TOWN COUNCIL

No comments have been received from the newly formed Macclesfield Town Council.

APPLICANT'S SUPPORTING INFORMATION

The following detailed reports were submitted with the application:-

- Design & Access Statement;
- Tree Survey Report;
- Transport Assessment;
- Preliminary Risk Assessment;
- Planning Statement;
- Ecological Report
- Flood Risk Assessment.

It should be noted that revised plans and supplementary information was submitted on 1st July 2015. The amendments are summarised as follows: -

- A revised site layout, which creates a larger stream buffer;
- Plot 69 has been moved back and plot 68 has a new house type. This new house type at plot 68 also improves the relationship with plots 50 and 51;
- Plot 70 has been moved back and plot 76 has a new house type. This new house type at plot 76 also improves the relationship with plots 66 and 65;
- Plot 71 has a new house type and plots 72 and 73 have been moved forwards;
- The garage at plot 53 has been moved forwards to improve the relationship with plot 55;
- A new house type at plot 21 has been provided and the houses at the following plots have been moved forwards to increase separation distances: 12-29;
- A Toucan Crossing has been included and a footpath has been provided to the rear of trees T17 and T18;
- Further ecological information has been provided.

OFFICER APPRAISAL

The key issues are:

- Principle of the Development (Windfall Housing Sites);
- Loss of land allocated for Employment purposes;
- Principle of the Development (Need for Affordable Housing);
- Impact on open space – is sufficient mitigation provided for the loss of privately owned open space?;
- Design, Layout and Visual impact;
- Landscape/Trees;
- Highways;
- Residential Amenity;
- Nature Conservation;
- Flood risk
- Environmental Health; and
- Other Material consideration or matters raised by third parties.

Principle of the Development (Windfall Housing Sites):

The site lies within the settlement boundary of Bollington and within a Predominantly Residential Area where policies within the Local Plan indicate that there is a presumption in favour of development.

Para 14 of The Framework indicates that there is a presumption in favour of development except where policies indicate that development ought to be restricted.

Policy H5 within the Local Plan seeks to direct residential development to sustainable locations – this policy accords with guidance within the NPPF and therefore carries full weight. The site constitutes a sustainable location as it is located within the settlement boundary of Macclesfield and by virtue of its proximity to shops and services within Macclesfield.

It is considered that this development on this site would make effective use of the land and make a contribution to the Council's 5 year land supply.

The site is allocated for a good proportion of the site for residential use. The redevelopment of this area for housing is considered to be acceptable and this has been clearly confirmed by previous planning applications being granted consent for housing schemes. A portion of the site however, is allocated as public open space. Policy RT1, seeks to normally retain both existing and proposed areas of public open space and they should be protected from development. As such, there is a presumption that a portion of the site will be retained for open space purposes. This proposal therefore constitutes a departure from the Development Plan. Planning decisions must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

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

- The area of open space which is proposed to be lost.
- Removal of an unsightly pile of rubble and delivery of a housing development.
- The proposed scheme provides a good mix of housing types. 20% of which is offered to be affordable.
- Some on-site public open space would be provided.
- Provision of family-sized homes in Macclesfield.
- The site is in a highly sustainable location. The site has good access to the major road network and a bus service. Shops and schools are in walking distance.

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 is acceptable in this location and that a case to retain the open space that is not publically accessible would not be sustainable, when combined with the significant landscape and ecological enhancements for the adjacent piece of public open space. This is looked at in more detail below.

Permission should only be withheld where any adverse impacts would significantly and demonstrably outweigh the benefits as noted above.

Loss of Open Space

As stated above, an area of the site proposed for housing, is allocated under Local Plan Policy RT1 as 'existing open space', however, this land (highlighted as Parcel B) is privately owned and is not publically accessible. In this instance, there are a series of significant material considerations which override the conflict with policy RT1 and should be afforded weight in the determination of the application.

Loss of Parcel B (privately owned land and inaccessible to public use)

Parcel B is situated within Site 3MI of CEC's Open Space Assessment (March 2012). Site 3MI is categorised as falling within typology 'Type 2' (or "*natural and seminatural urban green spaces*").

The Open Space Assessment states that in Macclesfield there are ten good quality Type 2 sites (representing 69.9% of the total Type 2 area), three of average quality (17.2%) and two of poor quality (12.9%). The quality of each site is assessed using the CABI Green Flag Award criteria under the following 7 headings:

1. Welcoming – access, signage, pathways etc;
2. Healthy, safe and secure – physical and social safety;
3. Clean and well maintained – litter, graffiti, dog bins etc;
4. Sustainability, conservation and heritage – wildlife contribution, historic evidence etc;
5. Ancillary facilities – seating, club houses etc;
6. Community use; and
7. Sense of place.

Poor sites are classified as those of very poor quality needing considerable improvements; average sites are those needing some improvements; good sites are those of good quality but where improvements can be made; and excellent sites are those which fulfil all of the Green Flag criteria.

Following discussions with CEC's Open Space Policy Officer, it is understood that site 3MI scored an "average" quality. The Officer explained that there were a number of criteria that required improvements. Residential development on Parcel B would positively contribute through the implementation of a high quality landscape scheme to improve and enhance Parcel C; the publicly accessible open space.

A Landscape Consultant has considered the site's landscape quality and sensitivity to development. The Landscape Consultant concludes that whilst there are some landscape features that merit protection and enhancement (such as the stream corridor and line of mature trees along the western boundary), the majority of the open space at the site has no landscape features of intrinsic value. Overall, the landscape value of the site in its current condition is considered by the Landscape Consultant to be average to low quality.

In summary therefore, the qualitative standard of the open space at the site based on the Council's own assessment as well as the Landscape Consultants more recent assessment is average to poor quality. The redevelopment of Parcel B, which is privately owned and is inaccessible to the public, will enable significant landscape and ecological enhancements to be made to Parcel C, the publicly accessible open space, which will enhance its qualitative standard and is a clear benefit of the development.

Excessive Quantitative Supply of Open Space

Policy RT5 of the adopted Macclesfield Local Plan sets the minimum open space standards for the Borough. These are:

- 2.43 hectares of outdoor playing space per 1,000 population; and
- 0.8 hectares of amenity open space per 1,000 population.

Furthermore, policy SE6 of the Council's emerging Local Plan also sets a minimum open space standard based upon the Council's Green Space Strategy (January 2013).

The Council's Open Space Assessment demonstrates a total open space supply in Macclesfield of 243.98 hectares across all typologies. Macclesfield's population in 2011 was 51,739. Therefore, as per Policy SE6 of the emerging Local Plan, Macclesfield has 4.7 hectares of open space per 1,000 population. This is substantially above the requirements of both saved and emerging local planning policies.

The applicant's agent comments that the loss of 0.89 hectares of privately owned open land to which the public has no current access is not significant when considered against Macclesfield's supply of both this specific open space typology (natural and semi-natural urban green spaces / green infrastructure) and the overall total supply of open space in Macclesfield. Therefore, in addition to the average / poor quality of the open space, there is an argument that the Council has an excessive quantitative supply of this type of open space in Macclesfield having regard to 'saved' Local Plan policy RT5 and emerging policy SE6. This

supply factor in itself is not considered justification for building on land allocated as open space, but it is a factor in the overall balance.

Principle of the Development (Need for Affordable Housing):

This application includes 15 affordable units with 9 to be provided as rented and 6 to be provided as intermediate tenure. It is understood that the units would be transferred to Peaks and Plains Housing Trust who are a Registered Provider of Social Housing registered with the Homes and Communities Agency (HCA).

The site falls within the Macclesfield sub-area for the purposes of the SHMA update 2013. This identified a net requirement for 180 affordable homes per annum for the period 2013/14 – 2017/18. This equates to a need for 103x 2bd, 116x 3bd general needs units and 80x 1bd older persons accommodation. The SHMA identified an over-supply of 1 bed and 4+ bed general needs units and 2 bed older persons accommodation. In addition to this information taken from Cheshire Homechoice shows there are currently 1066 applicants who have selected one of the Macclesfield lettings areas as their first choice. These applicants require 450x 1bd, 390x 2bd, 176x 3bd and 24x 4+bd. 26 applicants did not specify a bedroom requirement.

The Interim Planning Statement: Affordable Housing (IPS) and Policy SC5 in the emerging Local Plan states that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing. The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social or affordable rented and 35% intermediate tenure.

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The proposal provides includes 9x 2 bed houses and 6 x 2 bed houses. The residential mix is acceptable and meets housing need. The tenure split should be provided in line with the IPS which equates to 9 rented and 6 intermediate tenure. Concern has been raised that the location of the affordable units is not sufficient pepper-potting. Whilst it is recognised that apartments must be located together it is the Housing Strategy and Needs Manager strong preference that the 2 bed houses are located in another part of the site to increase the

pepper-potting. Further pepper-potting has been considered by the applicant, however, it is difficult to include this at this late stage without further impacting on the viability of the development. It is considered, on balance, that the scheme put split of the housing proposed would be acceptable and the inclusion of 2 additional dwellings in a cluster would not cause demonstrable harm and therefore, would not constitute a reason for refusal of the application.

The affordable housing should be secured by way of a S106 agreement, which: -

- requires the transfer of any rented affordable units to a Registered Provider.
- provide details of when the affordable housing is required.
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted that includes full details of the affordable housing on site including location, type, size and tenure.
- requires the affordable units which will be transferred to a Registered Provider to be constructed to HCA Design and Quality Standards (2007) or the latest standards the HCA are applying to their grant funding programme.

The Housing Strategy and Needs Manager is now happy with the residential mix.

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five year Housing supply has two components – the housing requirement – and then the supply of housing suites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

ENVIRONMENTAL SUSTAINABILITY

Requiring good design and character and appearance of the area:

The main public view would be from Chester Road and the footpath which runs from Chester Road to Westbury Drive and Brooklands Avenue. The site would also be visible to residents opposite the development on Fieldbank Drive. The apartments would have a small communal garden area. The dwellings are proposed to be constructed in brick with tiles on the roof. The materials can be conditioned, should planning permission be granted. The dwellings would be two storey and the apartment block would be three storey. The design of dwellings is considered to be appropriate to the local area.

Highways access, parking, servicing and highway safety:

Traffic Impact

Although there is a previous consent for 87 units, the applicant has considered the traffic impact implications of the 75 units on the site using current background traffic flows and then adding the predicted traffic generation from the site including growth. The proposed new roundabout is predicted to work well with capacity and would operate much better than a signalised junction.

The formal pedestrian crossing will be retained on Chester Road and there are crossing points provided on each of the other arms of the junction. The roundabout design has been subject to a safety audit and no major design safety concerns were raised in audit report.

Accessibility

The accessibility to the site is reasonably good. There are a number of pedestrian access points to the site and there are a range of facilities in walking distance from the site. The pedestrian crossing facility on Chester Road will be upgraded to a 'Toucan' crossing to include usability for cyclists. There are also bus services that operate along the A537 that can be accessed easily from the site. Overall, the site accessibility is considered reasonably good.

Internal layout and Parking

The parking provision across the site is 200% for all the housing units with the apartment buildings having 150%. This level of parking is considered an acceptable level of provision. The internal layout is a standard highway road design that has been designed to adoptable standards. There are no highways reasons not to accept the design put forward.

Highways Conditions

It is considered that conditions should be attached which require the submission of a construction management plan, a residential travel plan and cycle parking for each unit. It should also be noted that the new roundabout and pedestrian crossing will be delivered via a S278 Agreement, to be fully funded by the applicant.

PROW

There is an existing shared use footway/cycleway through this site linking Chester Road with Westbury Drive and Brooklands Avenue, signposted as the Flowerpot Greenway.

The proposed upgrade of the pedestrian crossing on Chester Road to a toucan crossing for the use of cyclists as well as pedestrians would increase the permeability of the site for these users. For users of the pedestrian/cyclist route to/from Westbury Drive, this would be helpful. However, this crossing would be on the wrong side of the proposed roundabout for users travelling between the proposed houses and the town centre. It should be noted therefore, that cyclists may seek to use the proposed pedestrian access onto Chester Road, so an assessment of this provision should be given in terms of design, to best practice shared use, and status.

The Transport Assessment contains proposals for a roundabout on the Chester Road. This proposal would need to take into account the existing footway cycle route to ensure its continuity.

The PROW Officer requested improvements to the junction of the A536/B5088 Oxford Road known as the Flowerpot junction. This junction does not currently have cyclist facilities in the form of Advanced Stop Lines. It is considered that this junction is too far away from the development to justify improvements based on the number of properties proposed.

Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists.

The developer should be tasked to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted, to match the existing greenway signage.

Residential Amenity:

Policy DC3 seeks to prevent development which would cause a significant injury to amenity through issues such as overbearing impact, loss of light and loss of privacy. Policy H13 seeks to retain existing high standards of amenity. Policy DC41 seeks to prevent the overlooking of existing private gardens in a housing redevelopment. Policy DC38 sets out the standards for space, light and privacy in new housing development.

The site is located opposite properties on the opposite side of Chester Road on Fieldbank Drive. It is considered that the relationship with the properties on Fieldbank Drive would be acceptable. The distance between the front of the proposed properties and the front of the properties on Fieldbank Drive would be approximately 26m. Overall, it is considered that the

application proposals would not have a detrimental impact on residential amenity to the surrounding properties through overlooking, loss of privacy or by being overbearing. A final levels and boundary treatment conditions are proposed to ensure continued protection of the amenity of surrounding residents.

With regard to the inward levels of amenity provided to the occupiers of the proposed new dwellings. It is considered that with this broadly satisfies the amenity standards of the local plan. The original proposals had some substandard relationships, however, the revisions secured are now considered to be provide acceptable internal relationships.

ARBORICULTURAL IMPLICATIONS:

An Arboricultural Implication Assessment has been submitted to accompany the application. The assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 (Trees in relation to design, demolition and construction).

Initially, there were impacts on the trees adjacent to the proposed roundabout. The revisions secured now retain three out of the four trees forming either side of the access. The one highlighted for removal was accepted to be lost under application 09/3213M. All engineering and construction works associated with the main body of the development respects the RPA of the mature trees which form the large copse associated with the POS.

Conditions will be required which would include reference to the submitted Arboricultural Impact Assessment, associated documents, and construction method statements for the engineering aspect relating to the point of access where works are proposed within RPA's.

ECOLOGICAL IMPLICATIONS:

The Council's Nature Conservation Officer has considered the ecological issues associated with the proposed development.

Habitats Present on Site

Marshy grassland

Part of the application site proposed for the construction of housing supports Marshy Grassland habitats. This habitat supports a sufficient number of 'indicator species' to be considered as for designation as a Local Wildlife Site under the current selection criteria.

The Nature Conservation Officer advises that the marshy grassland habitat within the part of the site proposed for housing has recently been subject to disturbance with much vegetation being lost. It is also possible that attempts have also been made to re-sow this area with an agricultural type grass seed mix but this has not been confirmed.

Despite the recent disturbance the marshy grassland within the part of the application site proposed for housing it still supports the required number of 'indicator species'. The removal of competing vegetation as a result of the recent disturbance is likely to have enhanced this part of the site. A further more detailed habitat survey to 'National Vegetation Community' standards would be required during the peak summer period to allow a full assessment of the marshy grasslands nature conservation value to be made.

The proposed development would result in the loss of almost half of the priority marshy grassland habitat currently present on the application site.

The existing stream is retained as part of the proposed development, and it is noted that an attempt has been made to enlarge this band of habitat and retention of the stream banks. The Nature Conservation Officer advises that much of the marshy grassland habitat associated with the stream banks in the vicinity of the proposed houses is likely to be lost or at least significantly modified as a result of disturbance during the construction phase and changes to the sites hydrology resulting from the proposed houses.

The applicant is proposing to compensate for the loss marshy grassland through the enhancement of the remaining habitats on site. The compensatory measures proposed include the introduction of a variable mowing regime and the introduction of plug plants into the retained marshy grassland areas. The submitted ecological impact assessment also recommends the creation of a suitable substrate for the creation of wildflower grassland through the inversion of the existing soil profile. There is however no mention of this technique in the submitted landscape management plan and further information has been requested.

The Nature Conservation Officer advises that the results of soil inversion and plug planting are unpredictable and the creation and maintenance of higher quality habitats would depend upon on-going monitoring and a responsive management regime.

Whilst a management plan has been submitted with the application the Nature Conservation Officer advises that if planning consent is granted a condition should be attached requiring the submission of a detailed specification for the enhancement and on going management of the grassland habitats on site, which is to include the use of soil inversion techniques together with a detailed habitat management plan relating specifically to the enhanced marshy grasslands, wildflower meadow enhanced neutral grassland habitats. A condition should also be attached for the submission of an ecological monitoring plan which should be designed to inform the on-going management of the grassland habitats. The management of the grassland habitats must be in perpetuity.

The areas of grassland adjacent to the paths and in the amenity area that would be mown short these areas are proposed to be fertilised, which would be to the detriment of adjacent wildflower grassland. The Nature Conservation Officer advises that the use of fertilisers must be avoided and the submitted management plans must be amended to reflect this.

Tree planting is also proposed within the retained marshy grassland area and along the stream, which would be detrimental to the existing and newly created marshy grassland habitat. The submitted plans should be amended to reflect this.

Further details have been submitted following the comments made above and the additional information is being considered by the Nature Conservation Officer. An update on the above will be provided prior to the committee meeting.

Badgers

There is a well recorded history of badgers being active in this broad locality. The submitted survey recorded two badger setts just outside the boundary of the application site. The latest

survey undertaken in March 2015 has not recorded any active use of these two setts and the setts may now be disused.

As the status of badgers on a site can change within a short period of time, The Nature Conservation Officer advises that if planning consent is granted a condition should be attached requiring an updated badger survey to be undertaken and a report submitted to the LPA prior to the commencement of development. The submitted report should include mitigation and compensation proposals for any adverse impacts identified.

Bats

Tree (T15) a mature Sycamore is proposed for removal this survey has been subject to a bat survey which did not identify any bat roosting potential.

The proposed development will result in the loss of suitable foraging habitat for bats around the on site trees, grassland and marsh habitat. This impact could potentially be compensated for through the enhanced of the retained habitats/open space, but the effectiveness of this would depend upon the remaining habitats being enhanced and managed appropriately. Previous bats surveys undertaken on the site a number of years ago did not however suggest that the site supported a particularly notable level of bat activity.

Great Crested Newt

Based upon the available evidence, this species is unlikely to be present or affected by the proposed development.

Nesting Birds

If planning consent is granted standard conditions would be required to safeguard nesting birds.

ENVIRONMENTAL HEALTH:

Whilst other legislation exists to restrict the noise impact from construction and demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. Therefore, a condition is suggested to control hours of demolition and construction works in the interest of residential amenity. A condition should also be attached in the event that piled foundations are used. A condition to control dust from the construction is suggested to reduce the impacts of dust disturbance from the site on the local environment. Details of waste and refuse provision would also be conditioned. There should be no burning of materials on site during demolition / construction.

The site is located adjacent to the busy Chester Road, Macclesfield and also the fire and ambulance station. As such there is potential for residential amenity of future occupants to be adversely affected by virtue of noise.

The applicant has submitted an acoustic report in support of the scheme. The conclusions of the report are accepted. The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by noise from Chester Road / Ambulance / Fire station.

Initially, insufficient information was submitted with the application relating to the potential impact on local air quality. The proposed development is considered significant in that it is likely to change traffic patterns and congestion in the area. A report has been submitted and following its review by the Environmental Health Officer, its contents have been accepted.

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties. A condition should be attached to address this.

LAND CONTAMINATION:

The application area has a history of agricultural and territorial army 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, recommends that an intrusive investigation be carried out.

The Council's Contaminated Land officer has no objection to the application subject to the imposition of a condition to require an additional Phase II investigation to be carried out and any subsequent remediation required.

DRAINAGE MATTERS:

A water supply can be provided and a separate metered supply to each unit will be required. United Utilities suggest that conditions are attached to ensure that no development is commenced 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. In addition, it is noted that a public sewer crosses this site and United Utilities will not permit building over it. United Utilities will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

ECONOMIC SUSTAINABILITY

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

Developer Contributions:

In accordance with the Councils SPG on S106 (Planning) Agreements, the proposal triggers the need for both Public Open Space (POS) and Recreation / Outdoor Sports (ROS) provision, in line with the current CEC policy. The requirements are as follows: -

The POS requirement at a rate of 40sqm per dwelling will be 3 000sqm of play and amenity open space.

A commuted sum for offsite ROS provision would also normally be required.

Following the submission and analysis of a Viability Report, it is considered that it would be unviable to provide S106 contributions towards POS and ROS in addition to the 20% provision of affordable housing. A contribution of £50 000 has been proposed. Further comments on this will be provided following receipt of comments from the Greenspaces officer.

Responses to issues raised by third parties:

The comments provided by consultees, the Macclesfield Civic Society and residents in relation to infrastructure issues, highways issues, and built environment issues are noted and covered under the headings above. The matters raised by the Fire Department and neighbouring school are largely civil matters and it is understood that the applicant has written to these parties in order to allay their concerns.

Heads of Terms for a Legal Agreement:

- **20% Affordable Housing** (i.e. 15 units as proposed);
- Provision of **£50 000.00** towards Public Open Space.

Community Infrastructure Levy (CIL) Regulations

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) Fair and reasonably related in scale and kind to the development.

The provision of 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 of public open space and recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 75 dwellings, the occupiers of which will use local facilities, and there is a necessity to provide facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

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

On this basis the S106 contributions associated with the scheme is compliant with the CIL Regulations 2010.

CONCLUSIONS AND REASON(S) FOR THE DECISION

At the heart of the National Planning Policy Framework is a **presumption in favour** of sustainable development. Paragraph 14 of NPPF states that decision takers should be approving development proposals that accord with the development plan without delay; and

- 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

As such Members should only be considering a refusal of planning permission if the disbenefits of the scheme significantly and demonstrably outweigh the benefits of approval.

During the application process, negotiations have taken place between officers and the developer, which has resulted in the submission of a revised layout plan which has improved space separation distances and the amount of land around the stream buffer. The Housing Strategy and Needs Manager supports the proposals and the mix of affordable housing.

It is acknowledged that planning permission has been granted for a scheme for more dwellings on a smaller parcel of land and that this proposal makes use of privately owned open space. However, it is considered that the enhancements proposed to the adjacent open space and other benefits of the scheme result in the delivery of a scheme for housing would fall in line with policies contained within the NPPF. The principle of developing land which is allocated for open space is normally not encouraged, however, in this instance, it is considered that the package of measures/mitigation proposed outweigh the harm and the development will help to contribute to both local housing needs, and the Council's five year housing supply. It is also considered that this housing proposal will be deliverable and have a more positive impact on the local area than the existing pile of rubble from the demolished TA Centre building.

The proposal is considered to represent sustainable development. The positive benefits of the proposal are considered to outweigh any adverse impacts that have been identified. In accordance with paragraph 14 of the Framework, planning permission should be granted subject to conditions and the completion of a s106 legal agreement.

In order to give proper effect to the Board's/Committee'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 her absence the Vice Chair) of Northern Planning Committee, 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 Full Planning

RECOMMENDATION:

- | | |
|-----------|---|
| 1. A01GR | - Removal of permitted development rights |
| 2. A01HP | - Provision of car parking |
| 3. A01LS | - Landscaping - submission of details |
| 4. A02EX | - Submission of samples of building materials |
| 5. A02FP | - Commencement of developmen |
| 6. A02LS | - Submission of landscaping scheme |
| 7. A03AP | - Development in accord with revised plans (unnumbered) |
| 8. A04LS | - Landscaping (implementation) |
| 9. A04NC | - Details of drainage |
| 10. A06HP | - Use of garage / carport |
| 11. A06NC | - Protection for breeding birds |
| 12. A07HP | - Drainage and surfacing of hardstanding areas |
| 13. A12LS | - Landscaping to include details of boundary treatment |
| 14. A15HA | - Construction of highways - submission of details |
| 15. A17LS | - Submission of landscape management plan |
| 16. A17MC | - Decontamination of land |
| 17. A21HA | - Submission of details of turning facility |
| 18. A22GR | - Protection from noise during construction (hours of construction) |
| 19. A23GR | - Pile Driving |
| 20. A23MC | - Details of ground levels to be submitted |
| 21. A30HA | - Protection of highway from mud and debris |
| 22. A32HA | - Submission of construction method statement |



CRAFTED HOMES BY **the HOUSE MAKER**

NO. DESCRIPTION DATE

SITE LOCATION PLAN

PROJECT

CHESTER ROAD, MACCLESFIELD

DATE	11 JAN 2015	REV	0	ISSUED BY
DWG	11 JAN 15			HM/SC-201
DATE	11 JAN 15			

TWENTY 10

DESIGN AND PLANNING

2010-2011 10 2010-2011 10 2010-2011 10