

Application No: 14/0282M

Location: Land off Congleton Road, Macclesfield, Cheshire, SK11 7UP

Proposal: Demolition of existing structures and redevelopment of site including up to 325 residential units, Class A1 retail store max 7,432.sq.m (80,000 sq.ft) GIA, A class A3-A5 unit, replacement sports pitches/facilities including a new clubhouse, with main vehicular access to be provided directly off Congleton Road. Associated landscaping and other works - outline application, all matters reserved. (Voluntary Environmental Statement submitted)

Applicant: Engine of the North

Expiry Date: 26-Aug-2014

## **SUMMARY:**

The proposed development would be contrary to Policy E4 and E5 of the Macclesfield Borough Local Plan 2004. However, as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

In addition, the development would deliver a number of the objectives of the emerging Local Plan Policy CS8, by way of 220 houses, a public house/restaurant, superstore and significant infrastructure improvements/contributions. This scheme is considered to represent the first phase of the South Macclesfield Development Area and the other elements contained within the emerging policy should be delivered in the application for the second phase.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement where there is existing infrastructure and amenities. A viability assessment has been carried which states that the proposal can deliver 20% affordable housing, contributions to education and highways improvements. In addition, the scheme would also provide appropriate levels of public open space both for existing and future residents, as well as a MUGA and NEAP.

The development would have a neutral impact upon education, drainage, highways, trees, residential amenity, noise, air quality and contaminated land. Landscaping could be secured at the reserved matters stage.

A balance needs to be struck to ensure existing habitats are safeguarded with creation, retention and restoration where possible to offset certain losses. Although final details are

awaited, providing further land for habitat retention has reduced the number of dwellings capable of being delivered on the site by 105.

Subject to conditions and receipt of a revised plan, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, flood risk, drainage, landscape and ecology.

A proposed retail unit is proposed as part of the emerging policy. The impact of the foodstore has been assessed by consultants and it is considered that there is an overriding quantitative and qualitative need for a new foodstore in Macclesfield. Further information has been requested from with regards to impact and trade draw. However, the proposal satisfies the sequential test and is considered acceptable.

The scheme represents a sustainable form of development and the planning balance weighs in favour of supporting the development subject to a Section 111 legal agreement and conditions.

**RECOMMENDATION:**

**Approve subject to the completion of a Section 111 Agreement**

## **PROPOSAL**

This is an outline application for the erection of up to 220 dwellings, up to 7,432 sq. m GIA of retail development, a Class A3-A5 unit, replacement sports pitches / facilities including a new clubhouse, with main vehicular access to be provided directly off Congleton Road, associated landscaping and other works. All matters are reserved for consideration at a later date. The application is supported by a voluntary Environmental Impact Assessment (EIA).

The application proposals have been submitted as the first phase of development on the western part of the site known as the South Macclesfield Development Area. Subsequent planning application(s) for the wider site will be made in due course and are likely to include residential, and possibly a site for a primary school, along with further environmental and landscaping features. This is the first application for a phased implementation of a comprehensive scheme to deliver the South Macclesfield Development Area.

This is an outline application with **all** matters reserved for future consideration. All other matters regarding detailed design, such as appearance, layout, scale and landscaping are reserved for consideration at a later date. However, indicative plans have been submitted with the application, which illustrates how a residential led scheme with pub/restaurant and retail unit could be brought forward. The plan includes replacement sports pitches, ecological mitigation areas and pedestrian links to Congleton Road. Access is proposed from Congleton Road.

## **SITE DESCRIPTION**

The site is located approximately 2.2 miles to the south of Macclesfield Town Centre, where a range of high street shops, services and facilities are located. The site covers an area of approximately 26.8 hectares. The site is predominantly unused. Much of the site consists of

open scrub land, with hedgerows and tree-lined boundaries. There are some sports pitches and changing rooms to the western part of the site.

The site is bounded to the west by Congleton Road and to the north by Moss Lane. The surrounding land uses to the north and west are residential, to the east is open land, the West coast railway line and beyond that the retail and commercial uses of Lyme Green Business and Retail parks. For clarification, the land to the east of the application site (between the site and the West coast railway line) is the remainder of the wider South Macclesfield Development Area (SMDA), which is currently undeveloped.

Adjacent neighbouring uses include one and two storey residential properties on Congleton Road (A536) and recent new residential development off Moss Lane. The southern boundary is onto the Council's waste recycling centre and Dane Moss Landfill Site.

The full SMDA site is identified within the emerging Local Plan under policy CS8 for 1 050 new homes, replacement playing fields, green infrastructure, pavilion and changing rooms, an A3/A4 Public House and restaurant, an A3/A5 drive through restaurant, a D2 health club /gym, an A1 superstore (up to 5 000 sq. m (for convenience goods), 5 hectares of employment land, a new primary school, and potential relocation for Macclesfield Town Football Club. A key principle of the development is the delivery of a link road from Congleton Road to London Road. The existing trees, water courses and natural habitats are to be retained and enhanced as appropriate.

Whilst the SMDA site currently consists of sports pitches and unused scrub land, it does have the benefit of being allocated within the adopted Local Plan and there is a Development Brief for the site which is titled, South Macclesfield Development Area: A Brief to Guide the Development of Land between Congleton Road and Lyme Green Business Park.

## **RELEVANT HISTORY**

01/0076P - Mixed use development comprising: employment (B1/B2/B8), retail (A1), restaurant (A3), hotel (C1), nursery school (D1), trade counters, distributor road, railway bridge, car parking, children's play area, landscaping and associated works (outline application) – Refused 05-Nov-2001

01/0077P - Erection of non-food retail warehousing, garden centre, builders yard, mixed employment, (B1/B2/B8), trade counters, restaurants, nursery school, children's play area, car parking, landscaping, demolition of existing pavilion, erection of temporary replacement pavilion, retention of land for sports pitches and associated works (full application for phase 1) – Refused 05-Nov-2001

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

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

Of particular relevance are paragraphs 14, 23-27 and 47.

**Local Plan:**

The Macclesfield Borough Local Plan allocates the land to the south of Moss Lane between Congleton Road and Lyme Green Business Park, for a mix of employment, retail/leisure, housing and open space uses and a new distributor road. The principle of development is fixed in the Borough Local Plan. Issues dealing with the release of the land were debated at the Local Plan Public Inquiry held in 1995. What remains to be fixed are the details of the development.

The relevant Saved Policies are: -

Built Environment

BE1– Design Guidance

Development Control

DC1 – New Build

DC3 – Amenity

DC5 – Natural Surveillance

DC6 – Circulation and Access

DC8 – Landscaping

DC9 – Tree Protection

DC15 – Provision of Facilities

DC17 – Water Resources

DC18 – Sustainable Urban Drainage to Reduce Flood Risk

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 existing and proposed employment areas

E4 – General Industrial Development

E6 – New Employment Land Allocations - Macclesfield

Transport

T2 – Integrated Transport Policy

T10 – Distributor Road

Environment

NE2 – Protection of Local Landscapes

NE3 – Protection of Local Landscapes

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  
RT6 – Allocated for additional Informal Recreational Facilities  
RT7 – Recreation / Open Spaces Provision  
RT15 – Visitor Accommodation

#### Shopping

S1 – Shopping Developments  
S2 – New Shopping, Leisure and Entertainment Development  
S3 – Congleton Road Development Site

#### Implementation

IMP1 – Development Sites  
IMP2 – Transport Measures

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

In addition, the Development Brief titled, South Macclesfield Development Area: A Brief to Guide the Development of Land between Congleton Road and Lyme Green Business Park, was adopted as Supplementary Planning Guidance in November 1998.

#### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 9 Energy Efficient Development  
SE 12 Pollution, Land Contamination and Land Instability  
CO 4 Travel Plans and Transport Assessments  
CS 8 South Macclesfield Development Area  
SC 1 Leisure and Recreation  
SC 2 Outdoor Sports Facilities  
SC 5 Affordable Homes  
IN 1 Infrastructure  
IN 2 Developer Contributions  
PG 1 Overall Development Strategy  
PG2 Settlement Hierarchy  
PG5 Open Countryside

EG1 Economic Prosperity  
EG5 Town Centres First

### **Other Material Considerations**

Interim Planning Policy: Release of Housing Land (Feb 2011)  
Interim Planning Statement: Affordable Housing (Feb 2011)  
Strategic Market Housing Assessment (SHMA)

Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

North West Sustainability Checklist  
SPG on Section 106 Agreements (Macclesfield Borough Council)  
Ministerial Statement – Planning for Growth (March 2011)

Macclesfield Draft Town Strategy (public consultation undertaken in autumn 2012)

South Macclesfield Development Area – Economic Masterplan and Delivery Plan – November 2011

### **CONSULTATIONS:**

#### **Highways:**

The Head of Strategic Infrastructure notes that the South Macclesfield Development Area is identified in the Local Plan as a strategic site, which extends from the A536 Congleton Road to London Road. To provide the necessary highway infrastructure a new link road is proposed linking Congleton Road to London Road, this application is Phase 1 of the scheme forming the western section of the link road. The Head of Strategic Infrastructure has considered the infrastructure side of the proposals, traffic impact considerations and accessibility.

The proposed standard of internal infrastructure to serve the development is of a suitable design and provides sufficient capacity to serve the development and future development arising from the link road. To provide access to the site a new signal junction is to be constructed on Congleton Road, this design has been checked in regards to its capacity and safety is considered acceptable.

The main highway concerns are in regard to two junctions close to the site, these being the Moss Lane/Congleton Road junction and the Flower Pot junction. The capacity assessments undertaken at these junctions have shown that both will operate over capacity with the development added. Mitigation measures are required at each of the junctions to improve capacity in order that the proposed development traffic can be accommodated.

With regard to the Moss Lane junction, there are no mitigation measures proposed by the applicant as part of this application due to the reassignment of traffic following construction of the full link road. However, there is no certainty that the link road will come forward in its entirety and this remains an issue. The capacity problems at this junction was highlighted in the CEC report and a mitigation scheme has been designed that provides a Ghost Island right turn lane and this is the minimum requirement to prevent long queues forming at the junction.

A mitigation scheme has been designed to accommodate the development at the Flower Pot junction and this scheme is required as part of this application and should be funded in its entirety.

In summary, the development is acceptable in highway terms subject to a condition requiring capacity improvement schemes (as shown on the submitted drawings) to be provided by the applicant.

### **Highways Agency**

The Highways Agency have viewed this in relation to the strategic road network and have concluded that there would be no significant impact upon the M6 motorway and other strategic roads managed by the Highways Agency. It is noted that the application is accompanied by a Transport Assessment and the effects of this development in terms of additional traffic are considered to be primarily local.

### **Environmental Health:**

Recommend conditions/informatives relating to submission of an Environmental Management Plan, construction hours of operation, lighting, noise mitigation, odours, air quality, travel plan, dust control and contaminated land.

### **Housing:**

Notes that the development can provide 20% affordable housing and that this has been assessed in terms of viability. The affordable housing should comprise a balanced mix and any social rented/affordable rented units should be provided through a registered provider of affordable housing.

### **Public Rights of Way:**

The PROW Unit has confirmed that they have consulted the Definitive Map of Public Rights of Way and can confirm that the development does not appear to affect a public right of way.

### **Countryside Access Development Officer:**

Proposed developments may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes.

Consideration should be given to designing the northern proposed pedestrian link to the Moss Rose Estate for the use of cyclists in addition to pedestrians as this would form one of the key desire lines into and out of the development site. Consideration should also be given to the proposed footway on the eastern side of Congleton Road, and its connections into the existing network via any crossings needed, being also designed for the use of cyclists as this would provide a relatively long off-road route. The traffic light controlled junction on Congleton Road is proposed to include advanced stop lines for cyclists and crossing facilities for pedestrians. Consideration should be given to the upgrade of the crossings to toucan facilities for use by cyclists as well, for those not wishing to undertake on-road manoeuvres at this junction.

### **Sustrans:**

1) Sustrans support the provision of greenways within the site as outlined, as long as:

- a) they are designed for shared pedestrian/cycle use, and are continuous at road crossings
- b) construction is to the highest sealed surface standard
- c) they are designed as an attractive landscape corridor, with wide grassy verges which can be mown, for good visibility and personal safety (ie no shrub beds immediately adjacent)
- d) they connect to the Flower Pot route, to Moss Lane and toward the town centre, and to residential areas west of Congleton Road.

2) National Cycle Network route 55 is currently being realigned through Macclesfield town centre. Can this development make a contribution to this improvement?

3) The design of estate roads should restrict vehicle speeds to less than 20mph.

4) The design of any smaller properties without garages should include storage areas for residents' buggies/bicycles.

5) Sustrans would like to see residents' and business travel planning set up for the site, with targets, monitoring and a sense of purpose.

#### **Environment Agency (EA):**

No objection is made to the proposed development. This follows a review of both the Phase 1 Desk Study and consideration of the possible risks to controlled waters from the current and future condition of the land.

The EA's review has indicated that part of the land has been subject to waste disposal and as a consequence of that the land may pose a significant risk to controlled waters. The EA welcome the recommendation to undertake further site investigation and look forward to receiving further submissions. As a result of this, the EA recommend that planning permission could be granted subject to conditions.

With regards to the risks to controlled waters from the current and future condition of the land, the EA consider that planning permission can be granted subject to conditions which requires a remediation strategy and verification report to deal with the risk associated with contamination of the site.

#### **United Utilities:**

No objection subject to the site being drained on a separate system with foul draining to the public sewer and surface water draining in the most sustainable way.

#### **Education:**

The site forms part of the SMDA site within the emerging local plan which indicates that a new school site be provided as the overall development is in excess of 1,000 dwellings.

A new 1FE Primary School will cost £3.2 Million to build. A contribution of £672,000 is required for Phase 1 of the development. This contribution is based on a pro rata charge for a new school based on 1,050 dwellings coming forward on the whole SMDA site and 220 dwellings coming forward as part of this development.



The final issue is the provision of a site, which would need to come forward as part of the SMDA allocation. This would need to be level, free from contamination, fully serviced, rectangular in shape and 2.7 acres in area. In the event that the service ultimately decide that local schools could be expanded to accommodate the pupils from the developments then the site would be returned and the financial contribution retained to cover the cost of the expansions.

No contribution is required towards secondary education.

**Archaeology:**

The application is supported by an archaeological and heritage desk-based assessment which has been prepared by White Young Green Planning and Environment on behalf of the applicants.

No objections are made subject to a condition which will require the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

**Public Open Space:**

Final comments are awaited from the Greenspaces/Public Open space officer.

**Natural England:**

Raise no objections. This application is 500m from Danes Moss Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. Natural England, therefore advise the authority that this SSSI does not represent a constraint in determining this application. Natural England note that there is a possibility for surface water drainage from the development finding its way in to the SSSI. Therefore, in the reserved Matters application, Natural England would want to see details of the surface water drainage system and foul going to the main sewer to protect the SSSI notified features.

Natural England would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

**Sport England:**

Comments are awaited from Sport England in relation to the revised proposals.

**Macclesfield Civic Society:**

Procedural issues and EIA

The Society takes the view that the whole SMDA project should be subject to evaluation rather than just the first phase.

Macclesfield Civic Society note that the submitted ES is described as “voluntary” as the Local Planning Authority did not consider that the scheme represented EIA development. The Civic

Society believes this view was mistaken. However, an ES has been submitted and this can be commented upon in terms of adequacy.

#### The current proposals

This application clearly focuses on the proposals for the Congleton Road end of the SMDA.

The new access and link road are clearly essential to opening up the area for development. The traffic signal junction appears to be located on rising ground towards the Rising Sun Inn and the former landfill site entrance at Danes Moss. Although traffic flow would be regulated in all directions any queuing of traffic approaching from the south could be problematic for users of accesses at the points previously indicated. It would be appropriate to ensure that the link road is constructed across the site at an early stage in order to provide easier access to other land to the east within the SMDA.

The Society is unsure as to the justification for a large supermarket (7400sq.m or 80,000 sq.ft) at the entrance to the site, on the former playing fields. Concerns are raised as Cheshire East have adopted a “town centre first” approach (consistent with NPPF guidance) and have opposed recent proposals for “out of centre” provision. It would be difficult to sustain an equitable approach to other proposals for out of centre retail if the only distinguishing factors here were the desire of the landowner (Cheshire East) to maximise returns or entice a supermarket onto the site in order to fund infrastructure provision in the form of the link road, signalised junction and relocation of playing fields. It appears that this part of the proposal is driven by financial expediency and nothing else.

In relation to housing within the first phase the Society would wish to see a balance between market and affordable/social housing, consistent with the character of the surrounding area together with a mix of house types and tenures.

The replacement playing fields appear to represent an equivalent reinstatement, with some enhanced provision (pavilion etc). Clearly the phasing of provision should be in advance of development of the supermarket so there is no gap in use by the public and sporting organisations. The location also appears appropriate in relation to later phases of housing development in SMDA.

#### Future extensions and other parts of SMDA

The proposed residential element of the wider development appears well integrated.

The access is shown extended from Congleton Road through towards Winterton Way, presumably by means of a bridge over the Macclesfield-Stoke railway, which would be entirely appropriate. Convern is noted that this link is “subject to agreement” with Network Rail and negotiations on this should start now. What is the fall back position for access and shouldn't alternatives form part of the evaluation process and ES at this stage?

Although space is allocated for additional community or leisure use, there is no indication regarding the future of Macclesfield Town FC as to whether it would be relocated to the SMDA area and how it would be secured. A new ground for the team was always envisaged as a part of the SMDA and it is to be hoped that it will not just be left to the club itself.

Similarly there is no mention of the relocation of existing commercial uses from Moss Lane compatible with residential development as near neighbours but they do provide a valuable service for the town and should have a future secured as part of the SMDA proposals.

**Cheshire Wildlife Trust** objects to the application on the grounds that the planning proposal cannot be lawfully determined without an accompanying Environmental Statement.

**Gawsworth Parish Council** raises concerns regarding traffic and access onto the Congleton Road.

## **REPRESENTATIONS:**

Neighbour notification letters were sent to all adjoining occupants, a site notice erected and press advert placed in the Macclesfield Express.

Approximately 21 letters of representation have been received from residents raising the following issues:

### Environmental / Amenity issues

- Services - concern is raised that there will be sufficient capacity of sewers, gas, electricity and water supply to cope with the proposed scheme.
- The percentage of social housing, is not available, nor the location.
- Effect on property value.
- Further, within the preparation for the Local Borough Plan it is clear that there is a desire to reduce the need to travel, especially by car. The proposed plan for a supermarket, housing and a new junction conflict with this desire.
- This piece of land has been enjoyed by residents and wildlife for many years. There are more people walking their dogs on this land than in the local parks.
- This development would take away a well loved communal area and football pitches not only used for football but flying kites, model planes', playing rounder's, dog walking etc. within easy reach of local residents.
- The scheme will prevent a considerable percentage of rainwater percolating the ground and a collection scheme should be considered.
- One of the neighbouring properties has been flooded three times since the year 2000 and regularly in the garden.  
What measures will be taken to avoid this from happening again?
- The proposed site is reported as being a natural area of marshy grassland, wooded areas with mature trees and some scrub.
- Much of the ground is layer upon layer of peat of which there appears to be little mention. The whole area supports a great diversity of wildlife. The Natural England website propounds the importance of preserving natural peatland for many reasons, most importantly for its properties of storing carbon. Once disturbed, this carbon is emitted as greenhouse CO2 which contravenes global policies.
- In past years, one resident has seen the protected Great Crested Newt on this land along with frogs. There is evidence that badgers forage in this area. Many species of butterfly whose population is in serious decline can be seen.
- Wild flowers grow freely. Rabbits make their home on this land. Insects and many species of birds can be seen on this land. The Local Plan states under the Nature

Conservation section that the Borough Council will seek to conserve, enhance and interpret nature conservation interests. A full inspection from such bodies as Natural England would be able to present evidence of all the species on this site, some of which may be protected species.

- One writer's property borders directly with one of the fields proposed for residential build and is currently separated by existing trees and hedges but is indicated on the plan as structured landscaping. Does this mean the removal of existing greenery?
- The site includes a significant number of wildlife corridors that also contain drainage ditches. Retention of these items is paramount for flood protection and preservation of habitat. A significant number of water related issues could be resolved by cleaning and maintenance of these ditches.
- The visible impact on neighbouring properties will be high.
- The disruption caused during the build period will be considerable. In particular, the noise caused by piling, which will be necessary given the soft peat nature of the area.
- The vehicle noise and pollution will also increase to undesirable tolerances created by static traffic immediately opposite homes that could be somewhat reduced by positioning the traffic management at the brow of the hill.
- The pollution caused by vehicles stopping and starting for traffic lights, the lights themselves also require power and maintenance, which has a further negative effect on the environment.
- The noise assessment considers an increase in traffic flow near the proposed junction of around 40%. It is not clear whether this assumes free flowing traffic or a stop/start nature. Noise resulting from braking, idling engines and traffic pulling away on an incline etc., particularly lorries/HGVs, is likely to have an effect.
- Building a supermarket plus homes in such close proximity to Macclesfield Household and Recycling Centre, whose access lies adjacent to the proposed new junction at Congleton Road, must raise health issues. Aside from the smell from rotting waste which frequently carries over to nearby estates, there is the issue of vermin. A risk assessment must surely be raised of where these creatures will scurry once their burrows and habitat are disturbed by building works and, further, if there is a strong possibility of their return to new sources of food around a supermarket and new homes.

#### Retail issues

- As Macclesfield town centre is supposed to be regenerated, is yet another out of town supermarket going to have an effect on the businesses in town?
- People near the football ground would like a supermarket near them.
- During previous consultations for the SMDA, one resident was led to believe that demand for a new supermarket came from residents on the London Road side of the site. Ignoring wider questions on whether Macclesfield needs another supermarket, why is it planned for the Congleton Road side? Unless the link to London Road is built early in the site development, any residents wanting to use the new supermarket will have to travel along the existing congested routes that these proposals are trying to improve. If the new supermarket is not for existing London Road residents, who is it for?
- Macclesfield area businesses are already struggling to survive without adding another supermarket to its problems.

- The proposed building of a supermarket some 2 miles way from Macclesfield town centre conflicts with the proposed town centre development plan whose primary objective is to enhance, attract and regenerate business within its centre, not outside of it.

#### Access/highways

- The scheme will produce over 500 cars and although the junction with Moss Lane is not included, the junction will be affected. This junction is already having to deal with artic lorries from Henshaw's, Cheshire Demolition, Cheshire East waste disposal Vehicles and large vehicles taking the silver waste away. Without traffic lights the junction is already dangerous.
- Access to the Rising Sun PH from Macclesfield is not indicated.
- It is questioned the suitability of building additional residential accommodation, so close to Henshaw's Waste Management site, which is already a source of numerous complaints about the acoustic impact of the business.
- The development would lead to the removal of an area of countryside used for leisure by local residents and a habitat for a range of species.
- Concern is raised that the proposed changes to the highway are likely to be dangerous when residents access their private driveways on Congleton Road.
- The proposed position of the traffic lights is a genuine safety issue. Drivers concentrating on the traffic lights will not anticipate cars manoeuvring on to, or from their driveways.
- In the space of less than approximately 90 yards (82 metres, based on my stride length) there is going to be the new junction, two pub entrances, the tip/domestic recycling entrance, a bus stop and the brow of a hill. This is a lot of activity within a small distance.
- It is also dangerous to have traffic queuing towards Macclesfield backing up over the brow of the hill and highway signs will not be sufficient in preventing accidents. Multiple traffic collisions have occurred in the past when temporary lights have been positioned in the same location as the proposed permanent traffic lights.
- Why is the Council not utilising its own land and accessing the new development in a better way? It is presumed that the best and safe interest of the residents is being overruled due to money and the Councils personal agenda.
- At the moment, it is not clear as to whether the new road is going ahead from London Road, so the majority of traffic will have to enter Macclesfield via Congleton Road, thus causing extra congestion and also at the Flowerpot and Moss Lane junctions.
- Currently, heavy traffic on Congleton Road at peak times frequently impedes a clear throughway for Ambulance, Police and Fire Services. Congleton Road is not wide enough, particularly at the site of the proposed new junction, to allow clearance in order for these essential services to reach their destination, putting lives at risk.
- This development should only proceed once the Link Road between London Road and Congleton Road is complete.
- Congleton Road is already a busy road but traffic flow modelling shows an increase in traffic flows of between 50% and more than 90% at peak times when the development is complete. Most of this increase is attributable directly to the proposed development.
- Currently traffic generally moves freely outside residents homes. Placing traffic lights at the proposed junction will change this to a stop/start nature, with two lanes of stationary traffic on the southbound lane becoming a regular feature.

- A further pedestrian crossing is proposed near Moss View Road, approximately 130 metres from the proposed junction. It is quite possible that there could be three lanes of stationary traffic outside these homes, resulting in a loss of privacy.
- Refrigerated food lorries delivering to the Rising Sun have been seen using both lanes when exiting from the car park. Will this still be possible with the proposed layout, particularly the traffic island and cycle 'safe haven' (see attached marked up copy of the junction drawing)?
- Congleton Road could be diverted into the development site by modifying the current entrance to the playing fields and changing rooms. This would lead on to a new section of road behind the existing tree line on the current playing fields. The junction (roundabout or traffic lights) with the internal roads and associated pedestrian crossing points would also be on the playing fields. The siting of the retail outlets would be revised to accommodate this new layout. The road would then exit the development site by going up the banking and through the existing landfill site/recycling centre entrance before re-joining Congleton Road to the south. A new entrance for the landfill site would be provided as part of this layout. The portion of Congleton Road between Moss View Road and the Rising Sun would become a cul-de-sac providing access to our homes.
- Moss Lane is already carrying more traffic than it was intended to do. Moss Lane is being used as a route from London Road to Congleton Road and vice versa but it was never intended to be a through route. There is a 7.5 tonne limit on the road at present, but if this limit was removed, the consequent increase in HGV traffic would be imperceptible. At the present, the road carries between 100 and 200 HGV movements per day. Council RCVs, Henshaw's and Cheshire demolition HGVs use the road in both directions for access. Many other HGVs use the road, without any consequences, probably led astray by SatNav even though they should be excluded. For instance, each week a number of articulated car delivery lorries use the road on the way to the Business Park at Lyme Green, no action is taken. The Police themselves acknowledge that it is almost impossible to enforce the 7.5 tonne limit. Each week wood recycling articulated bulk vehicles approach Henshaw's from London Road in contravention of their operating Licence without any consequences. If the development is to proceed, there is inevitably going to be an increase in traffic on Moss Lane, both in the vehicles of the workers, contractors and suppliers as well as the associated HGVs approaching the development works using SatNav. And once the development is complete, there is inevitably going to be an increase in traffic on Moss Lane due to the inhabitants of the new housing, other Macclesfield residents accessing the development for facilities or jobs as well as supply vehicles for the retail outlets and community facilities at the development. Until the Link Road is in place, life for the residents of Moss Lane will be detrimentally affected by this proposed development.

#### General observations include

- One resident strongly objects to the route of the site access road proposed by Engine of the North and to its western termination point. This is wholly unsatisfactory and will prejudice the future development of south west Macclesfield, block. The Link Road and condemn most of Macclesfield to ever worsening traffic conditions. This proposal does not demonstrate coherent joined-up planning.
- Much more detail is required before constructive views and comments can be made. These details are essential before a decision can be formulated. It is unclear what

the type/style of the residential properties (are they, 2 storey semi, 2 storey detached, 3 storey terrace) etc?

- Greenbelt land should be preserved for future generations.
- The plan to retain as much as possible of the existing trees and hedges in the area of the existing sports pitches as they provide an effective visual screen (at least in summer!) is welcomed. One writer would also ask that there are no changes to the height of these trees and hedges as they also provide an effective wind break.
- The plan to provide green areas, walks and ponds is also welcomed. One writer would suggest that these areas are not too 'manicured' and retain some sense of wildness.
- Guidance on loss of playing fields indicates that playing fields lost due to development must be replaced. It is noted that the amount of sports provision required for a development of this size will not be provided. However, concern is raised as to what access there will be to the relocated playing fields?
- With the exception of charges for weekend league football games access to the existing playing fields is open to anybody, at any time, free of charge. Will the relocated and redeveloped playing fields have the same level of open access?
- The maintenance of green routes and cycleways is pleasing as is the creation of housing areas split by these routes. Overall the application is to be welcomed for the greater benefit of Macclesfield but only if the entire link road is constructed.

In addition to the above, 5 letters have been submitted on behalf of Tesco's, Sainsbury's, Eskmuir (owners of the Grosvenor Shopping Centre), Gladman Homes, Redrow Homes and Jones Homes. The main issues raised in these letters are summarised as follows: -

#### Planning Policy

- It is considered that the site's allocation for retail development in the 2004 Local Plan is out of-date and can no longer be relied upon as providing support for the proposal. Turley have reviewed the HOW Planning sequential appraisal and agree that the proposed scheme could not suitably or viably be accommodated in any sequential locations. The scheme will have a clear adverse impact on the vitality and viability of the town centre and could prejudice the planning and committed investment in the Silk Street scheme. Therefore, in accordance with paragraph 27 of the NPPF and the draft Policy EG5, the application should be refused.
- Gladman Homes consider that limited weight should be afforded to Policies E5, E6 and S3 of the Macclesfield Borough Local Plan in the context of paragraph 215 of the NPPF.
- Gladman are concerned at the potential adverse impact of the proposed foodstore on the vitality and viability of Macclesfield town centre. Specifically, this involves the potential for the proposed foodstore to divert trade away from the consented proposal for the mixed-use redevelopment of Macclesfield town centre, which includes provision for a new 2 325 sq . m foodstore.

#### Retail

- Turley's (on behalf of Sainsbury's) consider that there is a lack of justification in the emerging Strategy to clearly demonstrate why the site is appropriate for retail uses.
- Any significant adverse impact on the town centre would be contrary to paragraph 27 of the NPPF. The Council must therefore be content that the policy tests of the NPPF are

satisfied given that Policy S3 is out-of-date. Further, the net sales area of the proposed foodstore must not exceed 5 000 sq. m if the proposed development is to comply with Policy CS8 of the Local Plan Strategy Submission version.

- Eskmuir note that the 'majority' of the net sales floorspace should be dedicated for convenience goods. The LPA must consider carefully the appropriate weight to be afforded to this emerging allocation given the delays and uncertainties relating to the CELP.
- The predicted turnover of stores in the catchment seems to be overestimated in the Retail Statement prepared by HOW Planning. For instance, at Table 2.1 it estimates that the survey derived turnover of the Tesco on Hibel Road is £57.7m. This is significantly higher than the current trading level of the store of £45m. This overestimate of turnover in turn underestimates the impact of the proposed store on designated town centres and edge of centre stores that underpin the vitality and viability of protected town centres. This also undermines the argument that there is a need for a new foodstore within Macclesfield to relieve overtrading at the existing Sainsbury's and Tesco foodstores.
- Tesco have raised concerns about the reasoning in paragraphs 4.6 and 4.7 of the Retail Statement. It is acknowledged that all indications were that the council intended to refuse the application for an enlarged store at Hibel Road for Tesco's, due in part to the impact on the town centre. The additional floorspace for the proposed replacement Tesco store was only 1,357 sqm for convenience goods and 2,395 sqm for comparison goods. This equates to a total floorspace of 3,752 sqm which is significantly less than the proposed sales area for the proposed Congleton Road store of 4,831 sqm. If the smaller Tesco proposal was being considered for refusal based due in part to impacts on the town centre, then it's expected that an even larger store in a location a considerable distance away from the town centre will have a greater impact. The point made in paragraph 4.7 of the Retail Statement that the Congleton Road proposals are located further away from the town centre and so the impact will also be slightly less ignores the benefits of linked trips on town centre vitality and viability. The significant distance of the Congleton Road site from Macclesfield town centre mean it will offer no linked trip benefits, indeed it will take people further away from established foodstore locations in more central locations.
- Tesco has analysed the combined trade diversions and strongly recommends that the council asks for an amended Retail Statement that takes into account Tesco's alleged in-house retail analysts more accurate trade diversion figures.
- Eskmuir has submitted representations to the CELP to re-enforce the importance of enhancing the vitality and viability of Macclesfield town centre –which is aligned with Cheshire East Council's stated objectives within the draft Macclesfield Town Strategy (September 2012) to "...promote Macclesfield Town centre as a focus for shopping, business, leisure, tourism and community facilities".
- Given the age of the MBLP and the prematurity of the application to the CELP, there is a compelling need for the LPA to manage out of town retail proposals in accordance with national planning policy to ensure the vitality and viability of existing town centres, such as Macclesfield, are not harmed. Eskmuir therefore seeks confirmation that the LPA will undertake a thorough scrutiny of this out of town retail application. This may include the need to appoint an independent external consultant to review the application documentation.
- The proposal is for a foodstore with ancillary comparison floorspace and as such the site has not been assessed in respect of a wider retail use. Assuming the foodstore



passes the necessary sequential and impact tests, and were the LPA minded to grant planning permission, it would appear necessary to use conditions to rigourously control the retail activities from the unit. Such conditions should for example, allow occupation by a single food retailer (i.e. Supermarket) only and provide clear restrictions on the level of comparison goods floorspace allowed. Open retail in this location could pose serious risks and harm to existing town centres, such as Macclesfield and would be contrary to national planning policy.

#### Environmental Impact Assessment (EIA) Screening Opinion

- It is Gladman's contention that the proposed development should be subject to an EIA.

#### Provision of Affordable Housing

- Within section 5 of the supporting Planning Statement, it is confirmed that the proposed development will only deliver 20% affordable housing, with the reduction owing to issues of viability. Gladman object to the application as it has not been demonstrated that a policy compliant contribution of 30% affordable housing would render the proposed development unviable.

#### Transport Assessment

- A critical assessment of the Transport Assessment has been provided. This provides comments with regards to Trip Generation, Base Traffic Flows and Cumulative Development, Proposed Site Access Capacity, and the Flowerpot Junction. The assessment of the application scheme has demonstrated that the scale of the proposed site access junction is unlikely to be sufficient for the development proposals. With the development in place, the Flowerpot junction would be operating significantly over capacity and creating a severe impact. The majority of the traffic impact at the junction is associated with the foodstore and this impact will be experienced as soon as the foodstore opens. There should therefore, be a much stronger commitment by the applicant to implement the identified improvement at this junction prior to the development being brought into use. Alternatively, there should be commitment to completing the South West Macclesfield Link road in the early stages of development as a means of mitigation at the Junction.

#### Phase 1 Geo-Environmental and Contaminated Land Assessment

- Jones homes and Redrow appointed geotechnical and environmental consultants, E3P to undertake a peer review of the technical information relating to the SMDA. The assessments made by WYG are largely based on the RSK Ground Investigation with some limited further investigation from ESI within the southwest quadrant. In the first instance, the RSK intrusive investigation was severely limited due to access constraints and as such there have only been 2 no boreholes and environmental monitoring installations installed within the southern half of the SMDA with no further investigation completed by ESI. This frequency is severely deficient when considering current UK best practices as presented within Contaminated Land Report 11. Industry best practice states that to ensure the adequate assessment of potentially hazardous ground gasses where there is a moderate risk from hazardous ground gases, environmental monitoring installations should be placed at 50m centres across the area of the proposed development. The assumptions and conclusions are questioned as they are based on the severe limitations of the dataset. The level of intrusive investigation does not conform to current industry best practice and guidance and as

such the site has not been accurately characterised in terms of the potentially significant risk from hazardous ground gasses.

- The WYG Desk Study includes a synopsis of the ESI ground gas assessment which confirms that the site is moderate risk, however, no evidence has been provided to suggest that sufficient data has been obtained to make a risk assessment based on current industry best practice. The WYG Desk Study / Geo-Environmental Review does not make any consideration of:-
  - Significant compressible peat to circa 5.0m which will preclude any commercially viable development of the southern sector;
  - Potentials influence on the soil mechanics of the stratum beneath the major rail infrastructure associated with the consolidation of peat deposits on the SMDA site. There is the potential to induce instability on the Network Rail land that does not seem to have been considered;
  - There has been little or no investigation of the deep filled materials within the on-site landfill at the south west quadrant (currently playing fields) and as such it is not possible to accurately understand the degree of risk for as yet unknown contaminated sources;
  - There is no deep groundwater monitoring to assess the potential pollution of the SMDA site from leachate originating from the adjacent domestic landfill site;
  - The RSK and Smith Grant Boreholes indicate site wide methane at or above 20% by volume, however, no further investigation has been completed to accurately identify the specific sources;
  - Based on the presence of significantly elevated methane and outflow at the northern boundary E3P consider there to be potentially significant on-site source of hazardous ground gas. However, the ESI Report discounts the peat stratum as a significant gas source.

E3P has reviewed the consultation response provided by the Council's Environmental Health Officer. As methane in excess of 20% by volume has been encountered the site is not suitable for development without further detailed assessment. The applicant's quantitative assessment is not based upon robust data collected in accordance with UK best practise.

#### Deliverability of the Application Site

- The information supporting the application argues that the foodstore development is required to facilitate expansion within the South Macclesfield Development Area. It is Tesco's view that insufficient information has been provided to demonstrate that approval of an out of town foodstore is required to enable development of the wider area. Indeed in recent years housing land values have equalled and in many cases exceeded residential land values, which means that a residential allocation of the site could have the same effect as the foodstore in terms of delivering expansion of Macclesfield in this location.
- Gladman Homes raises concerns regarding the deliverability of the proposed development as follows: -
  - A substantial proportion of the Application Site is understood to comprise peat based soils. Given the instability of building on peat, this will require significant ground stabilisation works to be undertaken at significant cost to the developer. It is therefore questionable whether indeed the proposed development is at all

viable, and no further information has been submitted by the applicant to demonstrate that this is the case.

- Part of the Application Site comprises a former waste refuse site, upon which the proposed foodstore would be sited. Ground remediation will consequently be required at substantial cost to the developer.
  - Based on the concept masterplan, the Application Site will comprise housing up to 1 000 dwellings in total, and in order to accommodate the vehicle movements generated, a new link road connecting the Application Site and wider SMDA to Lyme Green Business park must be delivered. This will represent a significant cost. At this time, there is no evidence of how this will be funded, and indeed whether it is physically deliverable given the need for network Rail approval.
  - The failure to adopt a comprehensive approach to the release of the SMDA casts doubts over the whole site's deliverability; otherwise why not simply submit a single outline application which covers the whole SMDA together with a detailed phasing plan? It is Gladman's contention that this approach has simply been adopted as a mean to justify the SMDA's proposed allocation in the emerging Cheshire East Local Plan. In reality, the significant concerns set out in Gladman's representations to the emerging local Plan regarding the deliverability of the SMDA are now fully justified, as there is evidently a lack of confidence and certainty on the Council's part regarding the ability to develop the whole SMDA. To provide certainty over the SMDA's deliverability, a single outline application should be submitted for approval, and in doing so clearly how areas of public open space and infrastructure across the SMDA will come forward, and who will deliver/fund these.
- Jones Homes and Redrow have submitted in their Hearing Statement 14.3 of the Cheshire East Local Plan Examination in Public, that the wider South Macclesfield Development Area is not viable, developable nor deliverable for the scale of development that is identified over the plan period. The following concerns are pertinent to this application: -
    - Part of the application site comprises a former waste refuse site, upon which the proposed foodstore would be sited. Ground remediation will therefore be required.
    - Draft Local Plan Strategy CS8, requires the delivery of a Link Road between Congleton Road and London Road. Jones Homes and Redrow consider that the applicant should either commit within this application to the early delivery of the full South Macclesfield Link Road, in order for the 2030 traffic flows assessment within the Transport Assessment to be relied upon (i.e. Link Road assumed complete), alternatively if the applicant cannot commit to the delivery of the full Link Road then the inclusion of the Link Road in the 2030 traffic flows cannot be relied upon. Furthermore, Draft Local Plan Strategy Site CS10: Land off Congleton Road, Macclesfield includes, as a site specific principle of development, the requirement for the site's access road to be of a standard to form part of any future South West Macclesfield Road Link. It follows that the development of the South Macclesfield Development Area, must provide a site access road that is of a standard to form part of any future South West Macclesfield Link Road,. Without this being addressed within this application, the application is failing to meet the policy requirement.

## **APPRAISAL**

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 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

**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

These roles should not be undertaken in isolation, because they are mutually dependent.

Given that the application is submitted in outline, the main issues in the consideration of this application are: -

- The suitability of the site for the proposed mix of uses having regard to matters of principle of development
- Sustainability
- Impact upon nature conservation interests
- Design and impact upon the character of the area
- Landscape impact
- Geo-Environmental and Contaminated Land Assessment
- Impact upon local infrastructure
- Highway safety and Transport Assessment
- Affordable housing
- Deliverability of the SMDA
- EIA

## **Principle of Development**

The site is allocated within the Local Plan under Policies E3-E5 for employment purposes. Policy E6 states:

*“Approximately 22 hectares of land to the west of Lyme Green Business Park is allocated for employment purposes, as specified in policies E3-E5. Planning permission will normally be granted provided the following criteria are met:*

- 1 Part of the land should be made available for:
  - i. The expansion and relocation of local firms*
  - ii. Open storage and the relocation of bad neighbour uses where this would not adversely affect the operation or amenity of neighbouring uses**
- 2 Access is taken from the proposed distributor road (see also Policy T10)*
- 3 Existing trees, water courses and natural habitats are retained and enhanced as appropriate*
- 4 Necessary infrastructure, open space (Policy RT6 – Site 15) and structural planting is provided*

*And the Borough Council will seek to enter into planning obligations to secure appropriate contributions to the construction of the proposed distributor road, necessary infrastructure, open space and structural planting.”*

Macclesfield Borough Council also approved a Development Brief in November 1999.

Under these policies and the Brief, the development of the South Macclesfield Development Area is seen as a site primarily for B1, B2 and B8 uses. The purpose of the Brief is to: -

- i. Guide developers to produce attractive and safe developments which are in accordance with the Borough Local Plan*
- ii. Assist the Borough Council in determining planning applications by providing specific design principles relevant to the development area*
- iii. Ensure that development takes place in a coordinated manner*
- iv. Set out the principles for the management of the area*

The area covered by the Brief is in several ownerships. The Council is concerned that developers may seek to acquire land with development potential only and leave to one side the proposals for open space, for example. It will be a prerequisite that the development areas, infrastructure and open space should be treated as a package and that the mechanisms to deliver the package should be in place before planning permission is granted.

Development Brief requires the site to provide the following elements:

- a) It is an essential prerequisite for the release of employment and retail/leisure land that a new road is constructed between Congleton Road (A536) and London Road (A523T) in accordance with the Borough Local Plan Proposal T5. In practice, the stretch of road from the railway line to the A523 (T) will consist of upgrading Winteron Way. The road should be a well-landscaped corridor.*
- b) A series of greenways extending from the urban area to the countryside. The greenways will provide routes for cycle/footpaths which will connect up with the proposed National Cycle Network and make provision for connecting, ultimately to the restored Danes Moss Landfill site. Access to the employment, retail and housing areas should also be provided. The greenways should be attractive to wildlife.*
- c) No restrictions are placed on the employment uses (B1, B2 and B8) except for the location of B2 open storage/bad neighbour uses. Proposal E5 specifically requires that*

*part of the land should be made available for the expansion and relocation of local firms. Proposal E5 also requires that part of employment land should be made available for open storage and the relocation of bad neighbour uses, where this would not affect the operation or amenity of neighbouring uses. It is proposed to relocate and centralise the Borough Council depots within the open storage area. Proposal T16 requires that a lorry park should be provided within the open storage area.*

- d) Approximately 10 hectares of land are allocated for retail and leisure in accordance with Proposal S3 of the Borough Local Plan. Proposal S3 permits shopping and development may also include a car showroom and roadside facilities, leisure and recreational uses, providing that the type and scale of development does not prejudice the vitality and viability of existing centres nearby.*
- e) Approximately six hectares of land is allocated for housing, including affordable housing in the north west part of the development area.*
- f) Measures to achieve sustainable urban drainage should be incorporated to serve the Development Area.*

This application, which involves the land to the east of Congleton Road and to the south of Trident Way and Flying Fields Drive and to the south of Sheldon Drive for residential development, as well as a retail unit (up to a maximum of 7,432 sq. m), a Class A3-A5 unit and replacement sports pitches would conflict with some of the existing local plan policies, which seek to ensure development of the site predominantly for employment purposes. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning And Compulsory Purchase Act 2004, which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”. The issue in question is whether there are other material considerations associated with this proposal, which are sufficient material consideration to outweigh the policy objection.

### **Emerging Policy**

The Cheshire East Local Plan Strategy Submission Version (March 2014) highlights that the South Macclesfield Development Area site offers the opportunity to create a sustainable urban extension to facilitate some growth in Macclesfield; providing new housing alongside employment, convenience retail, community recreation and sporting facilities as well as green infrastructure and as important contribution to the new link road.

### **Site CS8**

#### South Macclesfield Development Area

The development of the South Macclesfield Development Area over the Local Plan Strategy period will be achieved through:

1. *The delivery of around 1,050 dwellings;*
2. *Provision of:*
  - i. Replacement playing fields, Green Infrastructure and open space to offer multi sports and recreational opportunities including a new pavilion / changing rooms;*
  - ii. Class A3 / A4 Public house and restaurant;*
  - iii. Class A3 / A5 drive-through restaurant or hot food takeaway;*
  - iv. Class D2 Health club / gym facility;*

3. *Provision of a new Class A1 superstore with a net sales area of up to 5,000 square metres. The majority of the net sales floorspace should be dedicated for convenience goods;*
4. *Provision of up to 5 hectares employment land and employment related uses;*
5. *Provision of a new primary school;*
6. *Potential relocation of Macclesfield Town Football Club;*
7. *Incorporation of Green Infrastructure;*
8. *Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities; and*
9. *On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space, community and sports facilities.*

#### *Site Specific Principles of Development*

- a. *Delivery of Link Road between Congleton Road and London Road.*
- b. *Existing trees, water courses and natural habitats are to be retained and enhanced as appropriate.*
- c. *Necessary infrastructure, open space and structural planting to include additional tree planting must be provided.*
- d. *The north / north-east portion of the site is most suitable for residential development. Proposals should take account of the scale, massing and density of the existing adjacent properties and access should be taken from the new link road. Site layouts should preserve the amenity of existing properties.*
- e. *The site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes);*
- f. *Commercial, convenience retail and leisure development will be appropriate on the western end of the site.*
- g. *The south-east part of the site provides an excellent opportunity for the provision of a new stadium facility for Macclesfield Town Football Club. There would also be an opportunity, to the west of the Stadium, to provide training facilities along with car parking which could serve the whole site.*
- h. *The form of development should endeavour to retain, where appropriate, much of the existing tree cover which is present on site – in particular on the southern boundary. Pedestrian and cycle links to existing routes and the proposed parcels of development should be provided, set within greenways which are safe, attractive and comfortable for users.*
- i. *A desk based archaeological assessment is required for the site, with appropriate mitigation being carried out, if required.*
- j. *A detailed site-specific flood risk assessment should be prepared.*

The application clearly delivers a number of the items from the above criteria, namely: -

- *delivery of a Link Road between Congleton Road and London Road;*
- *existing trees, water course and natural habitats are to be retained and enhanced as appropriate;*
- *necessary infrastructure, open space and structural planting to include additional tree planting must be provided;*
- *The north/north east portion of the site is most suitable for residential development. Proposals should take account of the scale, massing and density of the existing*

adjacent properties and access should be taken from the new link road / site layouts should preserve the amenity of existing properties;

- The Core Strategy Site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (affordable Homes);
- Commercial and retail / leisure development will be appropriate on the western end of the site;
- The form of development endeavours to retain, where appropriate, much of the existing tree cover which is present on site – in particular on the southern boundary. Pedestrian and cycle links to existing routes and the proposed parcels of development should be provided, set within greenways which are safe, attractive and comfortable for users;
- A desk based archaeological assessment is provided for the site, with appropriate mitigation being carried out, if required;
- A detailed site-specific flood risk assessment is provided.

The green infrastructure provisions, up to 220 dwellings and the costs of delivering the proposed development (including facilitation of the link road) have been assessed by way of an evaluated viability study, along with open space, replacement playing fields, public house and restaurant, A1 superstore, pedestrian and cycle links.

It is considered that a number of the other criteria can be satisfied on the section of the South Macclesfield Development Area, which lies to the east of this application site, i.e the employment land and employment related uses, including the provision of a primary school, should one be required.

## **SOCIAL SUSTAINABILITY**

The first dimension to sustainable development is its social role. In this regard, the proposal will provide up to 220 dwellings, including 20% affordable homes.

### ***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.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites 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.

The above policy context must also be weighed in the planning balance taking account of the sustainability objectives as detailed below.

### ***Affordable Housing***

As the proposal includes up to 220 residential dwellings there is a requirement for affordable housing provision, this should be 20% of the total dwellings, the proportion of the social rented and intermediate housing should be as per the preferred tenure split identified from the SHMA which is for 65% rented and 35% intermediate tenure. Both social and affordable rented housing is acceptable in this location.

As this is a large development it is anticipated that the residential dwellings may be delivered in phases, if this is the case the Housing Strategy and Needs Manager would like to see a percentage of affordable dwellings provided on each phase to ensure they are delivered periodically throughout the construction period.

### ***Housing Need***

The site falls within the Macclesfield sub-area for the purposes of the Strategic Housing Market Assessment (SHMA) 2013. This identified a net requirement for 180 dwellings per annum for the period 2013/14 – 2017/18. This equates to a need for 103x 2beds and 116x 3beds general needs units and 80x 1bed older persons accommodation. The SHMA identified an over-supply of 1 and 4 bed general needs (-112 and -1 respectively) and 2 bed older persons accommodation (-6). Information taken from Cheshire Homechoice shows there are currently 1164 applicants who have selected one of the Macclesfield lettings areas as their first choice. These applicants require 519x 1bed, 436x 2bed, 181x 3bed and 27x 4+bed units.

### ***Policy***

The IPS on Affordable Housing and Policy SC5 of the emerging Local Plan would require 30% of the total dwellings to be affordable on sites over 15 units or 0.4 hectare in this location. Other requirements of the IPS include:

- The affordable housing is pepper-potted (clusters of affordable is acceptable) and should not be segregated in discrete or peripheral areas.
- The external design, comprising elevation, detail and materials, should be compatible with open market homes on the development in question thus achieving full visual integration.

### ***Residential Mix***

Based on 30% of the indicative provision of 220 units there would be a requirement for 66 units of affordable housing 43 of these should be provided at Affordable Rent and 23 should be provided as Intermediate Tenure. Based on 20% provision, this would be reduced to 29 of these being provided for Affordable Rent and 15 be provided as Intermediate Tenure. The residential mix should include a range of unit types, including family houses, bungalows and lifetime homes to meet the needs of older persons. Policy SC4 in the emerging Local Plan requires developers to demonstrate how their proposals will be capable of meeting, and adapting to, the long term needs of the specific group of people. This is supported by needs evidence.

### ***Viability***

The developer has submitted a viability appraisal, which indicates that the development would be deliverable with a 20% provision of affordable housing. On the basis that the viability case put forward has been accepted by the Council, then the Housing Strategy and Needs Manager raises no objection. However, it is considered that an overage clause should be secured via an s106 for a review of sales values during the life of the development.

The developer has submitted a viability appraisal, which indicates that the development of with a 30% provision of affordable housing would not be economically viable. Under the provisions of the NPPF economic viability is an important material consideration. Paragraph 173 states:

*Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.*

The applicant's Financial Viability Assessment has been scrutinised and it is concluded that the proposed development would be deliverable with a reduction in affordable housing to 20%.

The Council would normally require a s106 Agreement to secure the Affordable Housing element, however, as the land in question is owned by Cheshire East Council a s111 Agreement will be required.

The Housing Strategy and Needs Manager would expect a comprehensive affordable housing scheme to be submitted with each phase of development to approve which provided affordable housing in each phase.

### ***Public Open Space***

The indicative layout shows that an area of POS/landscape and ecological buffers would be provided to the southern boundary of the site as well as a swathe of land running from the residential development on Moss Lane. It should be noted that the green link to Moss Lane was delivered by way of the McAlpine development, approximately 10 years ago. The indicative proposals include space for a MUGA/NEAP and outdoor gym/trim trail areas. The Public Open Space and Recreation Outdoor Space provision can be delivered on site. However, it is noted that a condition will be required which brings forward details of the pavilion, car park, landscape and access details with the reserved matters application.

The open space/landscape and ecological buffers and NEAP on site would be managed by a management company and this would be secured as part of a S111 Agreement.

### ***Education***

A new school site is to be provided as part of the overall development as it is in excess of 1,000 dwellings. The contribution requested is based on a pro-rata charge for a new school (which would cost £3,200,000). 220 dwellings represents 21% of the total number of dwellings from the site, which is equal to a £672 000 contribution. An equalisation agreement with surrounding SMDA land owners towards the provision of a level, uncontaminated and fully serviced site for a new school 1FE school in accordance with the relevant Department for Education guidance.

Having looked at secondary places in the area the data suggest that there are sufficient places in the local secondary schools to accommodate the pupils generated of this age range.

### ***Retail Impact***

As part of the consideration of the impact of the retail unit on the wider area, Cheshire East requested Bilfinger GVA to advise on the retail planning policy issues associated with the supermarket element of the proposed development. The application was supported by a 'Supporting Retail Statement'.

### ***Policy context***

The development plan for the SMDA is the Macclesfield Local Plan 2004. Policy S3 allocates the SMDA application site for shopping uses. The policy notes that shopping uses "may include" car showroom and roadside facilities and ancillary leisure and recreational uses. No mention is made in the policy of foodstore/supermarket uses. In addition, the application site does not lie within a defined 'town centre' boundary in the adopted Local Plan and therefore, can be classified as an out-of-centre location.

As set out by the applicant's Retail Statement, the South Macclesfield Development Area supplementary planning guidance document is intended to guide development proposals in the SMDA. It was adopted in 1998, in the context of an earlier version of the Macclesfield Local Plan, whose policy (S3) for retail development in this area was carried forward to the 2004 Local Plan. Section 8 of the SPG deals with retail and leisure uses, with paragraph 8.1 suggesting that an appropriate use in this area is a foodstore of up to 30,000sq ft sales area, along with bulky goods retail uses.

As a consequence of the above, contents of paragraphs 24 and 26 of the NPPF are a key consideration. Both paragraphs follow the same approach and indicate that the sequential and impact tests should be applied for proposals outside of town centres and which are not in accordance with an up to date development plan. In this instance, the application site is in an out of centre location and in our view the proposed retail development does not gain direct support from the adopted development plan. Therefore, it is considered that both retail policy tests should be considered.

In relation to emerging policy, the SMDA is proposed to be allocated under Policy CS8 of the Cheshire East Local Plan for mixed use development including a Class A1 foodstore of up to 5,000sq m net. Within the supporting text to the proposed policy, it is noted that a foodstore

would address a spatial deficiency in main food shopping provision in the south of Macclesfield and that the store will primarily meet convenience goods shopping needs (with non-food floorspace controlled by condition). The supporting text also makes specific reference to the 2011 Town Centre Study, which indicates an under-supply of convenience goods floorspace in Macclesfield, the over-trading of existing supermarkets and a quantitative and qualitative need for a new supermarket.

At this point, it should be noted that the Borough Council has, jointly with neighbouring authorities, commissioned a new retail study which will supersede the 2011 retail study. It is understood that the new one will, amongst other things, be supported by a new survey of household shopping patterns (which will supersede the 2010 survey currently being used), a new assessment of store/centre turnovers, new town centre health-checks and new up-to-date retail floorspace/expenditure capacity forecasts. This new study will be an important material consideration for future applications on the SMDA site. For example, it will provide guidance on quantitative and qualitative need issues, along with the extent of the over-trading of existing foodstores in Macclesfield.

The main analysis of retail and town centre planning issues submitted in support of this application can be found in the applicant's January 2014 Retail Statement. The Retail Statement considers both the sequential test and the impact of the proposal on the health of, and investment within, nearby town centres. In relation to the sequential test, a number of alternatives are considered by the applicant and were dismissed as being unsuitable and/or unavailable. The alternative sites considered include the Silk Street area in Macclesfield town centre which has been subject to redevelopment proposals in recent years. It is noted that since the application was submitted Debenhams has withdrawn its interest from the Silk Street scheme and the Council's development agreement with Wilson Bowden has been terminated. It was necessary therefore, to reconsider and request updated advice on the sequential test.

In relation to the impact of the proposed supermarket, the applicant's Retail Statement adopts some of its evidence base information from the 2011 retail study, including shopping patterns information, along with population and retail expenditure data sourced from Experian and an update list of retail floorspace commitments.

GVA's review of the Retail Statement accepted a number of its aspects as being appropriate at that time, namely the catchment area, population and expenditure data, sales density information and floorspace assumptions. However, initial advice raised particular concerns over the pattern of trade draw to the proposed supermarket and also the pattern of trade diversion to the proposed store from existing stores and centres.

### ***The Sequential Test***

Since the submission of the SMDA application, the development agreement between the Borough Council and Wilson Bowden has been terminated. A key contributor to this situation was the decision of Debenhams to withdraw from the scheme. As a consequence of this situation it is understood that the development scheme, as proposed by Wilson Bowden and approved by the Borough Council, will now not come forward. Therefore, whilst the approved scheme did include an allowance for convenience goods retail floorspace and there may be scope for a refinement in the scheme now that the anchor retailer has withdrawn.

The Borough Council are, however, keen to progress a leisure-led development on part of the Silk Street site and that the Churchill Way and Duke Street car parks are currently being marketed as potential options for such a development. However, given the scope of the Council's aspirations, this 'way forward' does not appear to offer a suitable alternative site for the proposed supermarket. In addition, it is possible that the marketing exercise for the car parks is on an optional basis and therefore both sites may not become available.

On this basis, it is the consultants' view that there is not sufficient evidence to suggest that the Silk Street area is able to offer a suitable and available alternative for the proposed supermarket.

### ***Impact***

Initially, some concerns were raised over the robustness of the applicant's financial impact analysis. Further information was requested with regards to the financial impact on existing convenience goods stores in Macclesfield.

In addition, to these concerns, it is also important to consider the timing of the application and the influence of the forthcoming retail study, which the Borough Council has commissioned to act as evidence base to the new Local Plan. The applicant's January 2014 Retail Statement is based on shopping patterns data from the 2011 retail study which is now five years old and will soon be superseded by a new (2015) survey of (convenience and comparison) shopping habits. Ideally, with the knowledge of this up-to-date information coming forward, one would normally wish to reach a conclusion on retail impact matters based on the more up-to-date evidence base information, which will soon become available. The new retail study will provide an update on retail expenditure levels and also an up-to-date schedule of retail floorspace commitments for the purposes of the cumulative impact assessment.

To illustrate this point, it is noted that Tesco have queried the applicant's forecast of a £57m turnover for the Tesco store at Hibel Road and suggest a lower actual current turnover of £45m. Whilst the price base and confirmation over the basis for the £45m turnover has not been provided, it should be noted that the applicant's forecast £57m turnover is based on a 2010 survey whilst the Tesco letter suggests that the £45m is based on 2014 circumstances.

In light of the above, ideally the Council should seek an updated assessment of cumulative impact of the proposed supermarket, once the 2015 retail study evidence base data becomes available in order that its determination of this application is based on the same evidence data that the Council is using for development planning purposes.

### ***Representations***

In addition, to the sequential test and impact issues raised above, a number of concerns were raised from third parties as reported in the representations section of this report.

On the issue of splitting of the available convenience expenditure pot on a 70:30 main food – top-up food ratio; this is a departure from the 2011 WYG Study (76.7% main food ratio) and the standard ratio (75:25) corporately adopted by GVA. Ultimately, however the adoption of a 70:30 split does not materially undermine the robustness of the RIA.

A split between 70:30 rather than 75:25 for main food and top-up shopping has been utilised to reflect the increasing propensity for shoppers to spend more on top-up shopping than main food shopping over recent years. This has seen the number of 'Express' and 'Local' stores increase and top-up shopping evolving from the purchase mainly of bread and milk to larger basket purchases on fresh products on a day to day basis. It is therefore considered that a utilisation of a 70:30 split is more robust than a 75:25 split.

On trade draw and turnover, it is considered that the ability for the larger stores within Macclesfield to draw trade from outside of the town itself is relatively constrained at present. The Sainsbury's and Tesco stores are significantly over-trading due to a lack of consumer choice in the town. It is therefore, less likely for people to travel from outside of the town to shop at a foodstore that is congested. The significant relief in congestion at these stores as a result of the opening of the Congleton Road store will increase the potential for shoppers from outside Zone 1 (Macclesfield, Prestbury and Bollington) to the north to use them.

For example, residents of Poynton, Adlington and Prestbury who currently wish to shop at a large Sainsbury's store have the choice between Hazel Grove or Macclesfield (or Wilmslow if they prefer a smaller store or if this is more convenient). At present such shoppers would be put off from using the Macclesfield store due to its over-trading. As a result, the current draw of trade from Zone 1 of the Sainsbury's and Tesco foodstores are 93% and 96% respectively. The draw from Congleton is considered appropriate for the reasons set out further below.

Despite this, an updated trade draw analysis has been undertaken that assumes 80% of the larger store's trade would be drawn from Zone 1 (Macclesfield, Prestbury and Bollington) and 85% of the smaller stores. The figures of draw from Zone 2 (Congleton) are 10% and 14% for the smaller and larger format stores respectively. This analysis has no material effect on the calculated impacts on defined centres.

Indeed, recent changes in population growth rates, expenditure growth rates and base expenditure figures result in higher amounts of expenditure within the overall catchment area and more optimistic projections for future growth than were anticipated at the time the retail assessment was originally prepared. In addition to this, the test year of any updated assessment would also now be put back a year allowing centres a further year of growth prior to any trade diversions resulting in lower impacts. As a result, the effects any very marginal changes to the trade draw as indicated above upon the overall trade diversion figures, would be offset by the greater amount of expenditure available in the overall catchment area.

It is still therefore considered that the proposed development would not result in a significant adverse impact upon any defined centres.

It is considered that the draws of 10% from Congleton for the smaller store and 14% for the larger store are robust.

Whilst the existing Tesco and Sainsbury's stores in Macclesfield draw a smaller proportion of their overall trade from the settlements to the north, they are located closer to the town centre therefore involve travel through the urban area. Similarly, residents of settlements to the north of Macclesfield have a much greater choice of larger foodstores to the north which residents of Congleton do not have to the same degree. Although only £1.3m of convenience goods

expenditure is flowing from Congleton to Macclesfield at present, the modelled increase to £3.48m for the larger store (£2.45m for the smaller store) is considered entirely robust.

The Sainsbury's store is currently an 18 minute drive from the centre of Congleton with the Tesco store a 19 minute drive. The Congleton Road store would only be an 11 minute drive and would have the advantages of not being the other side of Macclesfield Town Centre (which is a psychological barrier to travel), would be a more modern and attractive shopping environment and is on the main route between Macclesfield and Congleton therefore will benefit from pass-by trips main food and top-up shopping trips from those who live in either Congleton or Macclesfield but work in the other town.

The response provided by the applicants' retail assessor above are being considered by the Council's independent retail assessor.

### ***Retail Conclusions***

Ideally, it would be preferable to determine this application once the 2015 retail study evidence has been published.

The planning application was submitted in May 2014 and it is therefore, only reasonable that this application should be determined on the basis of the information currently available. Therefore, if the Council wishes to determine the application in advance of the resubmission of any updated RIA then appropriate weight can however be applied in the interim to the following:

- The Councils independent advisors (GVA - as per the WYG 2011 Study) accepts that there is an overriding quantitative and qualitative need for a new foodstore in Macclesfield to enhance consumer choice and competition.
- GVA acknowledges that a new foodstore at SMDA would predominantly draw most of its trade from the existing Sainsbury's and Tesco stores in the town (acknowledging the '*like-affects-like*' principle); these stores are out-of-centre and are not afforded any policy protection.
- The convenience offer within the defined town centre Primary Shopping Area is predominantly orientated towards meeting day-to-day top-up orientated convenience shopping needs. The town centre performs (and should improve) as a sub-regional comparison retail and service centre destination. The overall vitality and viability of the town centre is therefore unlikely to be subject to any significant adverse impacts as the proposal does not introduce anything new in terms of mainstream foodstore provision / offer that is not already present in Macclesfield as a whole.
- GVA acknowledges that part of the overall SMDA site (Congleton Road) benefits from a historic foodstore allocation through the 1997 and 2004 Local Plans. There is a clear spatial deficiency in foodstore provision in the southern part of the town which needs to be addressed.

Further information has been submitted by the applicants' retail consultant in relation to the issues raised by objectors. These comments are being considered by the LPA's retail consultant and an update report will be provided on any matters raised in due course.

## **ENVIRONMENTAL SUSTAINABILITY**

### ***Residential Amenity***

There are properties to the northern boundary of the site. It should be possible to achieve a development with spaces separation distances which would exceed those contained within the Local Plan. Further details would be obtained at the reserved matters stage.

### ***Noise and Vibration***

An Environmental Statement has been submitted in support of the outline planning application. Any mixed use development has a potential for adverse impacts to noise sensitive uses (such as residential) caused by noise from the non-residential uses. As such it is essential that noise is assessed and where necessary mitigated to an acceptable level.

Potential noise sources considered include;

- Fixed plant and equipment
- Goods and deliveries
- Customer car parking
- Petrol Station Use
- Relocated Sports Facilities
- Road Traffic (off site)

In addition there is a need to consider noise and vibration generated as a result of the construction phase of the development.

As the final site layout is not yet determined it is not possible to provide a detailed design criteria / noise mitigation scheme. However, the ES suggests that in principle noise can be mitigated to an acceptable level internally and externally. In addition, with the adoption of suitable mitigation, noise and vibration from the construction phase can be controlled.

### ***Odours***

Without adequate mitigation there is a potential for cooking odours from commercial kitchens to cause a loss of amenity to nearby residential receptors. The Air Quality assessment undertaken as part of the ES outlines a suitable design criteria to ensure that odours are mitigated. This will, however, be dependent on a number of factors including the final site layout, the construction of the A3 units and the eventual final use of these units. As such conditions are required at the outline stage regarding odours to ensure that details of extraction systems are submitted and once installed, operate and are maintained in accordance with the submitted details.

### ***Lighting***

Lighting provided to commercial uses (car parks, sports facilities, petrol station) is capable of causing loss of amenity to new and existing residential receptors. As such a condition requiring details of the location, height, design, and luminance of any proposed lighting to be submitted to and approved is recommended.

### ***Air Quality***



An Environmental Statement with accompanying Air Quality Impact Assessment and Addendum Reports have been submitted in support of the planning application.

The Air Quality Assessment and addendum reports consider whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to local traffic flows.

The proposed development is considered significant in that it is highly likely to change traffic patterns and congestion in the area. As a consequence of this, a number of concerns were raised with the applicant.

In particular, the development has the potential to impact upon the London Road (A523), Macclesfield Air Quality Management Area (AQMA) declared as a result of breaches of the European Standard for nitrogen dioxide (NO<sub>2</sub>). There are a number of areas around the town where monitoring has shown exposure to levels of NO<sub>2</sub> close to or above the objective. The Council is due to submit a detailed assessment to DEFRA shortly to consider if an Air Quality Management Area should be declared in respect of the zones.

There is also concern that the cumulative impact of developments will lead to successive increases in pollution levels, and thereby increasing exposure.

The impacts of NO<sub>2</sub> at existing receptors highlighted that there will be a minor adverse impact at one receptor and a negligible increase in pollution concentrations at the remaining twenty eight locations. A number of receptors are within the AQMA. It is the view of this office that any increase in concentrations within an AQMA is significant as it is directly converse to local air quality management objectives and the Air Quality Action Plan. The NPPF requires that development be in accordance with the Council's Air Quality Action Plan.

Taking into account the uncertainties associated with air quality modelling, the impacts of the development could be significantly worse.

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. Therefore, the Environmental Health Officer considers that mitigation should be sought in the form of direct measures to reduce the impact of traffic associated with the development.

Mitigation to reduce the impact of traffic pollution can range from hard measures (such as highway alterations or traffic signalling changes) to softer measures such as the provision of infrastructure designed to support low carbon (and low pollution vehicles).

To reflect increases in pollution levels, it was agreed that robust mitigation measures would be required and that this should take on the form of Low Emission Strategies.

It is recommended that there is an overall Low Emission Strategy for a development of this scale to show how low emission technologies can be incorporated into the design. These can include:

- Public transport links (including low emission public transport routes)
- Walking routes

- Cycle routes
- Provision for infrastructure for ultra low emission vehicles (public charging posts and provision on residential properties)
- Delivery vehicle euro standards
- Support for low emission car clubs

Following from this, individual commercial units of the development should put suitable infrastructure and plans in place before occupation of the units.

It is therefore recommended that conditions relating to air quality control are attached to any planning permission.

The Environmental Health Officer has requested conditions in relation to a construction management plan, hours of operation, piling, dust control, and contaminated land. These conditions will be attached to any planning permission.

### ***Contaminated Land***

The Contaminated Land team has no objection to the above application subject to noting the following comments:

- The application area has a history of landfill use and therefore the land may be contaminated.
- This site is on and within 250m of a known landfill site or area of ground that has the potential to create gas.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- The Reports submitted in support of the application recommends further site investigation.
- The Environmental Statement indicates that the identified risks posed by the site can be satisfactorily mitigated and no long term adverse effect where identified.
- It is strongly recommended that the Contaminated Land Team be consulted on the scope of these works prior to them being undertaken and the need for some site clearance and use of appropriate tracked machinery be incorporated into the works. Careful and considered borehole installation must be carried out during the site works to ensure that strata is appropriately targeted to understand the ground gas risk and that no pathway is created.

The Council's Environmental Health Officer has recommended conditions requiring an additional Phase II contaminated land investigation to be carried out. If this indicates that remediation is necessary, then a Remediation Statement detailing proposed mitigation shall be submitted and approved and implemented. Subject to compliance with these conditions, the proposal is considered to be acceptable in terms of contaminated land.

### **Public Rights of Way**

The development does not appear to affect any public rights of way.

## **Highways Implications**

### ***Background***

The South Macclesfield Development Area is identified in the Local Plan as a strategic site and extends from the A536 Congleton Road to London Road. To provide the necessary highway infrastructure a new link road is proposed linking Congleton Road to London Road, this application is Phase 1 of the scheme forming the western section of the link road.

### ***Access***

This is an outline application with access to be determined, this application proposes one main access to serve the Phase 1 development and this is taken from the A536 Congleton Road on the south west corner of the site. The internal access road will have a number of junctions serving the various elements of the development and will continue to the south east boundary of the site to provide a link to the next phase of development.

### ***Infrastructure***

To serve the development a new signal controlled junction is proposed on Congleton Road near to the entrance to the waste and recycling centre. As the new road will provide a strategic link it has been designed to accommodate future traffic flows and is 9.3m in width and has a 3m shared footway/cycleway on one side and a service verge on the other side of the road. Internally within the site, there is a roundabout on the link road to serve all the proposed development and there is further roundabout on the distributor road to access the foodstore and sport pitches. Separate access points are proposed to provide access to the residential element of the scheme. The link road is proposed to be subject of a 30mph speed limit.

### ***Traffic Impact Considerations***

To assess the traffic impact of the proposals on the highway network the applicant has submitted a Transport Assessment, the scope of impact (capacity assessment of junctions affected by the development) was agreed with CEC in pre application discussions. An audit of the submitted Transport Assessment by external consultants was also commissioned by CEC to examine the information submitted and to highlight any issues arising from the development proposals.

A number of junctions have been assessed on the existing road network that is likely to be the most affected by the development and also the internal junctions within the site have also been assessed as follows: -

- Site Access/Congleton Road signal junction
- Moss Lane/ Congleton Road priority junction
- Ivy Lane/Congleton Road/park Lane signal junction
- Chester Road/West Street/Cumberland Road roundabout
- Internal roundabouts

The trip generations associated with each of the elements proposed within the site have been predicted using the Trics database and the total amount of trips generated by all the proposed uses taking into account that there has been an element of discounting to account for pass-by

and diverted trips already using the road network, the number of trips entering the site is 674am and 1091pm. It should be noted that these figures include trips associated with 325 residential units and this is the level of housing assessed by the applicant in the Transport Assessment, the reduction to 220 units will reduce the number of trips entering the site. It is considered that the total trip rates presented are representative and are acceptable to be used in the capacity assessments.

The applicants have submitted a distribution for trips to be assigned to the road network based upon the 2011 Annual population survey and the 2001 travel to work data for the residential element of the scheme, this distribution submitted is not considered representative as it should have been based on local Macclesfield travel to work census data. In addition, in regard to the retail distribution it is likely that a higher percentage of trips will travel towards Macclesfield as opposed to Congleton.

With regard to the capacity junction assessments, there are no capacity concerns on the internal road junctions within the site as the infrastructure has been designed to accommodate much larger levels of development. The new signal junction on Congleton Road can accommodate the proposed development and also provides spare capacity to cater for future development arising from the link road.

The Moss Lane/Congleton Road junction is shown to be operating over capacity in the design year of 2020 with the development traffic included; mitigation measures are required at this junction to provide additional capacity.

The 'Flowerpot' signal junction is an important junction on the road network and the capacity tests indicate that it will operate over capacity with development in 2020. The development impact at this junction has been considered material by the applicant in the submitted Transport Assessment. As a result of the work commissioned by CEC to investigate potential solutions to capacity at this junction a number of options have been presented, the preferred option involves no third party land take and includes the widening of Park Road on the south eastern side of the junction. The works would provide a segregated left turn between Park Lane and Congleton Road, with a footway maintained along the eastern side of the new lane. Left turning vehicles merging onto Congleton Road would give way to traffic turning from Ivy lane to Congleton Road. Pedestrians would cross to a splitter island under signal control. Importantly the junction is predicted to operate within capacity in both the morning and evening peak in 2020 with this development included.

The roundabout junction at Chester Road/Oxford Road/Cumberland Road has also been considered, it is predicted to operate over capacity in 2020 without development. With the development traffic added it would only result in a slight worsening of performance, this would not be considered a severe impact at this junction.

A technical report has been submitted on behalf of Jones Homes and Redrow Homes by CBO transport that raises a number of concerns regarding the traffic impact of the application on the road network. In summary, these concerns relate to the underestimation of trip rates, the Base Traffic Flows in 2020 did not include committed or cumulative developments and as such underestimates the base flow figures and also that no assessment has been made of the new junction on Congleton Road in 2020 and on a Saturday during the busiest times for

the foodstore. In addition, that the Flowerpot junction would operate significantly over capacity with the development in place and have a severe impact.

In order to address these concerns, CEC has commissioned its own consultants to undertake further assessments, the SMDA Signal Access junction has been tested in 2030 with the Local Plan and also in 2020 with SMDA Phase 1, and this includes a Saturday peak assessment. The results indicate that the SMDA junction with Congleton Road would operate satisfactory within capacity.

A forecast 2020 Saturday peak hour assessment has also been undertaken at The Flowerpot junction with the preferred junction improvement scheme in place, the results indicate that the junction would operate within its theoretical capacity with Phase 1 in place.

In summary, the information provided by the applicant relating to trip rates and traffic flow figures has been independently assessed by CEC consultants to ensure that the impact of the development is not being underestimated on the road network.

### **Accessibility**

The proposals included for cycle/footways to be constructed along the link road and also that controlled pedestrian crossing points be provided on Congleton Road. A full residential Travel Plan will be submitted prior to first occupation of the units, this plan would include measures to encourage modal shift to sustainable modes. A bus service is present on Congleton Road and bus stops are to be provided close to the site on Congleton Road. This application does not provide for public transport penetrating the site although the infrastructure would be in place should the full link road come forward to support bus services.

Proposed developments may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes. The aims are further stated within the Draft Spatial Vision for Cheshire East stated in the Local Development Framework Core Strategy.

The proposed facilities for pedestrians and cyclists would help to make the development site accessible for these categories of non-motorised users. Consideration should be given to designing the northern proposed pedestrian link to the Moss Rose Estate for the use of cyclists in addition to pedestrians as this would form one of the key desire lines into and out of the development site. Consideration should also be given to the proposed footway on the eastern side of Congleton Road, and its connections into the existing network via any crossings needed, being also designed for the use of cyclists as this would provide a relatively long off-road route. The traffic light controlled junction on Congleton Road is proposed to include advanced stop lines for cyclists and crossing facilities for pedestrians. Consideration should be given to the upgrade of the crossings to toucan facilities for use by cyclists as well, for those not wishing to undertake on-road manoeuvres at this junction.

The legal status, specification and maintenance of any proposed pedestrian and cyclist routes within the site would need the agreement of the Council as Highway Authority and the developer would be expected to include the future maintenance of any such routes within the arrangements for the management of the public open space on the site.

The developer should be tasked to provide new residents with information about local walking and cycling routes for both leisure and travel purposes.

### **Conclusions on Highways Matters**

There has been a significant reduction in the number of residential units from that originally proposed at 325 to 220 on the site, the highway assessment of the development has been undertaken using 325 units and therefore the capacity assessments provide a more robust traffic assessment of the impact of the development on the road network.

The proposed standard of internal infrastructure to serve the development is of a suitable design and provides sufficient capacity to serve the development. To provide access to the site a new signal junction is to be constructed on Congleton Road, this design has been checked in regards to its capacity and safety is considered acceptable.

It is important that the traffic impact information submitted by the applicant is representative of the actual impact the development has on the road network. There have been concerns raised by third parties regarding the accuracy of the Transport Assessment undertaken by the applicant and CEC has commissioned an independent review of the traffic impact of the development. The CEC consultants report has been clear in that the Phase 1 application can be accommodated on the road network subject to road improvements being provided primarily at The Flowerpot junction.

The main highway concerns are in regard to two junctions close to the site, these being the Moss Lane/Congleton Road junction and the Flower Pot junction. The capacity assessments undertaken at these junctions have shown that both will operate over capacity with the development added. Mitigation measures are required at each of the junctions to improve capacity in order that the proposed development traffic can be accommodated.

In regard to the Moss Lane junction, there are no mitigation measures proposed by the applicant as part of this application due to the reassignment of traffic following construction of the full link road. However, there is no certainty that the link road will come forward in its entirety and this remains an issue. The capacity problems at this junction was highlighted in the CEC report and a mitigation scheme has been designed that provides a Ghost Island right turn lane and this is the minimum requirement to prevent long queues forming at the junction.

A mitigation scheme has been designed to accommodate the development at the Flower Pot junction and this scheme is required as part of this application and should be funded in its entirety.

In summary, the Head of Strategic Infrastructure considers that the development is acceptable in highway terms subject to a condition requiring capacity improvement schemes (as shown on the submitted drawings) to be provided by the applicant.

### **Design**

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

The developable area of the proposed dwellings (as shown on the Illustrative Master Plan) would be of approximately 41 dwellings per hectare, which is considered appropriate in the context of the character of the area.

A revised indicative Masterplan illustrates the potential form and layout of the development. It shows a single point of access from Congleton Road. Blocks of development are arranged with an area of Public Open Space and Ecological Mitigation areas, to the south. Substantial areas of landscaping and bunding are proposed along the sides of the distributor road and around the perimeter of the retail unit. The revised plan effectively provides an increased area of habitat retained to the north western part of the site. An area of grassland has been retained on the area previously proposed to be used for sports pitches. This has consequentially resulted in pushing the sports pitches further north. In addition, the road had been re-routed to safeguard more woodland to the south of the site.

In summary, the overall masterplan demonstrates a considered and logical approach to the site layout and subject to conditions relating to design coding to control the detail of the scheme, it is considered that this form of development is appropriate and will reflect the character of the existing suburban development to the north of the site and the proposal will comply with local plan policy BE1 (Design Guidance) and the provisions of the NPPF in this regard.

As per the norm, the issue of design would be dealt with at the Reserved Matters Stage.

## **Landscape**

The proposed development will change the existing football pitches, scrubland areas, hedgerows and tree belts to a residential area, with a supermarket. In the most part, important trees and hedgerows have potential to be retained and enhanced as part of a comprehensive landscape infrastructure planting strategy, which will also help to soften the built form and assimilate the development into the wider landscape context.

There will be a large change to the nature of the proposed Application Site, although this will occur over phases and over a 5 to 10 year period.

The site is overall considered to be of medium landscape quality and able to accommodate large scale change without adverse effect on value or loss of character. The proposed development could improve the landscape / townscape character and enjoyment of the area for local residents with improved walking / cycling routes and sports facilities.

Landscape proposals will seek to retain existing vegetation, watercourses and open space where possible and provide an improved and connected network of green infrastructure. Loss of mature vegetation will be limited to the southern boundary and works associated with the construction of the new access road. The remaining development will be orientated to

respect and enhance existing landscape features and to help integrate the development into the existing landscape character.

Existing watercourses will be utilised to create a new drainage system that will provide an attractive network of rain gardens and swales that provide improved habitats, attractive landscape features and reduce flood risk.

The site also provides a total of 0.6Ha of amenity greenspace. A total of 0.24Ha of formal play would be provided by a series of linked play spaces located within the Greenways. These will provide play opportunities for children of all ages with a split currently proposed of 25% 0-6 years and 75% 7+ years. Additionally, Local Landscaped Area for Play principles should be applied to the remaining greenways, providing unequipped spaces that are laid out to encourage imaginative play for all ages.

Part of the role of the landscape is to integrate the development into the surrounding landscape. The POS should include planting which should be implemented ahead of the construction phases and also be carried out to further aid assimilation into the surrounding environment.

### **Open space**

Policy RT.3 requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. This equates to 3, 300sqm of shared recreational open space and 4, 400sqm of shared children's play space which is a total of 7 700sqm of open space.

A private resident's management company would be required to manage all of the greenspace on the site. All of the above requirements could be easily secured through the Section 111 Agreement and through the Reserved Matters application process.

### **Ecology**

Natural England advises that the proposal is unlikely to affect any statutorily protected species.

The Council's Nature Conservation Officer has reviewed the revised proposals which from a habitat perspective now include the following:

- Retention of the woodland to the southern end of the proposed development site
- Retention of the grassland within 'Unit 1' as detailed in the design and access statement which includes a significant proportion of Grassland habitat 'Area 1' and a commitment to the long term management of this habitat.
- Retention of the existing on-site ponds
- Retention of 1/3 of the habitat within Grassland habitat Area 3 (the area proposed for the relocated football pitches) and a commitment to the long term management of this habitat.

### **SSSI and Local Wildlife Site**

The proposed development is located 300m away from the Danes Moss Local Wildlife site and just over 500m from the Danes Moss SSSI. It is noted that Natural England have



advised that the proposed development is unlikely to affect the features for which the SSSI was designated provided that surface and foul water is directed to main sewer. The Nature Conservation Officer advises that the proposed development is similarly unlikely to affect the features for which the local wildlife site was designated. If outline planning consent is granted conditions should be attached to ensure that surface and foul water are handled appropriately.

### Grassland Habitats

Grassland habitats cover much of the application sites. A detailed grassland habitat survey has now been undertaken. The grassland survey identifies four areas of grassland within the application site. These are labelled: Areas 1, 2, 3 and 8.

The submitted Environmental Statement has assessed the grassland habitats onsite against the Cheshire Local Wildlife Site selection criteria as a means of quantifying the value of these habitats. The ES concludes that Areas 2 and 3 meet the selection criteria. The Nature Conservation Officer advises that based upon his assessment of the survey data he agrees that area 3 would qualify, but area 2 would not meet the selection criteria due to a lack of flowering plants. In addition, area 1 would in his view would qualify under the Undetermined Grassland criteria due to the presence of 4 indicator species (knapweed, kidney vetch, ladies bedstraw, meadow vetchling), each with a rare abundance within the habitat.

In conclusion, Areas 1 and 3 would qualify as a Local Wildlife Site and so, these areas are considered to be of nature conservation value in the County context.

Under the revised proposals, the greater majority of 'Area 1' would now be retained together with approximately a third of Area 3. It is advised that the implementation of long term habitat management at the retained areas of grassland has the potential to significantly enhance the nature conservation value of the retained habitats.

### Marshy grassland

There is a significant area of marshy grassland present on site. This habitat is not considered to be of value at the County scale due to a lack of species diversity, but it is identified as being of County/District value by the submitted ES. This habitat is likely to be entirely lost as a result of the proposed development.

### Woodland

Woodland habitats including wet woodland and broadleaved woodland habitat are present around the existing sports pitch towards the south of the application site. With a second smaller section of woodland located towards the north eastern edge of the application site. These habitats are identified as being of County value by the submitted ES.

Based upon the current proposals the majority of the existing woodland would now be retained as part of the proposed development. The applicant is proposing to manage the retained area of woodland to enhance its nature conservation value to compensate for any losses.

### Ponds

There are two ponds on site. These ponds are relatively small and shallow, however ponds

of all types are considered to be a Local Biodiversity Action Plan priority habitat. It appears feasible for both of these ponds to be retained as part of the proposed development.

### UK Priority inventory habitats

The extent of woodland habitats and habitats and Coastal and Floodplain Grazing Marsh as appears on the national inventories appears to have changed in recent times. The nature Conservation Officers comments reflect the extent of habitat on the inventory as viewed on the 9<sup>th</sup> October 2015.

With the exception of the existing football pitches and an area of adjacent grassland and woodland the entire application site appears on the UK Biodiversity Action Plan Inventory of Lowland Raised Bog Habitats. As previously discussed, the value attributed to degraded lowland raised bog is a combination of the value of the habitats 'on the ground and their potential to be restored to habitats of very high nature conservation value'.

The part of the application site as identified on the national inventories as supporting Coastal and Floodplain Grazing Marsh occurs in the vicinity of the existing football pitches, so it is advised that the extent of this habitat is likely to be limited to the ditches located around the football pitches.

An area of broadleaved woodland present on site also appears on the national inventory. This is located in the south western corner of the site.

All three of these habitat types are considered to be Habitats of Principal Importance for the Conservation of Biodiversity and are hence a material consideration for the determination of this planning application.

### Hedgerows

A hedgerow is present along the western boundary of the application site. If outline planning consent is granted it should be ensured that this feature is retained and enhanced appropriately. Based upon the submitted indicative layout plan this seems feasible, although there are likely to be some losses associated with the proposed access roads.

### Swamp

An area of swamp is present towards the south of the application site. It appears feasible for this habitat to be retained within the surrounding area of retained woodland habitat.

### Badger

A number of active and inactive badger setts are present on site. The proposed development will result in the loss of a significant area of habitat likely to be used by foraging badgers. Under the revised proposals a more significant area of badger foraging habitat would now be retained. It is also likely that the development would require a number of setts to be closed under a Natural England license.

If outline consent is granted a detailed badger mitigation strategy would be required at the reserved matters stage. It is likely that badger tunnels under the proposed link road would be required to allow badgers access to the relocated sports pitches which would be likely to provide a significant area of suitable foraging habitat.

### Reptiles

A reptile survey has been submitted as part of the ES. Some of the survey visits were undertaken during slightly cooler conditions which may limit the effectiveness of the surveys. A total of twenty survey visits were made, which is the minimum required to gain an understanding of the level of the population present on site. The Nature Conservation Officer advises that on balance, the level of reptile survey undertaken is acceptable.

Two common lizards were recorded during the survey, both of which were recorded outside the boundary of the current application site. This species is however, also likely to be using the habitats within the red line of the application site. In the absence of mitigation, the proposed development would result in the loss of a significant area of habitat suitable for this species and also pose the risk of killing, or injuring any animals present on site during the construction process.

The ES includes outline mitigation and compensation proposals designed to address the potential impacts of the proposed development upon reptiles. In order to address the risk of reptiles being killed or injured during the construction phase it is proposed that reptiles would be removed and excluded from the application site using standard best practice measures. To compensate for the loss of reptile habitat the applicant is proposing to enhance an area of habitat towards the very south of the SMDA. The proposed habitat is outside the boundary of the application and located within an area which is likely to be subject to development proposals in the near future. The area of the proposed habitat is shown on submitted plan 04.

It is advised that as a more extensive and varied range of habitats would now be retained. Under the current proposals it is likely that a suitable reptile receptor site could now be identified within the redline of the application at the detailed design stage. A strategic approach must however be taken in respect of reptile mitigation and it is essential that any receptor area identified on the current application site be adequately linked to retained habitats within the wider SMDA site.

The Nature Conservation Officer advises that if outline planning consent is granted, a condition must be attached requiring any future reserved matters application to be supported by a detailed reptile mitigation strategy.

### Bats

Bats are active on site. Activity is limited to common and widespread species. The application site does not appear to be of particular importance for foraging and commuting bats other than in a very local context. A number of trees are present on site that have the potential to support roosting bats. Based upon the submitted indicative layout plan it appears likely that these trees could be retained as part of the proposed development.

If any of the Category 1 trees are identified as being lost or isolated at the reserved matters stage then further bat surveys would be required to establish the presence/absence of roosting bats.

A building on site has been identified as having low potential to support roosting bats. The submitted phase one habitat survey recommends that a further survey be undertaken of the building to establish the presence/ absence of roosting bats.

In order to make a fully informed assessment of the potential impacts of the proposed development upon protected species, the Nature Conservation Officer advises that a report of the results of the required further bat survey must be submitted to the Council prior to the determination of the application.

#### Common Toad

This priority species is present on site. The proposed development would result in the loss of a significant area of terrestrial habitat utilised by this species. The area of habitat retained for this species is however considerably increased under the revised proposals. As the existing ponds are to be retained there is potential for them to be enhanced for this species.

#### Black Poplar

Black poplar, a Biodiversity Action Plan priority tree species has been recorded on site just north of the existing football pitches. The Nature Conservation Officer advises that the black poplars and their associated habitat (ditch and wet grassland) must be retained as part of the proposed development. The submitted ES includes a commitment to retaining the Black Poplar trees on site as part of the proposed development. It is advised that this matter should be dealt with by means of a planning condition if outline consent is granted.

#### Japanese Knotweed

The submitted extended phase 1 habitat survey refers to Japanese knotweed being present on site.

#### Policy position

The emerging Local Plan Policies associated with the SMDA recognise the ecological value of the SMDA and any future development proposals are to be integrated with the adjacent SSSI and are also required to retain and enhance existing natural habitats and water courses. Water courses in the context of this site could include the network of drainage ditches through out the site, although these seem mostly to be dry.

#### Assessment of ecological impacts

Under the revised proposals there would be a loss of district value habitat. This relates to the very wet marshy area of the site.

The highest value habitats on site are those identified as being of County value. As referred to earlier, as the application site is an area of degraded raised bog, a large portion of the application site is of 'County value'. This value is a combination of the value of the habitats 'on the ground' and also in the sites potential for restoration. Restoration would involve the re-wetting of the site to recreate conditions suitable for the formation of peat. It should be noted that whilst a considerable larger area of habitat is now to be retained, the retained areas of habitat are likely to lose much of their potential for restoration as a result of the proposed development.

The majority of County value habitat as recorded 'on the ground' would now be retained under the revised proposals. Whilst there would still potentially be a loss of an area of

grassland and woodland habitat of County value, it is likely that the retained areas of habitat would respond positively to proactive management. The grassland habitats which support a number of characteristic species are particularly likely to be enhanced through management. The full benefits of management of the retained habitats and the adverse impacts of retaining habitats adjacent to development areas is difficult to fully predict, however the enhancement of the retained habitats is likely to go a considerable way to addressing the losses of 'County value habitat'.

### Conclusion

The South Macclesfield development area supports habitats of local, district and county nature conservation value. The site also has value due to its origins as a raised bog. The south Macclesfield development area is covered by emerging local plan policy that requires existing habitats to be safeguarded. The revised proposals include increased habitat retention, focussing on those areas of highest value. Habitats of district value and some areas of county value would still however be lost.

Positive management of retained areas of County value habitat is being proposed as a means of compensating for those areas of County value habitat lost.

### **Archaeology**

The application is supported by an archaeological and heritage desk-based assessment. The study considers the data contained in the Cheshire Historic Environment Record and also benefits from an examination of the historic mapping, aerial photographs, and readily-available secondary sources. In particular, the study draws on the conclusions of the English Heritage-funded North West Wetland Survey which was carried out in the 1990s and highlighted the site's position on the northern fringes of Danes Moss. It particularly draws attention to the irregularly shaped area of sandy, slightly raised ground which occupies much of the eastern part of the site and extends over c 5ha.

Locations such as this are known from work at the nearby Lindow Moss and Chat Moss in Manchester to have been attractive for prehistoric settlement, which may be evidenced by assemblages of flint work in the topsoil. Section 11 of the report recommends that this potential is addressed by means of a programme of test pitting across the area referenced above, in order to establish the potential of the areas and the need, if any, for further mitigation. It is advised that this represents an appropriate approach and that, in detail, the work should consist of the excavation of a series of pits on a 20m grid across the 5ha area of interest. This will equate to a total of 125 pits, each of which should aim to produce two buckets of spoil for on-site sieving and the recovery of a sample of any artefacts present. Where concentrations of material are recovered, more intensive sieving may be required and consideration given to a targeted strip and record exercise if particularly significant remains are found in the topsoil.

The report also suggests that a limited programme of coring should be carried out where peat deposits occur within the development area. This will provide useful information about the former extent of organic deposits and could be carried out at the same time as the topsoil examination. It is likely that any peat will be too shallow and degraded in this area to justify further analysis but this can be confirmed during any exploratory coring.

A report on the work will be required and the mitigation may be secured by condition, which requires the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

### **Flood Risk and Drainage**

United Utilities and the Environment Agency have considered the report and raised no objections, subject to the position of appropriate planning conditions. It is therefore, concluded that the proposed development will not adversely affect onsite, neighbouring or neighbouring developments.

## **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 a new retail unit and pub / restaurant, with replacement sports pitches, 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.

Infrastructure provision generated from the development would also assist in creating significant economic benefits of the development.

### **Response to Objections**

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. However, the disbenefits of the development identified by the objectors are not considered to significantly and demonstrably outweigh the benefits provided by the development. In addition, many of the other issues raised can be more appropriately addressed at the reserved matters stage when further details are put forward. No provision has been made for a facility for Macclesfield Town Football Club within the scheme. At this time the Football Club have no plans to move from Moss Rose.

Some of the comments made in representations on behalf of the house-builders, raise concern that the approval of this application will not bring about the guarantee that the SMDA will be built out and delivered. A viability report has been submitted, which indicates how the scheme can be delivered. Due to some of the site constraints, such as safeguarding habitat, dealing with contaminants and peat related issues and delivering the road, a balance has to be formed between providing the requirements of the policy and achieving the overriding policy objectives.

The application for Phase 2 of the development will need to be considered on its merits; however, the pre-application discussions appear to suggest that a residential led development is likely to be come forward on the rest of the allocated site over the next few months. Any future application will be the subject to the same vigorous viability testing that this application has been considered against. The fact that this site was purchased by a commercial developer over the last 2 years should add confidence to the deliverability of the whole SMDA

and its primary objective of securing a new link road between Congleton Road and London Road.

The site is allocated for principally employment uses within the adopted Local Plan and therefore, residential and other uses would be contrary to development plan policy. However, the whole of the SMDA site is identified in the SHLAA as being suitable, available, achievable and deliverable with a potential capacity of 900 dwellings of which 400 will be delivered in the 1-5 period and a further 500 in the 11-15 period. Residential development is also a preferred option in the emerging CELPS and the South Macclesfield Development Area – Economic Masterplan and Delivery Plan – November 2011 and Macclesfield Draft Town Strategy. A scheme which provides more employment uses will be less viable. In order to ensure that the site is delivered, it is necessary to introduce higher value uses in order to make it economically viable. Housing delivery is of high importance in Macclesfield, as too are the contributions that the development will make towards the Congleton Road to London Road link road, which is considered to be of vital importance to aiding traffic movements and easing congestion around Macclesfield, as well as the CELPS. It is therefore essential that a viable scheme is put forward. The development of the site for the proposed uses is therefore considered to be acceptable in principle.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

Members will note that this application is accompanied by a voluntary Environmental Statement (ES). The ES is a legal requirement for large development proposals such as this. It is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing them, are properly understood by the public and the Council. Environmental Statements tend to be highly technical and lengthy documents. To make these more accessible to the non-professional reader there is a requirement for a Non-Technical Summary to also be submitted. A revision of the Non-Technical Summary has been prepared taking into account the reduction in the number of properties.

The Environmental Statement describes the likely environmental effects of the redevelopment both during demolition and construction works and also when the development is complete. It has looked at issues such as Alternative Options, Traffic and Transport, Air Quality, Noise and Vibration, Ecology and Nature Conservation, Landscape and Visual, Cultural Heritage and Archaeology, Water Environment, Ground Conditions and cumulative impacts. Measures which have been taken to avoid or reduce negative effects to the environment (i.e. mitigation measures are identified where necessary).

The likely environmental effects embodied within the Environmental Statement have been considered in the relevant sections of this report. To summarise, the impacts are as follows:

## **ENVIRONMENTAL STATEMENT - PROCEDURAL ISSUES**

It is considered that the Environmental Statement has been undertaken in accordance with the relevant regulations and guidance. On that basis, the LPA is satisfied that the submitted Environmental Statement contains the information specified in Part II of Schedule 4 to the Regulations and the relevant information set out in Part I of that Schedule that the developer can reasonably be required to compile.

It should be noted that the Environmental Statement does indicate that there would be some adverse impacts upon the environment. The National Planning Practice Guidance indicates that where the EIA procedure reveals that a project will have an impact on the environment, it does not follow that planning permission must be refused. It remains the task of the Local Planning Authority to judge each planning application on its merits within the context of the Development Plan, taking account of all material considerations, including the environmental impacts. These impacts have been discussed throughout the report and have been given due consideration as part of the planning balance to be undertaken in decision making.

### **Section 111 Package and Viability Issues**

Planning permission for this development has been sought by Engine of the North on behalf of Cheshire East Council. It is not technically possible for the Council to enter into a Section 106 Agreement with itself; however, it is possible to secure the normal Section 106 interests under Section 111 of the Local Government Act 1972.

The developer has submitted a viability appraisal (undertaken by consultants), which indicates that it is not possible to provide policy compliant levels of affordable housing and public open space contributions along with the necessary highway contributions and education contributions as outlined above.

As set out above, within the context of the NPPF, viability is an important material consideration in the determination of planning applications. Furthermore, this scheme is a key element in delivering the South Macclesfield Development Area – Economic Masterplan and Delivery Plan – November 2011 and Macclesfield Draft Town Strategy in terms of facilitating the delivery of the Congleton Road to London Road link road. It is also a strategic housing site allocated within the draft Development Strategy and forms part of Cheshire East's 5 year Housing Land supply. In order to defend forthcoming Appeals on other sites within the Borough and to deliver these other important benefits it is necessary to demonstrate that sites such as this are viable and deliverable.

Subject to the above points being clarified, it is considered that the applicant has demonstrated that the viability issues would delay delivery of the scheme and that this would have a negative impact on housing land supply within Cheshire East and the delivery of the link road.

### **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 S111 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 development would result in increased demand for primary school places in Macclesfield where there is very limited spare capacity. In order to either provide a new school, or increase capacity of the school(s) which would support the proposed development, a contribution



towards primary education is required. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in a number of highways impacts on Congleton Road and contributions clearly are required towards the Congleton Road to London Road link road. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, affordable housing and open space financial contributions would help to make the development sustainable and is a requirement of the Interim Planning Policy, local plan policies and the NPPF. It is directly related to the development and is fair and reasonable.

On this basis the S111 recommendation is compliant with the CIL Regulations 2010.

## **CONCLUSIONS**

The site is allocated as an Employment Site within the adopted Local Plan and therefore, residential and other uses would be contrary to development plan policy.

However, many of the objectives of the emerging policy CS8 would be delivered as a result of this scheme and the site is identified as deliverable within the next 5 years in the SHLAA and forms part of the Councils identified 5 year supply of housing land. Furthermore, it is considered that an employment led scheme which would be in accordance with the Local Plan allocation, has been demonstrated to raise significant viability issues and in order to ensure that the site is delivered with the necessary infrastructure, it is necessary to introduce higher value uses (such as residential and retail) in order to make it economically viable. The delivery of the employment elements of the allocated site should be capable of being delivered as part of the Phase 2 scheme. The contributions that this scheme will make towards infrastructure improvements, including the Macclesfield Relief Road and wider area are considered to be of vital importance to the delivery of the Macclesfield Town Strategy as well as the Development Strategy. It is therefore, critical that a viable scheme is put forward. The development of the site for the proposed mix of uses is therefore, considered to be acceptable in principle.

Comments are awaited from Sport England and the Councils Open Space / Greenspaces Officer in relation to the provision of playing pitches within the proposed scheme. It is also noted that there is provision for a Multi Use Games Area, equipped children's play space and facilities for teenagers and an outdoor gym in the form of a trim trail. This overall package is considered reasonable and satisfactory in terms of open space, sports and recreation facilities.

At the time of report preparation, it is expected that further information will be provided by way of an update report with regards to the retail issues raised, along with comments from the Councils contaminated land officer with regard to the Geo-Environmental study. It should also be noted that the recommendation is subject to receipt of a further bat survey.

## **The Planning Balance**

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The proposal is contrary to development plan policy E3-E6 and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise, however given the lack of a demonstrable supply of housing land at this time it is considered that the policy in this context is out of date and cannot be relied upon.

The benefits in this case are: -

- A package of highways contributions (in excess of £3 850 000), which will help deliver a number of highways improvements in the vicinity of the site and Macclesfield Relief Road;
- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply;
- A new supermarket to the south of Macclesfield, which should ease congestion on the towns roads;
- POS provision and the provision of a MUGA/NEAP on site;
- Improvements to the PROW infrastructure in the area;
- The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution
- There is not considered to be any drainage implications raised by this development
- The proposed highways contribution would mitigate the highways impact on the existing local road network and the overall impact would be neutral
- The impact upon trees and hedges is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.

Balanced against the above must be the following:

- The South Macclesfield Development Area is covered by emerging local plan policy that requires existing habitats to be safeguarded. The revised proposals include increased habitat retention, focussing on those areas of highest value. Habitats of district value and some areas of county value would still however be lost.
- Positive management of retained areas of County value habitat is being proposed as a means of compensating for those areas of County value habitat lost.

The emerging policy position is a significant factor in consideration of the overall planning balance. The proposal provides significant contributions to achieve the first phase of this key Strategic site in Cheshire East. The infrastructure contributions and improvement to local sustainability of this scheme do achieve the overall allocation objectives. While it will be necessary for the further phases to bring forward further the Relief Road and secure

employment opportunities and the other objectives of the allocation within the emerging Development Plan, it is considered that this scheme can be supported.

Though there would be certain impacts in approving this development as highlighted above, these impacts would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies.

## **RECOMMENDATION**

### **Approve subject to the completion of a Section 111 Agreement**

Heads of Terms:

- **£750 000** towards the Flower Pot junction and improvements of Strategic Highways Infrastructure
- **£672 000** to primary education
- Provision of 20% affordable housing – subject to review of sales values during the life of the development
- Provision of public open space on site to be transferred to a Management Company

**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Principal Planning Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.**

**Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S111 of the Local Government Act 1972.**

Application for Outline Planning

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

1. A02HA - Construction of access
2. A04HA - Vehicular visibility at access to be approved
3. A32HA - Submission of construction method statement

4. Standard outline (Phased)
5. Development to be carried out in accordance with the approved Flood Risk Assessment
6. Limiting the surface water run-off
7. The layout for the proposed development to be designed to contain the risk of flooding from overland flow during severe rainfall events
8. A scheme to dispose of foul and surface water
9. Submission, approval and implementation of an Environmental Management Plan
10. Submission, approval and implementation of low emission strategy
11. Standard outline (Phased)
12. Submission and approval of an updated Phase II investigation and implementation of any necessary mitigation
13. Submission, approval and implementation of location, height, design, and luminance of any proposed lighting
14. Submission, approval and implementation of a scheme of odour / noise control for the restaurant/public house
15. Submission, approval and implementation of travel plan
16. Submission, approval and implementation of electric car charging points
17. Standard outline timescale condition
18. A detailed landscape scheme should be submitted for approval prior to commencement on site
19. The agreed landscape scheme should be implemented within the first planting season after commencement of development.
20. Management plan to include all landscape areas and public open space (within this application) should be submitted and approved prior to commencement of landscape works
21. A five year landscape establishment management plan should be submitted and approved prior to commencement of landscape works
22. Any landscape planting that fails within the first 5 years after planting should be replaced on a like for like basis unless agreed in writing with the LPA.
23. Submission / approval / implementation of footpath surfacing / lighting
24. Drawing numbers
25. Bin storage
26. Details of trees and hedgerows to be retained to be provided
27. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or fabric first
28. Ground levels to be submitted
29. Phasing plan to be submitted

30. Protection of breeding birds
31. Provision of bird boxes
32. Times of Piling
33. Hours of construction/noise generative works
34. Dust mitigation
35. Details of boundary treatment to be submitted prior to commencement.
36. Scheme for Sustainable Urban Drainage Scheme to be submitted
37. Habitat management plan submitted in support of a reserved matters stage
38. Detailed badger and reptile mitigation strategy at reserved matters stage
39. Method statement for the safeguarding and of retained areas of habitat during the construction stage to be submitted in support of any future reserved matters application
40. Retention of identified black poplar and associated habitats
41. Detailed proposals for the handling of surface and foul water as per natural England's consultation comments
42. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination has been submitted
43. Verification report for any remediation strategy
44. Design Code required with Reserved matters application

