

Application No: 15/4234C

Location: Land Off, MANOR LANE, HOLMES CHAPEL

Proposal: Proposed demolition of existing buildings and outline planning permission for up to 65 residential dwellings to include access.

Applicant: Liberty Properties Developments Limited,

Expiry Date: 15-Dec-2015

SUMMARY

The application site lies within the Holmes settlement boundary where Policy PS5 of the Local Plan advises that within such settlement boundaries there is a presumption in favour of development provided that the site is not allocated for any particular use and is appropriate to the local character in terms of; use, intensity, scale and appearance and does not conflict with other policies in the local plan.

Policy H5 of the Local Plan permits housing in settlement boundaries provided that such a development adhere with all other local plan policies.

Although the development would result in the loss of an employment site, it is vacant and given the need for housing in Cheshire East and the location within close proximity of Holmes Chapel village centre, it is considered that residential use would be an acceptable alternative.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location, the provision of affordable dwellings, the inclusion of public open space, an education contribution and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

The dis-benefits of the scheme include; the impact upon the efficiency of the Jodrell Bank Radio Telescope and the loss of trees of amenity value on the site frontage.

In this instance, it is considered that the benefits of the scheme outweigh the dis-benefits and as such, the application is recommended for approval.

RECOMMENDATION

APPROVE subject to S106 Agreement to secure on-site affordable housing, an education contribution and Public Open Space provision and conditions

PROPOSAL

Outline planning permission is sought for the erection of up to 65 dwellings and matters of Access.

Matters of Layout, Scale, Appearance, Landscaping are not sought for approval at this stage and would be subject Reserved Matters applications.

SITE DESCRIPTION

The application site lies to the west of Manor Lane within the Holmes Chapel settlement boundary.

The site is located approximately 0.7 miles to the east of the Holmes Chapel Village centre on the Manor Business Park.

The application site as a whole extends approximately 2.33 hectares and links in to, Manor Lane which links to the A54 and the A535.

The application site and land to the north and west of the site is more land comprising of the former Manor Business Park. The site is vacant as the former buildings on the site have been demolished.

The application site falls partially within a Flood Zone 2 and Flood Zone 3 and the Jodrell Bank Radio Telescope Consultation Zone Line.

RELEVANT HISTORY

10/4464C - Extension to Time Limit. Ref: 08/0528/REM, 07/0604/REM, 06/0721/OUT - Re-design of Two Storey Office Building from 3no. Self-contained Units to 4no. Self-contained Units – Withdrawn 24th January 2011

08/0528/REM - Re-design of two storey office building from 3no. self-contained units to 4no. self-contained units – Approved 22nd May 2008

07/0604/REM - Phase 1 redevelopment of existing business park for mixed commercial use, including B1, B2, and B8 – Approved 13th November 2007

06/0721/OUT - - Redevelopment of existing business park for mixed commercial uses including B1, B2 & B8 – Approved 19th September 2006

36655/3 - Change of use to A3 pizza restaurant/takeaway (from vets) – Approved 18th December 2003

33833/3 - Addition Of 6 Metres Vertical Section & New Head Frame To Existing Structure, New Equipment Cabin & Development Ancillary Thereto, Contained Within Existing Compound, Additional Twelve Antennas – Approved 17th December 2001

30681/3 - To Extend The Existing 12m Mast By 6m. Also To Erect Nine Sector Antennas, One Dish Antennae And One Radio Equipment Housing – Approved 15th March 1999

29728/3 - Change Of Use To Small Animal Veterinary Surgery – Approved 10th February 1998

28735/3 - To Provide A Hot Food Takeaway (Indian) And Delivery Services – Refused 28th January 1997

24620/3 - Post Office Sorting Office – Approve 11th September 1992

22094/6 - Post Office Sorting Office – Approve 24th April 1990

19174/3 - Warehouse For The Storage Of Containers Used In Manufacture – Approved 8th December 1987
17836/6 - To Erect A Radio Equipment Cabin For Use Of A Cellular Radio Telephone System, Within A Fenced Compound – Approve 12th July 1988
16047/3 - Temporary Change Of Use From Offices To Postal Delivery & Sorting Office (Until The Planning Consent Previously Granted For The Portakabins Expires) – Approved 31st July 1984
15679/3 - Change Of Use From Offices To Postal Delivery And Sorting Office – Refused 6th March 1984
14466/6 - Continued Use Of Two Portakabins For Use As Offices – Approved 26th October 1982
13083/3 - Factory Extension For Warehouse Purposes – Approved 6th May 1981
12352/3 - Erection Of A Temporary Building To Provide Storage Space For Goods And Raw Materials – Approved 30th December 1980
12187/3 - Proposed Canteen And Car Park Extension – Approved 30th October 1980
6700/3 - Two 'Portakabins' For Use As Offices – Approved 2nd May 1978
5808/3 - Extension to Existing Light Industrial Unit – Approved 25th October 1977
4333/3 - Extension to Existing Factory – Approved 16th November 1976
0188/3 - Extension to existing factory – Approved 7th January 1975

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development
 17 – Core planning principles
 47-50 - Wide choice of quality homes
 56-68 - Requiring good design

Development Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS5, as town.

The relevant Saved Policies are;

PS5 (Villages in the Open Countryside and Inset in the Green Belt),
 GR1 (New Development),
 GR2 and GR3 (Design),
 GR6 (Amenity and Health),
 GR9 (Accessibility, Servicing and Parking Provision),
 GR20 (Public Utilities),
 GR21 (Flood Prevention),
 H1 (Provision of New Housing Development),
 H5 (Residential Development in Villages)
 E10 (Re-use or Re-development of Existing Employment Sites)

Supplementary Planning Document 2 (Private Open Space)

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

SD1 (Sustainable Development in Cheshire East),
SD2 (Sustainable Development Principles),
SE1 (Design),
SE2 (Efficient Use of Land),
SE4 (The Landscape),
SE5 (Trees, Hedgerows and Woodland),
IN1 (Infrastructure)
IN2 (Developer Contributions)

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections, subject to the provision of a round-a-bout at the junction of Manor Road with Macclesfield Road

Environment Agency – No objections, subject to a condition that the development shall only be carried out in full accordance with the approved revised Flood Risk Assessment and the detailed mitigation measures within this assessment

Strategic Housing Manager (Cheshire East Council) – No objections, subject to the provision of 30% on site affordable housing provision

Flood Risk Manager (Cheshire East Council) – No objections, but recommend that the section of Alum Brook (ordinary watercourse) adjacent to the site be promoted as a designated extension to the statutory main river once the works to the watercourse are completed and subject to the necessary formal drainage consents

Education (Cheshire East Council) – No objections, subject to the applicant agreeing to the provision of £78,185.38 towards Secondary and SEN education.

NHS (England) – No comments received at time of report

Environmental Protection (Cheshire East Council) – No objections, subject to a number of conditions including; the prior approval of an updated acoustic report and mitigation scheme; the prior approval of an Environmental Management Plan; The provision of a single electric vehicle charging points; the prior approval of a travel plan; the implementation of a dust mitigation scheme; the prior approval of a Phase II contaminated land report and a contaminated land informative

Public Open Space (Cheshire East Council) – No objections, subject to a financial contribution of £22,477 towards the maintenance of the proposed on-site Amenity Green Space, the provision of a LEAP (5 play items/activities incorporating DDA inclusive equipment plus infrastructure), the inclusion of a 20m buffer from residential properties, the provision of £46,566 towards the maintenance sum of Children of Young Persons provision

Network Rail - No objections, subject to a number of conditions including; the prior approval of a Risk and Method Statement (RAMS); the prior approval of a suitable trespass proof fence adjacent to the boundary with the railway; the prior approval of a acoustic fence mitigation scheme; the prior approval of a vibro-impact works risk assessment; the prior approval of a demolition methodology statement; the prior approval of a surface and foul water drainage plan; the prior approval of ground levels, earthworks and excavations; the prior approval of vehicle safety protection measures along the boundary of the railway.

An Informative is sought in relation to the following; limits over the extent of any scaffolding proposed;

United Utilities – No objections subject to a condition that the site must be drained on a separate system unless otherwise agreed and a number of informatives

Public Rights of Way - No objections

Jodrell Bank (University of Manchester) – The proposed development would have a ‘moderate’ impact upon the efficiency of the Jodrell Bank Radio Telescope

Holmes Chapel Parish Council – Object to the proposal on the following grounds;

1. There is very little remaining ‘brownfield’ land in the Parish available for commercial and industrial use. It is recognised that this site has been vacant for some years. A lack of market pressure due to the recent UK wide recession to develop and deliver new premises for commercial and industrial use has been a limiting factor. But this is not a reason for allowing the change of use.
2. The revised draft proposals for the Cheshire East Local Plan show a need for much more land for industrial and commercial use.
3. The Parish has no other identified areas for industrial and commercial use and if further development of this category is required there is only open countryside and greenfields available.
4. The Parish is developing its Neighbourhood Plan and this is expected to be in a position to be formally submitted by Jan/Mar 2016, so we would class the plan as ‘emerging’.
5. There have been detailed housing applications approved since 2010 of 438 dwellings and outline planning permission approved for a further 160 houses on a brownfield site – a total of 598. Of these, only 140 have been built to date.
6. Holmes Chapel is classed as a Local Service Centre (LSC) and in the proposed Local Plan all 13 LSC’s are expected to provide 3,600 houses in the 2010 to 2030 period. Current permissions in LSC’s have already reached 3,200 and there is still 15 years to go in the plan. Holmes Chapel’s share of this total across all LSC’s, 598 out of 3,600, is already 16.6%.
7. Two of the sites that have received detailed planning permission are in very close proximity to this proposed site – within 200 metres. Saltersford Corner for 100 houses and the corner of Manor Lane/Marsh Lane 24 houses. Development at these sites has not started and there is no indication at present that this will happen soon.
8. The additional housing mentioned above, expected to be delivered over the next 5-7 years based on current completion rates, will already place a severe pressure on the existing infrastructure and services provided in the Parish. The issues within the NPPF on sustainable development are not satisfied by this proposal.

9. There has been no consultation between the developer of this proposal and the Parish Council or the Neighbourhood Planning Team, so no consideration of any matters associated with this development that will impact the already overstretched infrastructure of the village.
10. There is no information on the provision of 'affordable homes' although the plan seems to indicate small clusters of these. It is noted that no details are provided on numbers and styles and they are in the most inaccessible areas of the site.
11. The indicated layout of the site seems to concentrate on getting as many dwellings on the land available to the detriment of any provision for adequate green space, landscaping, possible noise abatement due to the proximity of the railway line and road and pavement access. It is acknowledged that many of these would be dealt with in a detailed planning application but by that time it is too late to address the number of dwellings and layout.

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected and the application was advertised in the local newspaper. In response, 6 letters of objection have been received from neighbouring premises. The main areas of objection include;

- Principle – large development not in character with village
- Unsustainable location
- Lack of safe cycle and pedestrian linkages to the village
- Highway safety – congestion and lack of parking, visibility
- Amenity – air quality
- Lack of NHS capacity
- Lack of education capacity

Other matters raised which are not material planning considerations include; linkages of the site to a historical telecoms application.

APPRAISAL

The key issues are:

- The sustainability of the proposal considering the environmental, economic and social role of the development. Matter considered include;
- Principle of the development
- Affordable housing provision
- The impact upon education capacity
- Public Open Space provision
- The impact upon amenity
- The impact upon the Jodrell Bank Observatory
- The impact upon the railway
- The acceptability of the design
- The impact upon highway safety
- The impact upon flooding and drainage
- The impact upon ecology
- The impact upon trees

- Planning Balance

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

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

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being;

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

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

Economic and Social Role

Principle of Development

As the site falls within the Holmes Chapel Settlement Boundary, the proposal is subject to Policy PS5 of the local plan. Policy PS5 advises that within such settlement boundaries there is a presumption in favour of development provided that the site is not allocated for any particular use and is appropriate to the local character in terms of; use, intensity, scale and appearance and does not conflict with other policies in the local plan.

New dwellings

For the erection of new dwellings on site, Policy H5 is the relevant principal policy to assess residential development.

Policy H5 advises that proposals for residential development within village settlement boundaries shall only be permitted if a number of criteria are adhered to. These criteria largely mirror the criteria of Policy include;

- The proposal does not utilise a site which is allocated or committed for any other purpose in the local plan;
- That the development is appropriate to the local character in terms of its use, scale and appearance
- The proposal accords with other relevant local plan policies

As such, new housing in the settlement boundary would be deemed to be acceptable in principle, subject to its adherence with all other relevant local plan policies, particularly design which is considered later in the report.

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.

This is a material consideration in support of the proposal.

Loss of commercial site

Policy E10 of the Local Plan refers to the re-use or re-development of existing employment sites.

Policy E10 advises that development for non-employment purposes on such sites shall only be permitted if it can be shown that the site is no longer suitable for employment purposes or there would be substantial planning benefits in permitting alternative uses which would outweigh the loss of the site.

The application site currently comprises primarily of vacant land with 3 buildings partially occupied.

Within the submitted 'Planning Statement incorporating Employment Statement', the applicant has provided the following information;

- The location of the site and the physical nature of the remaining buildings is not attractive for B1, B2 or B8 uses and the majority of the buildings have been demolished and the remaining buildings not fit for purpose.
- The Cheshire East Employment Land Review 2012 did not identify Holmes Chapel as having a shortfall of employment land.
- The application site has been marketed extensively by agents since 2005 using; marketing boards on site, the owners website and the agents website and no serious interest was received.
- There are numerous planning benefits created by the proposal including; the provision of mitigation against noise and air quality; the economic benefits of utilising a vacant brownfield site; the provision of housing; the provision of Public Open Space; sustainability of the location of the site to the Holmes Chapel village and economic benefits

As a result of the vacant nature of this former commercial site and because it has remained vacant for a number of years, and it not allocated for employment purposes, the benefits of permitting an alternative use on this site is considered on its merits.

These merits are considered by its sustainability which is considered below.

Other economic considerations

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Holmes Chapel for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable.

Other social considerations

Affordable Housing

The Council's Housing Officer has reviewed the proposal and advised that for a scheme of the scale proposed, there will be a 30% affordable housing provision requirement.

The applicant has requested that the provision be 'up to 30%'. This request has been rejected by the Council's Housing Officer and it would not be policy compliant.

As an agreement has not been made, an objection on these the grounds has been made.

Education

The Council's Education Officer has reviewed the proposal and advised that the development of 65 dwellings is expected to generate:

- 11 primary children ($65 \times 0.19 - 1$ SEN) (Special Educational Need)
- 10 secondary children (65×0.15)
- 1 SEN child ($65 \times 0.51 \times 0.03\%$)

At the date of assessment, the Council's Education Officer has advised that forecasts indicate that the development will not impact primary education provision. Forecasts indicate that 9 secondary pupils can be accommodated in the immediate locality; however, this would leave a shortfall of 1 secondary pupil. The development is forecast to increase existing current pressures and forthcoming for SEN provision.

As a result, to alleviate forecast pressures, the following contributions would be required:

- $2 \times £17,959 \times 0.91 = £32,685.38$ (secondary)
- $1 \times £50,000 \times 0.91 = £45,500$ (SEN)

Total education contribution: £78,185.38

Without a secured contribution of £78,185.38, Children's Services raise an objection to this application.

The applicant has subsequently requested that the provision be re-calculated at each phase of the Reserved Matters. The Council's Education Officer has agreed to this clause but reminded the applicant that the need could increase or increase in this event.

Public Open Space

The Council's Public Open Space Officer has advised that having calculated the existing amount of accessible AGS (Amenity Greenspace) within 800m of the site and the existing number of houses which use it, 65 new homes will generate a need for 1,560 sqm new AGS.

The Planning Statement 4.2.2 states 1,900 sqm of public open space is being provided on site.

The Council's Public Open Space Officer has advised that the location of the main area of AGS is not ideal being located adjacent to the main incoming road to the development and have subsequently requested that this be located. As this application is for outline permission with access only, the siting of the Open Space is not fixed or for consideration as part of this application.

Based on 1,900sqm of formal AGS, if this was to be transferred to the Council based on the Council's Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer for maintenance would be; £22,477.00 (25 years).

In consideration of Children and Young Persons Provision, having calculated the existing amount of accessible Children and Young Persons Provision within 800m of the site and the existing number of houses which use it, 65 new homes will generate a need for a new LEAP play facility.

As such, the area should include at least 5 items/activities incorporating DDA inclusive equipment plus infrastructure and be in line with the standards set out by Fields in Trust Planning and Design for Outdoor Sport and Play with the final layout being agreed with the Council.

In addition to the above, a buffer zone of at least 20m from residential properties facing the play area should be allowed for with low level planting is sought to assist in the safety of the site.

Due to the complex management required for play facilities and in accordance with policy, the Council's Public Open Space Officer considers that the new children's play facility and amenity green space should be secured for public use and transferred to the Council together with a 25 years commuted maintenance sum of £46,566.00.

It is considered that the maintenance of the required Open Space requirements can be secured via a private management company in perpetuity which can be secured via a S106 Agreement, as can the provision of the LEAP.

Subject to the above being secured, it is considered that the POS provision would be acceptable.

Residential Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties via loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. It states that 21.3 metres should be maintained between 2 principal elevations and 13.8 metres should be allowed between a principal and flank elevation.

No existing properties are within these recommended minimum standards to any of the dwellings proposed according to the indicative layout plan. As such, it is not considered that the development would create any neighbouring amenity concerns with regards to loss of privacy, light or visual intrusion.

With regards to the relationships between the proposed dwellings themselves, a definitive conclusion cannot be made on these grounds as layout is not sought for approval as part of this application. However, the indicative layout does demonstrate that 65 dwellings could be accommodated within the application site whilst adhering to these minimum standards.

In relation to Environmental disturbance, the Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions including; the prior approval of an updated acoustic report and mitigation scheme; the prior approval of an Environmental Management Plan; The provision of a electric vehicle charging points; the prior approval of a travel plan; the implementation of a dust mitigation scheme; the prior approval of a Phase II contaminated land report and a contaminated land informative.

As a result of the above, subject to the recommendations of the Council's Environmental Protection Team, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan.

Jodrell Bank

As the application site falls within the Jodrell Bank Radio Telescope Consultation Zone, it is subject to Policy PS10 of the Local Plan.

Policy PS10 advises that for such sites, development will not be permitted which can be shown to impair the efficiency of the Jodrell Bank Radio Telescope.

It is proposed that Policy PS10 will be replaced by Policy SE14 within the emerging Cheshire East Local Plan Strategy – Submission Version. The principles of this policy broadly reflect those of Policy PS10.

Jodrell Bank have advised that the additional potential contribution to the existing level of interference coming from that direction will be 'moderate'. This is a general direction in which there is already significant development close to the telescope.

JB have asked that the planning authority to take this in to account in reaching its decision on this development in order to protect the efficiency of the Jodrell Bank radio telescope in terms of its ability to receive radio emissions from space with a minimum of interference from electrical equipment and noting that the cumulative impact of this and other developments is more significant.

As such, the proposed development would be contrary to Policy PS10 of the Local Plan.

Network Rail

The application site lies parallel to the railway and thus Network Rail land to the west of the site.

Network Rail have reviewed the proposal and advised that they have no objections, subject to a number of conditions including; the prior approval of a Risk and Method Statement (RAMS); the prior approval of a suitable trespass proof fence adjacent to the boundary with the railway; the prior approval of a acoustic fence mitigation scheme; the prior approval of a vibro-impact works risk assessment; the prior approval of a demolition methodology statement; the prior approval of a surface and foul water drainage plan; the prior approval of ground levels, earthworks and excavations; the prior approval of vehicle safety protection measures along the boundary of the railway.

An Informative is sought in relation to the following; limits over the extent of any scaffolding proposed;

Social conclusion

The proposed development would bring additional social planning benefits other than the provision of new dwellings including; the provision of on-site affordable housing and the provision of on-site Public Open Space.

The social dis-benefits of the scheme would be the moderate impact the development would have upon the efficiency of the Jodrell Bank Radio Telescope.

Although the Jodrell Bank Observatory is of international significance, it is considered that the social benefits of the scheme, outweigh this dis-benefit. It is therefore considered that the proposal would be socially sustainable.

Environmental role

Design

Policy GR2 of the Local Plan states that the proposal should be sympathetic to the character, appearance and form of the site and the surrounding area in terms of: The height, scale, form and grouping of the building, choice of materials and external design features. Policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version, largely reflect the Local Plan policy.

The indicative layout plan demonstrates that the proposed 65 new dwellings would be accessed off Manor Lane to the east and a new road would extend westwards into the site to the rear and then split in both a northerly and southerly direction with a number of turning heads being present along the route.

A parcel of 2,500 square metres of public open space is proposed on the site frontage with Manor Lane which would also include an open water course. The closest of the proposed dwellings to Manor Lane are shown as being inset into the site by approximately 18 metres and backing onto the road.

The scheme demonstrates that the 65 dwellings could be made up from a mixture of detached, semi-detached and terraced properties which would all front onto new internal roads.

There are a number of concerns with the layout should it be submitted at reserved matters stage including; the presence of a pumping station on the site frontage, the extent of frontage parking and the lack of pedestrian linkages to the A535 to the north and the proposed supermarket site to the south. However, as layout is not considered as part of this application, these are not for direct consideration at this time. What is important is to be satisfied that 65 dwellings can be accommodated within the site in an acceptable arrangement. It is considered that this can be achieved in this instance.

With regards to form and scale, it is advised within the submitted Design and Access Statement that the proposed housing would be predominantly 2-storeys. However, 2 ½ storey units and a 3 storey block are proposed. Depending on where these taller units are proposed within the site

which is not considered at this stage, this scale and form may be acceptable. Appearance also is not considered at this stage.

Although no aspects of the design are sought for approval at this stage, it is considered that the site is large enough to accommodate a scheme for 65 dwellings of an acceptable design. Therefore the proposal is considered to adhere with Policy GR2 of the Local Plan and policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version.

Highway Safety

The application is supported by a Transport Assessment.

The has been reviewed by the Council's Head of Strategic Infrastructure (HSI) who has advised that in regards to the access, the position and designs are acceptable for the amount of development that is proposed.

Access and wider network

The Transport Assessment in support of the application has considered a number of local junctions on the road network but has not considered that any capacity assessments are required based upon the percentage traffic impact of the development on these junctions.

The HSI has advised that whilst the proposed development is not a major scheme in terms of numbers, there are a number of committed developments approved in the vicinity of the site and applications yet to be determined.

There is a cumulative traffic impact of the schemes on the local junctions and the HSI has advised that the majority of the junctions can accommodate the traffic arising from this development without undue levels of queues being formed.

However, the HSI has advised that the junction closest to site at Macclesfield Road/Manor Lane does have capacity problems and is currently a priority junction and with the committed development in place, significant queuing will occur on Manor Lane.

It is noted that a new roundabout junction is proposed at this junction as part of another development approval. With this roundabout in place, the HSI has advised that the traffic impact from this development can be accommodated without undue congestion occurring. However, for the purposes of this application, this is not a consideration as this development may never be constructed.

However, the HSI has confirmed that a 3-armed roundabout can be accommodated exclusively within highways owned land and as such, its prior provision can be conditioned.

Accessibility

In consideration of the accessibility of the site to non-car transport modes, the site is linked to the footpath network that can be used to access the town centre, similarly cycling is an option to access the site. There are some limited bus services that operate on Manor Lane and on London

Road and these can provide alternative sustainable trips to the site. Overall, the HSI has advised that the accessibility of the site can be considered reasonably good.

Summary

The main highway issue of this application relates to the traffic impact on the nearby local junction at Macclesfield Road, this junction currently has capacity problems in its current format. This development would add cumulatively to other development schemes to have an unacceptable impact at this junction. Although a new roundabout junction has been designed that will accommodate this development but has yet to be implemented and may never be implemented.

Therefore, this application can be acceptable subject to a condition that a new roundabout scheme to be provided at the Macclesfield Road/Manor Lane junction or that it cannot be occupied unless the scheme has been constructed.

As such, it is considered that the proposal adheres with Policy GR9 of the Local Plan.

Flood Risk and Drainage

Flooding

The application site falls partially within a Flood Zone 2 and Flood Zone 3 and as such, is supported by a Flood Risk Assessment (FRA) which was updated during the application process on the advice of the Council's Flood Risk Officer and the Environment Agency (EA).

In response to the updated FRA, the Environment Agency have advised that they have no objections, subject to a condition that the development shall only be carried out if full accordance with the approved revised Flood Risk Assessment and the detailed mitigation measures within this assessment.

The Council's Flood Risk Manager has advised on the basis the EA are happy with proposed revisions, he is satisfied with drainage proposals as outlined in the attached FRA 5935 R2 Rev A.

In addition the Council's Flood Risk Manager has recommended that the section of Alum Brook (ordinary Watercourse) adjacent to this site be promoted as a designated extension to statutory main river once the works to watercourse are completed and subject to the necessary formal Land Drainage Consents.

In response to this point, this is not a planning matter and considered under different legislation.

As such, it is not considered that the proposed development would create any significant flooding concerns and would adhere with Policy GR21 of the Local Plan.

Drainage

United utilities have reviewed the proposal and have advised that they have no objections subject to a condition that the site must be drained on a separate system unless otherwise agreed and a number of informatives.

As such, it is not considered that the proposed development would create any significant drainage concerns and would adhere with Policy GR20 of the Local Plan.

Ecology

The Council's Nature Conservation Officer has reviewed the proposal and advised that he does not anticipate there being any significant ecological issues associated with the proposed development. However, if planning consent is granted, it is recommended that a condition be attached to safeguard breeding birds. Subject to this condition, it is considered that the proposed development would adhere with Policy NR2 of the Local Plan.

Trees

The application is supported by an Arboricultural Impact Assessment (AIA) (Ref TEP.5015.002 dated September 2015) which includes a Tree Survey, Tree Constraints drawing and Indicative Removal Plan. The application is also supported by a Proposed Site Plan (Drwg No: 13819-102) showing a new site access of 6 metre width with 1.8 metre footpath on both sides and provision for up to 65 dwellings.

Trees within and immediately adjacent to the site are not currently protected by a Tree Preservation Order. The site is not located within a Conservation Area.

The AIA identifies 20 individual trees; four groups of trees and one hedgerow. With reference to the indicative layout proposal, the assessment identifies that the greatest arboricultural impact will be as a consequence of the point of access into the site. Here, three high (A) category trees, 1 (B) moderate category and one low (C) category tree will be required for removal. The Council's Tree Officer has advised that these trees are prominent features and present a significant contribution to the amenity of the area.

The Council's Tree Officer has requested further clarification on highway and planning reasons for the access in its proposed position and should this be not justified, its position modified to include the retention of trees T8, T14, T15 and T16.

In response, the applicant has advised that the scheme has subsequently been amended in the area of the culvert and point of access which will lead to further landscape amendments and therefore seeks confirmation that any details of tree removal and landscaping are provided as part of a reserved matters application.

As Access arrangements are sought for consideration as part of this application, the siting of this access point and therefore the loss of trees need to be considered as part of this application. The loss of trees results in the standing objection from the Council's Tree Officer. As such, the proposed development would be contrary to Policy NR1 of the Local Plan.

Environmental Conclusion

The proposed revised development would be of an acceptable design that would not create any significant issues in relation to highway safety, drainage or flooding or ecology subject to mitigation.

However, there would be an issue with regards to the loss of trees of amenity value on the site frontage.

In this instance, it is considered that the mitigation of the highway safety, drainage and flooding and ecology issues would result in a neutral impact. The loss of the trees would result in a negative impact. As such, on balance, it is considered that the proposed development would not be environmentally sustainable.

Levy (CIL) Regulations

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

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

The scale of the development in conjunction with local need will result in the requirement to provide 1560sqm of Amenity Green Space, the provision of a LEAP on an area of a minimum of 400sqm, the provision of a 20m buffer from the LEAP to the closest residential properties and the maintenance of the above in perpetuity. The application proposes 1900sqm of on-site POS. This is considered to be necessary, fair and reasonable in relation to the development.

The development would result in the requirement for £45,500 for Special Educational Needs and £32,685.38 towards Secondary education provision. This is considered to be necessary, fair and reasonable in relation to the development.

On this basis, the S106 recommendation is compliant with the CIL Regulations 2010.

Planning Balance

The application site lies within the Holmes settlement boundary where Policy PS5 of the Local Plan advises that within such settlement boundaries there is a presumption in favour of development provided that the site is not allocated for any particular use and is appropriate to the local character in terms of; use, intensity, scale and appearance and does not conflict with other policies in the local plan.

Policy H5 of the Local Plan permits housing in settlement boundaries provided that such a development adhere with all other local plan policies.

Although the development would result in the loss of an employment site, the site is vacant and given the need for housing in Cheshire East and the site's location within close proximity of Holmes Chapel village centre, it is considered that residential use would be an acceptable alternative.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location, the provision of affordable dwellings, the inclusion of public open space, an

education contribution and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

The dis-benefits of the scheme include; the impact upon the efficiency of the Jodrell Bank Radio Telescope and the loss of trees of amenity value on the site frontage.

In this instance, it is considered that the benefits of the scheme outweigh the dis-benefits and as such, the application is recommended for approval.

RECOMMENDATION

APPROVE subject to a S106 Agreement to secure;

- **30% on site affordable housing provision**
- **£78,185.38 towards Secondary and SEN education (to be re-assessed for each phase of the development)**
- **Provision of 1,900sqm of on-site Public Open Space including the provision of a LEAP, the inclusion of a 20m buffer zone from the LEAP to the closest proposed residential dwellings and maintenance of the above in perpetuity**

And conditions;

- 1. Time – 3 years or within 2 of last Reserved Matter approval**
- 2. Reserved Matters within 3 years**
- 3. Layout, Scale, Appearance and Landscaping Matters to be submitted and approved (Phase)**
- 4. Plans**
- 5. Before the completion of the 11th dwelling on site, a roundabout shall be provided at the junction of Manor Lane with Macclesfield Road. Details shall be submitted to and approved in writing by the LPA with the submission of the first Reserved Matters phase unless otherwise agreed in writing**
- 6. Prior approval of an updated acoustic report and mitigation scheme to be submitted with each Reserved Matters phase**
- 7. Prior approval of an Environmental Management Plan to be submitted with each Reserved Matters phase**
- 8. The provision of electric vehicle charging points to be submitted with each Reserved Matters phase**
- 9. The prior approval of a travel plan to be submitted with each Reserved Matters phase**
- 10. The implementation of a dust mitigation scheme to be submitted with each Reserved Matters phase**
- 11. The prior approval of a Phase II contaminated land report to be submitted with each Reserved Matters phase**
- 12. Prior approval of a Risk and Method Statement (RAMS) to be submitted with any Reserved Matters phase adjoining the railway**
- 13. Prior approval of a suitable trespass proof fence adjacent to the boundary with the railway to be submitted with any Reserved Matters phase adjoining the railway**
- 14. Prior approval of an acoustic fence mitigation scheme to be submitted with any Reserved Matters phase adjoining the railway**

- 15. Prior approval of a vibro-impact works risk assessment to be submitted with any Reserved Matters phase adjoining the railway**
- 16. Prior approval of a demolition methodology statement to be submitted with any Reserved Matters phase adjoining the railway**
- 17. Prior approval of a surface and foul water drainage plan to be submitted with any phase Reserved Matters adjoining the railway**
- 18. Prior approval of ground levels, earthworks and excavations to be submitted with any Reserved Matters phase adjoining the railway**
- 19. Prior approval of vehicle safety protection measures along the boundary of the railway to be submitted with any Reserved Matters phase adjoining the railway**
- 20. Site to be drained on a separate system**
- 21. Prior approval of electromagnetic screening measures to be submitted with Reserved Matters each phase**
- 22. Submission of updated tree protection mitigation to be submitted with each Reserved Matters phase**
- 23. Development shall proceed in full accordance with the submitted FRA and its proposed mitigation**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (Regulation) in consultation with the Chair (or in their absence the Vice Chair) of the Southern Planning Committee and Ward Member, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

If the application is subject to an appeal approval is given to enter into a S106 Agreement to secure the following:

- 30% on site affordable housing provision**
- £78,185.38 towards Secondary and SEN education (to be re-assessed for each phase of the development)**
- Provision of 1,900sqm of on-site Public Open Space including the provision of a LEAP, the inclusion of a 20m buffer zone from the LEAP to the closest proposed residential dwellings and maintenance of the above in perpetuity**

