

Application No: 15/5407M

Location: HARMAN TECHNOLOGY SITE AND ADJOINING LAND, ILFORD WAY, MOBBERLEY, CHESHIRE

Proposal: Hybrid planning application for mixed-use redevelopment seeking: A. Full planning permission for alterations to existing employment buildings, construction of new employment buildings and installation of new over ground services, piping and ducting. B. Full planning permission for demolition of remaining redundant employment buildings and removal of redundant over ground services, piping and ducting. C. Outline planning permission for construction of up to 290 dwellings, Class B1 business park, associated infrastructure, landscaping and other associated works (means of access).

Applicant: Argonaught Holdings Ltd c/o LPC Living

Expiry Date: 26-Feb-2016

## SUMMARY

The site is for a mixed use, employment and housing. The site is split into two halves, the Harman Technology site which is previously developed land and is designated as an employment site. The eastern site is within the Green Belt where open space is proposed and it is considered that Very Special Circumstances exist to justify the change of use.

The proposal will result in the loss of the vast majority of the geographical extent of the western site for housing, however it will increase the level of employment on site from existing levels with the introduction of the business park. The loss of the employment site as a whole is therefore acceptable in the context of the proposed development and end use for the site.

The western site is previously developed land (PDL), where the Government's aims are clear and these proposals align with the intention to encourage the use of brownfield land to boost housing supply.

Through the assessment as to whether the scheme represents sustainable development, it is considered that it does achieve this in terms of social, environmental and economic sustainability. Therefore the proposal aligns with the presumption in favour of sustainable development set out in the NPPF, and should be approved without delay.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Council's delivery of 5 year housing land supply.
- The development would provide an area of public open space including a playing pitch, play area and allotments for future residents and existing community.

- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes, new businesses and benefits for local businesses.
- The proposal will not have an adverse landscape impact.

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

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees is considered to be neutral as this can be addressed through mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact can be mitigated through a commuted sum.
- An education contribution to ensure that the proposal does not negatively impact on education services locally.

The adverse impacts of the development would be:

- The loss of the employment site and employment land as an existing designated site and as a future allocation.
- The loss of agricultural land, to open space provision.
- The proposal does not provide affordable housing provided by a Registered Social Landlord, however 10% starter homes (80% of market value) are proposed.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged due to the provision of housing on a brownfield previously developed site and the retention of an existing well established business on the site and the provision of a B1 business park. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

## **SUMMARY RECOMMENDATION**

**Approval subject to legal agreement and conditions**

## **PROPOSAL**

The application is a hybrid application and proposes full planning permission for the alteration and demolition of existing buildings which form part of the site and full permission for the erection of new employment buildings for Harman Technology. Permission is also sought for the demolition of the remaining buildings which are surplus to requirement for Harman Technology. The outline element of the proposals is for the construction of 290 dwellings, on the site alongside a proposed new B1 business park to the north of the site. To the east of the main developed site, the proposals also include a large area public open space in the form of a playing field and play area and allotments. The housing layout is in outline format, with access only to be agreed at this stage and the principle of development for 290 dwellings, plus B1 business park. A large amount of planting and boundary landscaping will be retained

as part of the proposals. The application is broadly a resubmission of a previously refused application (14/0114M) which now at appeal.

## **SITE DESCRIPTION**

The application site extends to approximately 22.9 hectares and provides an assortment of bespoke industrial, warehouse and office space, which is largely vacant. The industrial site is occupied by Harman Technology Limited. Within the Macclesfield Borough Local Plan (2004), the whole site is allocated under Policies E3 and E4. These policies allow for offices (Class B1(a)), research and development (Class B1(b)), and light industrial (Class B1(c)), general industry (Class B2), warehousing (Class B8), high technology (Class B1(b)), and light industry (Class B1(c)) usage. The adjacent field, which also forms part of the application site, is not used, and is within the Green Belt. The site is surrounded to the south and south west by housing as part of Mobberley village. Mobberley Brook and a small waste water treatment works bound the site to the north east, separated by a line of trees as part of a landscape buffer. Open countryside surrounds the rest of the site.

## **RELEVANT HISTORY**

Ilford's have been manufacturing (specialising in black and white photography) on the Mobberley site for 106 years. The original Ilford's site and premises fronting Town Lane have since been redeveloped as part of the Barratt housing scheme. The remaining site to the north was purpose built between 1980 and 1982 and reflected the campus style of a large corporate business in the 1980s. Ilford were placed in receivership in August 2004, however following a management buy-out, the new company (now known as Harman Technology Ltd) continues production of black and white film and fine art inkjet papers. At the height of the operation there were some 1700/1800 staff on site. Now there are approximately 200. The current industrial/warehousing accommodation and layout is inefficient and does not currently meet the company's modern day requirements. The application proposals seek to consolidate the Harman's operation and provide new modern efficient accommodation for their business.

This application is a resubmission of the following application, with amendments:

14/0114M, Hybrid planning application for mixed-use redevelopment seeking: A. Full planning permission for alterations to existing employment buildings, construction of new employment buildings and installation of new over ground services, piping and ducting. B. Full planning permission for demolition of remaining redundant employment buildings and removal of redundant over ground services, piping and ducting. C. Outline planning permission for construction of dwellings, associated infrastructure, landscaping and other associated works (means of access).

The application was refused by Strategic Planning Board in November 2014 for three reasons including one for the lack of affordable housing. An appeal has now been lodged, however in preparation for the appeal the affordable housing reason was subsequently removed. The application therefore proceeds to Public Inquiry scheduled for 03.05.2016 with the following two reasons.

- 1. Although it is accepted that extensive noise mitigation measures can be provided to achieve a satisfactory indoor living acoustic environment, the site is not suitable for residential development, due to the inability to mitigate for noise from overhead aircraft, to a satisfactory level for outside living / amenity areas, which shall remain above*

*57dBA Leq, 16 hour, the threshold for the onset of significant community annoyance. This is contrary to Paragraph 123 of the National Planning Policy Framework: Avoid noise from giving rise to a significant adverse impact on health and quality of life. It is considered that the new development is not appropriate for its location, due to the effects of pollution on health and general amenity. Therefore, the development is contrary to Paragraph 120 of the National Planning Policy Framework.*

- 2. The Council acknowledge that housing applications should be considered in the context of the presumption in favour of sustainable development, the lack of a five year land supply of deliverable housing sites in Cheshire East, plus the planning benefits new housing would bring. However, this major housing development would have a significant adverse impact upon the character of the village of Mobberley contrary to policies BE1, H12 and DC1 within the Macclesfield Borough Local Plan 2004, and guidance within the National Planning Policy Framework, which state that permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions. These adverse impacts would significantly and demonstrably outweigh the benefits of the proposal and would therefore be contrary to the National Planning Policy Framework.*

## **NATIONAL & LOCAL POLICY**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

### **Macclesfield Borough Local Plan Policy:**

The part of the application site currently occupied by Ilford's is allocated as an industrial site and is within the settlement boundary for Mobberley. The open areas to the north and east are allocated as Green Belt. The Mobberley Conservation Area is to the east of the industrial site, and includes within it the proposed open space/recreation field. Therefore the relevant Local Plan policies are considered to be: -

Policy BE1: Design Guidance  
Policy BE3: Development adjoining conservation area  
Policy BE4: Conservation areas  
Policy DC1: New Build  
Policy DC3: Amenity  
Policy DC5: Natural Surveillance  
Policy DC6: Circulation and Access  
Policy DC8: Landscaping  
Policy DC9: Tree Protection  
Policy DC35: Materials and Finishes

Policy DC36: Road Layouts and Circulation  
Policy DC37: Landscaping  
Policy DC38: Space Light and Privacy  
Policy DC40: Children's Play Provision and Amenity Space  
Policy DC41: Infill Housing Development  
Policy DC63: Contaminated Land  
Policy E1: Retention of existing and proposed employment areas  
Policy E3: Business  
Policy E4: General Industrial Development  
Policy T1: Integrated transport policy  
Policy T2: Provision of public transport  
Policy T3: Improving conditions for pedestrians  
Policy T4: Provision for people with restricted mobility  
Policy T5: Development proposals making provision for cyclists  
Policy T6: Highway improvements and traffic management  
Policy NE2: Landscape character areas  
Policy NE14: Natural habitats  
Policy NE11: Protection and enhancement of nature conservation interests  
Policy NE17: Nature Conservation in Major Developments  
Policy NE18: Accessible areas of nature conservation from residential properties  
Policy H1: Phasing policy  
Policy H2: Environmental Quality in Housing Developments  
Policy H5: Windfall Housing  
Policy H8: Provision of Affordable Housing  
Policy H9: Occupation of Affordable Housing  
Policy H13: Protecting Residential Areas  
Policy RT1: Recreational land and open space  
Policy RT2: Open spaces/amenity areas in residential areas  
Policy RT5: Standards for open space provision  
Policy GC1: Green Belt boundaries  
Policy IMP1: Development Sites  
Policy IMP2: Transport Measures

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

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

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
EG1 Economic Prosperity  
EG3 Existing and allocated employment sites  
SC3 Health and Well-being  
SC4 Residential Mix

SC5 Affordable Homes  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport  
CO4 Travel plans and transport assessments

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

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

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process. At its meeting on the 28 February 2014, the Council resolved to approve the Cheshire East Local Plan Strategy – Submission Version for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

### **The National Planning Policy Framework**

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight. Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.  
49. Housing supply policies  
50 and 54. Wide choice of quality homes  
56-68. Requiring good design

80, 81 and 89 Protecting Green Belt Land  
109. Conserving and enhancing the natural environment  
186-187. Decision taking  
196-197 Determining applications  
203-206 Planning conditions and obligations

### **Supplementary Planning Documents:**

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- SPG on Section 106 Agreements (Macclesfield Borough Council)
- Other Material Considerations
- Cheshire East Strategic Market Housing Assessment (SHMA)
  - Cheshire East Strategic Housing Land Availability Assessment (SHLAA)
  - 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
  - Ministerial Statement – Planning for Growth (March 2011)
- Sport England Design Guidance Natural Turf for Sport 2011

### **Other material policy considerations**

Interim Planning Statement: Affordable Housing

-Strategic Housing Market Assessment (SHMA)

-Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

## **CONSULTATIONS**

**Highways** - In the previous application, the recommendation was to approve the application subject to a financial contribution towards improvements at Brook St/Hollow Lane junction.

The traffic impact of this application is increased as it involves the 290 units and also a B1 Business Park of 7,020 Sq.m. As in that previous application the main traffic impact is at the congested junctions in Knutsford, the assessment of the Brook St/Hollow Lane junction submitted in the TA is not accepted as it relies on very old base flows and does not include any of the recent committed developments that have an impact at this junction. It is considered that the submitted junction assessment significantly underestimates the congestion and delay that will occur at this junction.

The use of Smith Lane is proposed as the main access to the Business Park, as this is a rural lane it is not of suitable highway standard to provide access to a large business park. An alternative access to the site is possible through the existing Harman's site and using the current main site access.

In summary, this application will have an impact on the wider road network and the applicant has not proposed any mitigation measures for its developments traffic impact and this is a

reason to object to the application. In addition, a further reason for objection is the use of Smith Lane that is not of a suitable standard to provide access to a Business Park.

**Environmental Health** – Noted that this is similar to the previous application for which significant comment concerning the impact of noise was made. This application includes a revision to the indicative masterplan which has moved the residential development out of the most northern part of the site. This means the residential properties will not be in the area of the site which is the worst affected by aircraft noise. Whilst noise levels across the site are far from ideal for residential development, and is contrary to the Government policy of reducing exposure to Aircraft Noise, if the planning committee were minded to approve the application appropriate conditions could be incorporated to provide a degree of mitigation.

Conditions are also suggested for noise during demolition and construction, lighting waste management.

No objection is raised to concerns over air quality or due to the proximity of the site to the existing waste water treatment works. Similarly no objection is raised due to issues over contaminated land.

**Manchester Airport** – No objections subject to conditions and informatives, relating to building heights, drainage and flood risk and the introduction of ponds, earth movements (received 19/02/2016)

**Public Health England** – Based on the information provided, PHE has no significant concerns regarding risk to health of the population from this proposed activity, providing that the applicant takes all appropriate measures to prevent or control environmental emissions, in accordance with industry best practice (received 27/01/2016)

**Sport England** – The proposal does not fit within Sport England's statutory remit, however, if new playing pitches are to be created, considerations and recommendations should be given to the local playing pitch strategy or built sports facility, in addition such facilities should ensure they are fit for purpose, should be designed in accordance with Sport England design guidance.

**HSE** – No comment

**Natural England** – No comments to make (received 16/12/2016)

**Environment Agency** – No objections subject to conditions and informatives.

**Public Rights of Way** - The development, if granted consent, would affect Public Footpath No. 11 and Public Footpath No.13 Mobberley, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way. However, these footpaths mostly follow the perimeter of the development and could therefore be accommodated on the current alignment.

In addition we currently have an outstanding Definitive Map Modification Order (DMMO) application (REF MA/5/250) to add two routes as public footpaths (shown as blue lines on the attached plan). This application affects the land on the east side of the development, which is the proposed sports pitch and public open space area. Currently these routes are



not legally recognised footpaths as they are not shown on the Definitive Map, however as we have received this application to add them to the map we are under a statutory duty to investigate it. If it is shown that public footpath rights exist then an Order will be made to add them to the Definitive Map.

**United Utilities** – Queries regarding how the playing pitches will be accessed, by vehicles and by pedestrians as the UU access road divides the two sites, and UU have not given permission for the track to be crossed by third parties to access the playing pitch site. Concerns relating to the proximity of the waste water treatment works for neighbour amenity. Suggest conditions in relation to drainage.

## **VIEWS OF THE PARISH COUNCIL**

**Mobberley Parish Council** – The PC believe that the proposed application would be in conflict with the current employment allocation for most of the site. The site is not suitable for residential development, due to the inability to mitigate for noise from overhead aircraft. 5 year supply issues council confident that they can deliver 5yr + 5% in Local Plan. Increase in the village of 20-25% housing stock. This would also run counter to the Parish Plan. It is of paramount importance to maintain the character of the village and its village status. The low level of affordable housing proposed is not justified by the information provided on ground pollution and other essential demands on the developer. The type of housing proposed within the application does not reflect the needs of the area. The layout plans are mainly for family accommodation. There is insufficient representation of dwellings for single and elderly people, which, as the Parish Plan divines, is what is most required in the area. The site is proposed for employment use, in the current Local plan .The emerging Local Plan and its core strategy has been criticised by the Inspector for having insufficient employment land allocated, if this site was developed for predominately housing use, it would require replacement land being allocated within the green belt.

The open space and playing field would be on Green Belt land, which would not, of itself, be an inappropriate use. However, the development and parking associated with this open space would be disproportionate and constitute inappropriate development. Additionally, this land forms part of and is also the setting to the Mobberley Conservation Area. The change from agricultural use to a management regime for this land would introduce an unacceptable urban influence into the rural area, which would not preserve or enhance the character or appearance of the Conservation Area and, thereby, cause harm. The roads and footways around the site are inadequate to cope with the increase of traffic that this proposal will invariably bring. The application does not adequately address how these problems will be resolved.

Our local school is already oversubscribed, as are the schools in Knutsford. Although there has been a recent expansion of the Mobberley Primary School from a 2/3 form intake to a one form intake, this would only cater for the anticipated demand with the existing level of development in the Village. As such, it would not cater for the increase in children that would accompany the current scheme. Crucially, bearing in mind the formula for deciding who can attend the Village School, allowing the development proposal would effectively exclude children living in the centre of the Village, who now qualify for admission.

## **OTHER REPRESENTATIONS**

Councillor Comments – Detailed comments received from Elected Member Councillor Macrae for Mobberley Ward, relating to site allocation and land designation, future employment land and needs, local housing needs and affordable housing, open space and community facilities, transport and highways infrastructure, education needs, environmental protection. Strongly objects to the application.

## **REPRESENTATIONS**

222 letters of objection have been raised in respect of the application. The main themes for objection can be summarised in the following points:

- Land ownership issues
- Noisy location for housing
- Additional traffic generation
- Overdevelopment of the site
- Too large scale for Mobberley
- Highways danger for pedestrians
- Not enough infrastructure and facilities for residents such as doctors
- Education concerns
- Pollution (noise, contamination)
- No affordable housing
- No longer a village but a town
- Smith Lane not sufficient

## **APPLICANT'S SUPPORTING INFORMATION**

- Flood zone mapping
- Energy audit
- Bat Inspection
- Statement of Community Involvement
- Phase 1 and 2 environmental site assessment
- Transport Assessment
- Interim Travel Plan
- Noise Summary
- Phase 1 habitat survey
- S106 heads of terms
- Design Code
- Design and Access Statement
- Flood Risk Assessment
- Geo-Environmental Statement
- Amphibian Survey
- Employment Report
- Heritage Statement
- Landscape and Visual Impact Assessment
- Arboricultural Report
- Air Quality Assessment
- Amended TA

- Amended LVIA
- Air Quality Addendum
- Amended Design and Access Statement
- FRA Addendum

Planning statement conclusions

## **APPRAISAL**

### **Key Issues**

- Principle of development
- Sustainability
- Housing Supply
- Affordable Housing
- Viability
- Landscape Impact
- Trees
- Public Rights of Way
- Design
- Ecology
- Contaminated Land
- Noise
- Employment Land
- Highways
- Accessibility of playing pitch
- Conclusions

## **PRINCIPLE OF DEVELOPMENT**

### Loss of Employment Land

The site is split into two distinct sites, the site for the proposed development (west site) is specifically designated as an area within the Macclesfield Borough Local Plan as being an area where general industry will normally be permitted under policy E4. Policy E1 states that employment areas will normally be retained for employment purposes. This application does propose a predominantly residential scheme, however does retain the Harman business within the site albeit on a smaller more efficient scale in terms of buildings towards the southern part of the site, however will employ the same number of staff. The proposals include a B1 business park to the north of the site which forms part of the outline application as at this stage there is no end user lined up for this part of the proposals. The B1 business park will cover an area of 25,200sq.m. with the existing employment use to be retained covering an area of 30,508sq.m.

Overall, however there will be a net loss of employment floorspace of 12,147sq.m notwithstanding this a large area to be lost is disused due to the scale of the buildings on the site. The overall loss of employment land will equate to 23%. It is considered that this level of loss is acceptable, as the site will result in higher levels of employment through the introduction of the business park and additional businesses will be able to move onto the site.

Therefore it is considered that the principle of loss of part of employment floorspace is acceptable in lieu of a more efficient scheme. It is clear that this proposal does involve the

loss of an employment site, however the Council did not consider this to be a reason for refusal on the previous application.

#### Previously Developed Land

The site is previously developed, it contains a number of buildings, many of which are large industrial sheds as well as some office buildings. The redevelopment of previously developed land for a mixed use development to include residential development is an acceptable form of development, and is encouraged through local and national planning policy. The most recent planning reform consultation from DCLG sets out at paragraph 21.

*'We have already made clear our priority for ensuring as much as possible of brownfield land in driving up housing supply. The National Planning Policy Framework states that planning should encourage the effective use of land by reusing brownfield sites provided they are not of high environmental value, and that local councils can set locally appropriate targets for using brownfield land. In the Housing and Planning Bill, we have set out our intention to require local planning authorities to publish and maintain up-to-date registers of brownfield sites suitable for housing. It is our intention that brownfield registers will be a vehicle for granting permission in principle for new homes on suitable brownfield sites. Our ambition is for 90% of brownfield land suitable for housing to have planning permission by 2020.'*

It is clear therefore that the thrust of the national planning agenda is supportive of the use of brownfield sites, or previously developed land to be redeveloped to contribute to housing supply. This scheme has an appropriate balance of retaining an existing business in full, creating additional B1 use through the business park and the delivery of housing. Therefore accords with the aims of the development plan and national planning policy paragraph 17.

#### Open Space, Playing Pitch, Allotments

The east site is located within the Green Belt where there is a presumption against inappropriate development. This area of the site is to provide open space for the development itself along with a playing pitch and community allotments which were a desirable by the community through the consultation carried out by the applicants.

The eastern site will undoubtedly provide a contribution towards community benefit through the provision of these facilities, for the occupants of the new site and members of the local community. The NPPF states that the construction of new buildings is inappropriate development and exceptions to this include – 'provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt'. This proposal however requires consent for the use of the land for outdoor sport and recreation, and therefore is not an exception under paragraph 89. Therefore in order to justify this, *Very Special Circumstances* must exist to justify the departure from Green Belt policy.

This is a use that maintains openness and is encouraged under paragraph 81 which states that 'local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscape, visual amenity and biodiversity; or to improve damaged and derelict land.'

It is therefore considered that on balance the provision of the playing pitch, open space and allotments within the Green Belt are acceptable as they maintain openness and allow access to the countryside and provide community benefit, and therefore Very Special Circumstances exist. The proposals also include changing rooms and play equipment, these are considered to be associated with the proposed use and therefore are not inappropriate development and are in accordance with paragraph 89 of the NPPF.

### **Housing Land Supply**

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgfield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015 the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

### **Sustainability**

Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay. There are three strands to sustainability, social, economic and environmental.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing and Viability**

Heads of terms have been submitted with the application with regard to affordable housing. The application proposes 10% of the units to be market housing at 80% of market value.

The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 290 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 87 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Mobberley, Chelford and Alderley Edge is for 16x 1 bed, 17x 2 bed, 11x 3 bed and 13x 4+ bed dwellings plus 9x 1 bed and 22x 2+ bed for older persons. The majority of the demand on Cheshire Homechoice is for 9x 2 bedroom dwellings therefore a mix with a majority of 2x Beds on this site would be acceptable. 57 units should be provided as Affordable rent and 30 units as Intermediate tenure.

However, in this case the applicants have submitted a viability assessment which demonstrates that the affordable housing required in order to be policy compliant would render the scheme unviable alongside other financial obligations required by the scheme. Therefore the proposal is to offer 10% of the dwellings at a 20% discount to market value. Given the viability issues it is considered to provide social sustainability and is on balance an acceptable level of contribution in order to make the scheme financially viable and deliver the other obligations required by the scheme.

### **Open Space Provision**

Due to the size of the site there is a requirement for open space as part of the proposal. The scheme includes the provision of at least one LEAP, one LAP, football pitch, tranquil area, allotments and a linear park, together with management arrangements. There is also the provision of changing facilities comprising showers, toilets and a changing room. The proposals therefore provide additional community facilities for the existing community and to serve the dwellings as part of the proposals. The open space on the main part of the site has not been agreed as this is outline stage only and refinements to the layout can be made as part of the reserved matters application. Therefore the proposals broadly comply with policies RT1, RT2 and RT5 of the Macclesfield Borough Local Plan and contribute to the social sustainability of the scheme.

### **Education**

A proposal of 290 dwellings will undoubtedly put additional pressure on local schools. Therefore the proposal in order to be acceptable requires an education contribution. This has

been calculated as follows and is now contained within the revised heads of terms for the proposed section 106 agreement.

The development of 290 dwellings is expected to generate:

55 primary children (290 x 0.19)  
44 secondary children (290 x 0.15)  
3 SEN children (290 x 0.51 x 0.023%)

The development is forecast to increase an existing shortfall predicted for 2016 and beyond for Special Education Needs (SEN) provision in the immediate locality.

To alleviate forecast pressures, the following contributions would be required:

$3 \times £50,000 \times 0.91 = £136,500$  (SEN)

Total education contribution: £136,500

Therefore this proposal meets the requirements of the CEC education department and will make a contribution to educational needs arising locally as a result of this development therefore the proposal is socially sustainable with regard to educational requirements.

### **Social Sustainability Conclusion**

It is considered that, although the proposal will not make an affordable housing contribution it will make a contribution in terms of starter homes and general housing. The proposal will however provide education contribution and public open space contribution. These contributions do provide significant community benefit. It is unfortunate that the scheme is unable to provide a policy compliant affordable housing contribution however this has been demonstrated through a viability appraisal which shows that this contribution cannot be afforded by the scheme. Although it is finely balanced this proposal will be sustainable socially by providing other community benefits and starter homes at a market discount rate. The Council cannot demonstrate a 5 year supply of housing, and therefore a market provision of 290 dwellings is undoubtedly providing significant social benefit. The employment area of the site including the new B1 business park will provide employment. Therefore the proposals are socially sustainable.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Landscape Impact**

The site is within a sensitive location on the edge of the Green Belt, therefore it is important that the proposals do not have a greater landscape or visual impact than the current situation.

There are no landscape designations within the application area, which lies in an area identified as Urban in the Cheshire Landscape Character assessment 2009. Although the application site is not located within the Green Belt, the surrounding agricultural land to the west, north and east is within the Green Belt. The assessment identifies that there are a number of footpaths that cross the application site, as well as other footpaths in close proximity to the site. The assessment includes a landscape impact assessment and visual

impact assessment, based on the indicative Masterplan. The Landscape Officer broadly agrees with these assessments.

With regard to mitigation, the assessment indicates that existing trees and hedges will be retained where possible and that the existing visual buffering will be supplemented; this also identifies the value of the existing peripheral vegetation, these are identified on the site and its context section of the Design and Access Statement 'Existing Trees and hedgerow' as well as the 'Constraints & Opportunities' plan, although shown on the Initial Masterplan, the existing structural vegetation including trees and woodlands needs to be incorporating this information on a Parameters Plan which could then be conditioned. The peripheral vegetation has a significant and important impact on the site and the loss of some of this could have an immediate and detrimental impact on the proposals, similarly the loss of trees and hedgerows around the site would not be acceptable. This however would be a matter for the detailed planning stage to ensure appropriate retention and additional planting.

Overall the proposals do not have a more detrimental impact on the landscape than the current situation, therefore the proposals accord with policies DC8 and NE2 of the MBLP.

### **Trees**

The Arboricultural Report identifies 34 trees within the application site which have potential to be affected by the proposed development. Of these, 7 have been assessed as High (A) category trees and 11 Moderate (B) category trees. The remainder are either low (C) category or are unsuitable for retention due to poor quality/condition. With reference to the Indicative Masterplan, the Report identifies 5 individual trees and 8 groups of trees that will be required to be removed to accommodate the residential layout. Removal of small section of a further group (G17) to the north of the site and a section of hedgerow (H14) adjacent to Smith Lane will be necessary to accommodate access provision and buildings for the B1 business park to the north of the site and a section of hedgerow (H31) to the west.

The majority of proposed tree removals to accommodate development are semi mature specimens of various species which include Willow, Alder, Birch, Sycamore, Pine and Cypress which have been assessed as low (C) category trees associated with the landscaping of the existing facility. In addition there are also two moderate (B) category Willow groups proposed for removal. It is agreed that these trees whilst presenting some contribution to amenity within the site are not visually significant within the wider landscape

The report identifies a mature moderate (B) category Ash which has been identified as having features associated with Veteran Trees. This tree was originally proposed to be removed to accommodate the development, however following discussions with the agent, this tree will now be retained due to its potential veteran status, and the layout to be submitted with the reserved matters application will design the scheme around the specimen. The NPPF states that planning permission should be refused for development resulting in the loss of irreplaceable habitats which include aged or veteran trees found outside ancient woodland unless the need for, and benefits of the development in that location clearly outweigh the loss (para 118), therefore its retention aligns with the requirements set out in the NPPF.

With regard to mitigation, substantial replacement planting will be provided within the site and it is recognised that there is scope to offset most of the arboricultural impact within the linear park and to the west of the site. There is a substantial belt of mainly semi mature trees of



various species (G6) located along the western section of the site which have been planted as a buffer to screen the existing built infrastructure from properties along Smith Lane. The majority of these trees are shown to be retained within open space provision which is to be welcomed.

To the north and north eastern boundary of the site stands a woodland belt (G18) associated with Mobberley Brook. Whilst the majority of the woodland appears to be located outside the application site it interfaces with a number of proposed Plots and rear/side gardens along the northern boundary. As part of the design process any reserved matters application shall take full consideration of the proximity of structures to the woodland with due allowance and space for the future long term retention of trees. It is considered with appropriate mitigation and the retention of as many trees as possible and additional planting the proposal will be acceptable and be in accordance with the development plan.

### **Public Rights of Way (PRoW)**

There are two PRoW within the development site, the Mobberley Public Footpaths Nos. 11 and 13, run around the perimeter of the site, with fencing tight to the paths and, in particular on the western side of the site, a route which doglegs between boundaries. The application plans suggest that this would continue with, in places, backs of gardens facing on to the paths.

Instead of maintaining this approach and viewing the paths as constraints, the developer could view the routes as opportunities by designing them into the green infrastructure and amenity facilities of the site. A re-aligned path would offer a much more pleasant route for residents of the proposed and existing housing, forming options for circular walks close to peoples' homes – a demand which has been recognised under the Council's statutory Rights of Way Improvement Plan. Such proposals could include a more sinuous route, wider path, surfacing, removal of fences, destination signage, green infrastructure and amenity facilities and natural surveillance from houses and highways. These improvements can be dealt with at reserved matters stage, where integrated footpaths and green infrastructure links should be key in the final design ethos of the site. Any future diversions of footpaths would be subject to their own discrete process.

United Utilities (UU) have provided detailed comments in relation to the ownership of the vehicular access which divides the eastern and western sites. This track is under the ownership of UU and is not within the red line boundary of the development site. UU have provided details of the title deed to demonstrate that this is the case. However, the proposal does involve crossing the access track – which is not within the ownership of the site – in order to access the open space, play area, playing pitch and allotments. At the time of writing the report, permission has not been given by UU for this crossing point to be used, for either vehicles or pedestrians. This therefore could affect the deliverability of the eastern site, if access could not be gained to it. It is therefore required within the Section 106 agreement for a suitable trigger (which is to be agreed), for the development of the eastern part of the site to be completed prior to the residential site being completed. In order to guarantee that eastern site is developed and for the access rights over the UU land to be resolved.

The issues relating to land ownership and any land dispute are not a material planning consideration, providing the information provided on the certificates is correct. In this case the

UU land does not form part of the red-line therefore the Council is satisfied that this is a civil matter between the site developers and UU.

With regard to pedestrian access across the UU track, the applicant claims that this path has historically been used by pedestrians and should become a formal Public Right of Way. An application has been submitted by the applicants to the Council with evidence from those who use the path for it to be made into an official PRow. This process is ongoing and has not been determined. Notwithstanding the outcome of this process, in any event, the eastern site will require vehicular access from west to east, for the reasonable use of the allotments, and playing pitches. There must be access for emergency vehicles especially for playing pitches. Therefore the access issue must be fully resolved by the parties.

## **Ecology**

As part of any development proposals it is important that proposals do not endanger European protected species of species of conservation importance. The Council's ecologist has commented on the proposals and has reached the following conclusions:

### Great Crested Newts

Great Crested newts, a European protected species are known to occur in a high proportion of ponds at Mobberley. A number of ponds are located within 250m of the proposed development and a small population of Great Crested Newts has been recorded at a pond on the opposite side of Smith Lane.

The habitats on site which consist primarily of areas of hard standing, amenity grassland and buildings are of limited value for Great Crested Newts. The submitted ecological assessment advises that the proposed development is not likely to have a significant impact upon a Great Crested Newts provided the woodland and hedgerows along the western boundary of the site are unaffected by the proposed development. This recommendation has been incorporated into the submitted indicative layout plan with the vast majority of this habitat being retained. It is noted that the removal of a section of hedgerow may be required to facilitate an access point, this is however unlikely to have a significant impact upon Great Crested Newts.

To avoid a potential impact upon Great Crested Newts it is recommended that if outline planning consent is granted that a condition be attached requiring the retention and enhancement of the woodland and hedgerows along the western boundary of the site in accordance with the submitted indicative plan.

### Common Toad

This UK Biodiversity Action Plan species, which is a material consideration, is also likely to be present on site. It is advised that the retention of the habitats described above is also likely to mitigate any significant potential impact upon this species.

### Hedgerows

Hedgerows are a Biodiversity Action plan priority habitat and a material consideration. The proposed development is likely to result in the loss of two short sections of hedgerow to facilitate the proposed site access points. It should be ensured at the detailed design stage that any loss of hedgerows is compensated for through the creation of replacement native species hedgerows.

### Bats

A number of trees around the site have been identified as offering potential to support roosting bats. Based on the submitted indicative layout plan it appears likely that these trees will be retained as part of the proposed development.

A further tree (Tree 10) which will be lost to the proposed development was initially identified as potentially being suitable for roosting bats. A further more detailed survey of this tree however ruled out any potential roosting by bats.

### Badgers

Whilst no evidence of badgers on site was recorded during the 2013 survey or the latest updated survey. It is advised that badgers are not reasonable likely to be present or affected by the proposed development.

It is concluded that, subject to suitable mitigation, retention of habitats and suitable conditions the proposals will not have a detrimental impact on European or UK BAP species. Therefore the proposals accord with European, National and Local planning policy.

### **Loss of agricultural land**

The proposed development at Ilford Way includes the provision of public open space on land to the east of Harman Technology, on what is currently a privately owned agricultural field. It is noted that Policy GC13 (Agricultural Land) of the Macclesfield Borough Local Plan has not been saved. However, the National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (Grades 3b, 4 & 5) in preference to higher quality land.

In this instance, the agricultural field is Grade 3 and due to its limited size and the existing site constraints (i.e. surrounded by development) it does not offer a significant contribution to the high quality agricultural land in the area. In conclusion, whilst the proposal would result in the loss of a small quantity of Grade 3 agricultural land, the loss would not be 'significant' and would not outweigh the benefits that would come from delivering this development and assisting with the Council's housing land supply situation.

### **Design**

The proposed development is at outline stage, save for the Harman Technology part of the proposals. These are detailed and are contemporary in design. The proposed Harman Technology area is laid out sufficiently and has adequate levels of car parking. The hard and soft landscaping and materials will be agreed by condition to ensure that the proposal does not have a detrimental impact on the character of the area and can make a positive contribution to the site.

The remainder of the site is at outline stage where no detail is agreed save for access. Therefore detailed design will be agreed at the reserved matters stage.

### **Highways**

Many objections have been received from local residents in relation to increased traffic and highways issues. This was also the case on the previous application when the

recommendation was to approve the application subject to a financial contribution towards improvements at Brook St/Hollow Lane junction.

The application is in outline form with the main access points to be agreed at this stage. However highways have now raised objections to the use of Smith Lane access for the new element of this scheme which is the business park. It is considered that this access is not suitable for such intensive use as this is currently an emergency access only, and Smith Lane is very narrow and not suitable for the amount of use a business park would generate.

The previous application did not include the business park to the north and therefore the existing Town Lane access to serve the development was agreed. The applicant has now agreed to remove the Smith Lane access as the access point to the employment area with the main Town Lane access serving the entirety of the site – both residential and employment. This can be secured by condition, with the final details of the internal arrangement being dealt with at reserved matters stage.

As with the previous application highways have expressed concern about the Brook Street/Hollow Lane junction and the submitted TA. This was previously resolved through a contribution to mitigate any traffic impact at this main junction in Knutsford. Due to the increased traffic movements compared to the previous application, due to the introduction of the business park, a greater financial contribution is now required to provide appropriate mitigation. The increased contribution can now be secured through a Section 106 agreement to make junction improvements to mitigate the impact of the development on the wider road network. This sum has been agreed at £406,692.

With this proposed mitigation and not using Smith Lane access, it is agreed that the proposals are acceptable in highways terms, therefore the proposal will accord with the development plan.

### **Accessibility**

Mobberley has some facilities and services and is considered within the Cheshire East Local Plan Submission Version as a Local Service Centre which is described as:

*Local Service Centres are small towns or large villages which provide a range of services and facilities to meet the needs of local people, including those living in nearby settlements. They typically have a range of shops, health and leisure facilities, and employment opportunities.*

It is considered therefore that the proposal is within a sustainable location with access to services and facilities to meet the needs of the local people. It is considered that it could therefore accommodate some growth, and would not be considered to be unsustainable in accessibility terms, the proposals will be subject to a sustainable travel plan which will be secured through the Section 106 agreement.

### **Noise**

Due to the location of the proposal site, noise is of significant concern particularly that generated from runway 2 of Manchester Airport. Noise impact on amenity of future residents formed a reason for refusal on the previous application, however at that stage, it was considered by officers of the Council that the impact could be mitigated through a variety of measures to be installed into the development. It was concluded by officers that the proposals

accorded with policy DC3 of the Macclesfield Borough Local Plan. The detailed comments from the Environmental Health Officer in relation to noise are below:

The proposal site is within an established settlement zone of Mobberley village, however the area is severely impacted by noise as it is located within the Preferred Noise Route for departing and arriving aircraft to Manchester International airport located 1760m (just over 1 mile) from the end of runway 2. The proposed noise sensitive residential development is located within the Preferred Noise Route (PNR) for arriving and departing aircraft to Manchester International Airport (The PNRs are designed to contain aircraft for the initial potentially more noisy stages of flight). The airport's regular mode of operation is for aircraft to depart to the southwest towards Mobberley and Knutsford with arriving aircraft approaching from the northeast over Stockport. The Airport operates in this direction for approximately 80% of movements.

The site was the subject of a similar application (14/0114M) which environmental health made significant comments concerning the impact of aircraft noise. In addition to the aircraft noise, there are also concerns around the potential for noise from the new and existing business uses to cause a significant adverse impact to residential amenity to the new residential uses.

The application is accompanied by a number of supporting documents with respect to noise; including an acoustic report (1 November 2013 ACIA Engineering Acoustics) together with two supporting statements (Ilford Way/T3093/261115 Temple Acoustics – dated November 2015) and a statement from Savills summarising the combined noise reports.

As detailed in the supporting noise reports, the development site falls within 57 – 60 (16 hour daytime) aircraft noise contour. The Air transport White Paper (ATWP) (The Future of Air Transport, DoT, December 2003) confirms that 57 dB LAeq (16 hour daytime) is the onset of significant community annoyance

The ATWP describes the Department of Transport's policies for the appraisal and management of environmental impacts from aerodromes, including noise. The basic aim stated is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise.

It is agreed that aircraft noise can be adequately mitigated for internal living spaces through the use of engineering solutions (glazing, high density roofing materials and mechanical ventilation systems). There is no way to adequately protect external amenity areas from aircraft noise.

During the assessment of the previous application the developer offered a compromise solution to the problem of mitigating external areas in the form of a design guide for the residential units. The solution provided an acoustic canopy to a proportion of the rear gardens, together with a nearby "area of relative tranquillity" in the proposed public amenity space.

This includes individual "noise canopies" Noise Zone Canopy for a section of the private amenity space of the dwellings immediately adjacent to the facade facing into the garden area with an "acoustic shelter" designed to reduce the levels of aircraft noise immediately below it. The acoustic shelter shall have an imperforate roof constructed from clear or only moderately

tinted material that allows penetration of sunlight. The roof shall cover an area of no less than 12 m<sup>2</sup> and be formed from materials with a minimum resistance to the transmission of sound of  $R_w$  15 dB.

When considering this approach against the current guidance, the following is contained in BS8223:2014 (guidance on Sound Insulation and Noise Reduction for Buildings), in particular for areas where noise levels are not ideal;

The noise impact may be partially off-set if the residents of those dwellings have access to:

- a relatively quiet facade (containing windows to habitable rooms) as part of their dwelling, and/or;
- a relatively quiet external amenity space for their sole use, (e.g. a garden or balcony). Although the existence of a garden or balcony is generally desirable, the intended benefits will be reduced with increasing noise exposure and could be such that significant adverse effects occur, and/or;
- a relatively quiet, protected, nearby external amenity space for sole use by a limited group of residents as part of the amenity of their dwellings, and/or;
- a relatively quiet, protected, external publically accessible amenity space (e.g. a public park or a local green space designated because of its tranquility) that is nearby (e.g. within a 5 minutes walking distance).

Noise is required to be assessed and judged in each case in the context of wider sustainable objectives and the effects of the specific sources. This application includes a revision to the indicative masterplan which has moved the residential development out of the most northern part of the site. This means the residential properties will now not be in the area of the site which is the worst affected by aircraft noise.

As such it is considered that whilst noise levels across the site are far from ideal for residential development, and is contrary to the Government policy of reducing exposure to Aircraft Noise, if the planning committee were minded to approve the application appropriate conditions could be incorporated to provide a degree of mitigation.

### **Air Quality**

A number of representations received do relate to air quality and air pollution that the proposed development would bring along with emissions from vehicles and aircraft. In addition to this United Utilities have raised concerns regarding amenity of future neighbouring residents to the Waste Water Treatment Works to the north east of the site, which as proposed in the masterplan will have development in very close proximity. Following these concerns, an odour assessment was required, which has been reviewed in relation to the Waste Water treatment Works. The Council has not dealt with any odour complaints concerning the works, however existing properties are located a greater distance away from this site than the proposed residential properties, which are to be located immediately adjacent to the sewage treatment works. It is reasonable to foresee that by introducing sensitive receptors to this location may give rise to odour complaints.

The applicant has submitted an odour assessment in accordance with IAQM guidance and during several representative site visits noted no odours from the WWTW when the wind is blowing towards potential receptors. As a result of this assessment there is no requirement to condition mitigation for odours. Therefore the proposals will accord with policy DC3 of the MBLP.

### **Contaminated Land**

Due to the nature of the site which has an industrial manufacturing use there is always potential for contamination of the land to have occurred over the passage of time. A number of objections from concerned residents were received in relation to this. There was originally a holding objection from Environmental Health based on insufficient information in relation to radioactive material. The information provided explains that *'over the past ten years all the more hazardous (radioactive) sources on site have been disposed of by registered experts'*, and all remaining radioactive sources are permitted and controlled under other legislation. In addition, after discussions by the Environmental Health Officer and site operatives and upon reviewing historical records presented to the Environmental Health team, they are satisfied that all sources used on the site since its inception are/were sealed sources and in solid form, and have been disposed of appropriately. In addition to this, site investigation information does not indicate any evidence of on-site waste disposal in the past. It would be expected that all radioactive materials are to be removed and relocated or disposed of in an appropriate way prior to demolition on site.

With regard to other types of land contamination, whilst surveys have been done on the site, greater survey work is required, which is detailed through conditions to be placed on the decision notice. Environmental Health have removed their objections subject to conditions. Therefore the proposals through appropriate survey work and mitigation accord with policy DC63 of the MBLP.

### **Flood Risk**

Policy DC17 of the Macclesfield Local Plan relates to water resources and states that development will not normally be allowed which would be in an area liable to flooding and which would lead to an inadequate surface water run-off provision.

Policy SE13 of the emerging Local Plan also states that developments must integrate measures for sustainable water management to reduce flood risk by making sure that development avoids areas of flood risk except in circumstances where a sequential and exception test indicate development is necessary. In these cases, development must be safe without increasing flood risk elsewhere. Furthermore, the emerging policy states that new development must be designed to be safe, taking into account the lifetime of the development, and the need to adapt to climate change. The NPPF supports the above policies by stating that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

An addendum to the FRA has been submitted to address the changes to the scheme. It concludes that this will be no worse in terms of flood risk than the previous scheme which was recommended for approval by officers. Two Flood Risk Assessments were produced to support the two separate elements of the proposed redevelopment of the site, one for the residential element and the other for the Harman site.

In relation to the new Harman development, the proposed site is not currently within an Environment Agency defined flood zone. A review of the Master Plan shows that the scheme is to be constructed outside of the currently defined flood risk areas and therefore the risk to the proposed development is considered to be negligible. As the scheme is likely to result in impermeable areas (roads and buildings) there will need to be consider some issues regarding storm water drainage so as not to create a flood risk to surrounding areas. A review of the EA indicative flood mapping and other relevant data indicates that the site is located outside any predefined area that is deemed to be at risk from flooding by rivers and other surface water bodies. There is a potential moderate groundwater flooding risk at the site, however, no evidence of historical flooding has been recorded. Furthermore, a pluvial risk within a small area in the north of the site has been identified, increasing the elevation of this localised area will alleviate any likely pluvial flooding issues.

The Environment Agency have not raised any objections in relation to the scheme. The recommendations of the FRA do include SuDS, however these will need to be carefully considered in the proposed drainage scheme, as Manchester Airport do not consider ponds to be acceptable in this location due to attracting birds within close proximity to the flight path. United Utilities have requested a drainage condition be added to the decision notice in the event of a recommendation for approval.

### **Environmental sustainability conclusions**

It is considered that the proposed development is environmentally sustainable. The proposed development has been carefully considered with regard to public health and the proposed effects of the development on the environment. It is considered that through appropriate and effective mitigation, levels of harm would be acceptable and would not warrant refusal of the application.

## **ECONOMIC SUSTAINABILITY**

### **Employment**

The proposed development will retain the existing Harmans business on site, albeit in a more compact format. The site currently employs 209 members of staff (according to the application forms) and this will be retained. The proposals ensure that the business can continue to operate from this site and from Cheshire East. The retention of businesses is key within the Borough and the more compact nature of the proposed Harmans site should ensure that the business will be more sustainable into the future.

The proposals however do lead to the loss of a wider employment site which is regrettable however as part of the decision making process a balanced decision must be reached taking into account all aspects of the proposals. The retention of the Harmans business and the addition of the business park is welcomed and means an increased number of employees will be based at the site. The designated area of B1 land to the north of the site is an efficient use of the land. The proposals will therefore increase levels of employment on the site compared to the existing situation and through the demolition and construction process will provide employment. It is considered therefore that in terms of employment numbers these will increase as a result of the proposals.

### **Economy of the wider area**



The addition of business use and housing of 290 units will undoubtedly boost the economy in the local area through the increased use of shops and services making them more sustainable. A number of objections have been received regarding pressure on existing services, however a positive outcome of this pressure and the boost in population can create more demand for these services, increasing the likelihood that they will be retained into the future and improvements made.

### **Economic sustainability conclusions**

The proposals will result in additional employment on the site along with an economic boost locally through the increase in population and in the shorter term the construction of the site. It is considered that whilst a large area of the employment site will be lost, a great deal of this space is not utilised, and the proposals make more efficient use of the site whilst providing a large amount of market housing on a brownfield site.

### **Section 106 agreement**

The application will be subject to a Section 106 agreement, to secure the following:

- Education contribution of £136,500
- Highways contribution of £406,692 towards highway improvements at the junctions of the A537 Brook Street and Adams Hill
- Landscape Management (to include Public Open Space)
- Provision of starter homes
- Trigger for open space to be completed prior to the construction of part of the residential site (trigger point to be agreed)
- Sustainable Travel Plan
- Phasing of the development to secure employment land is developed.

### **CIL Regulations**

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

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fair and reasonably related in scale and kind to the development.

The provision of affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy. The recreation / outdoor sport space is necessary, fair and reasonable, as the proposed development will provide up to 290 dwellings, the occupiers of which will use local facilities, and there is a necessity to provide facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance. The development would result in increased demand for primary school places in Mobberley, where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards school education is required. This is considered to be necessary and fair and reasonable in relation to the development. As explained within the main report, the amount of traffic added to the local network will add cumulatively to junctions that are already

congested and the required mitigation is directly related to the development and is fair and reasonable.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

### **Representations**

A large number of representations have been received in relation to the application, the vast majority being letters of objection with some letters of support from Harman employees. Having taken into account all of the representations received including internal and external consultation responses, the material considerations raised have been addressed within the main body of the report. Whilst it is clear that the proposed development is not popular locally, the proposals do represent sustainable development in the round, and therefore in accordance with policy 14 of the NPPF should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### **PLANNING BALANCE AND CONCLUSIONS**

The site is split into two halves, the Harman Technology site which is previously developed land and is designated as an employment site. The eastern site is within the Green Belt where open space is proposed. The site is for a mixed use, employment and housing.

The proposal will result in the loss of the vast majority of the geographical extent of the site for housing, however will increase the level of employment on site from existing levels with the introduction of the business park. The loss of the employment site as a whole is therefore acceptable in the context of the proposed development and end use for the site.

The western site is previously developed land (PDL), where the Government's aims are clear. PDL and brownfield sites should be used to boost housing supply where appropriate, the Housing and Planning Bill consultation paper sets out the Government's intention '*Our ambition is for 90% of brownfield land suitable for housing to have planning permission by 2020.*' Clearly these proposals align with the intention of the Government to encourage the use of brownfield land to boost housing supply. Cheshire East cannot currently demonstrate a 5 year supply of housing. Therefore the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs 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.

It has been demonstrated through the application that additional information, and amendments can overcome issues raised by members of the public and consultees to achieve a solution. In this case this has been achieved through the use of planning conditions and obligations to secure mitigation to offset the harm of the proposed development.

Through the assessment as to whether the scheme represents sustainable development, it is considered that it does achieve this in terms of social, environmental and economic

sustainability. Therefore the proposal aligns with the presumption in favour of sustainable development set out in the NPPF, and should be approved without delay.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Council's delivery of 5 year housing land supply.
- The development would provide an area of public open space including a playing pitch, play area and allotments for future residents and existing community.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes, new businesses and benefits for local businesses.
- The proposal will not have an adverse landscape impact.

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

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees is considered to be neutral as this can be addressed through mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact can be mitigated through a commuted sum.
- An education contribution to ensure that the proposal does not negatively impact on education services locally.

The adverse impacts of the development would be:

- The loss of the employment site and employment land as an existing designated site and as a future allocation.
- The loss of agricultural land, to open space provision.
- The proposal does not provide affordable housing provided by a Registered Social Landlord, however 10% starter homes (80% of market value) are proposed.

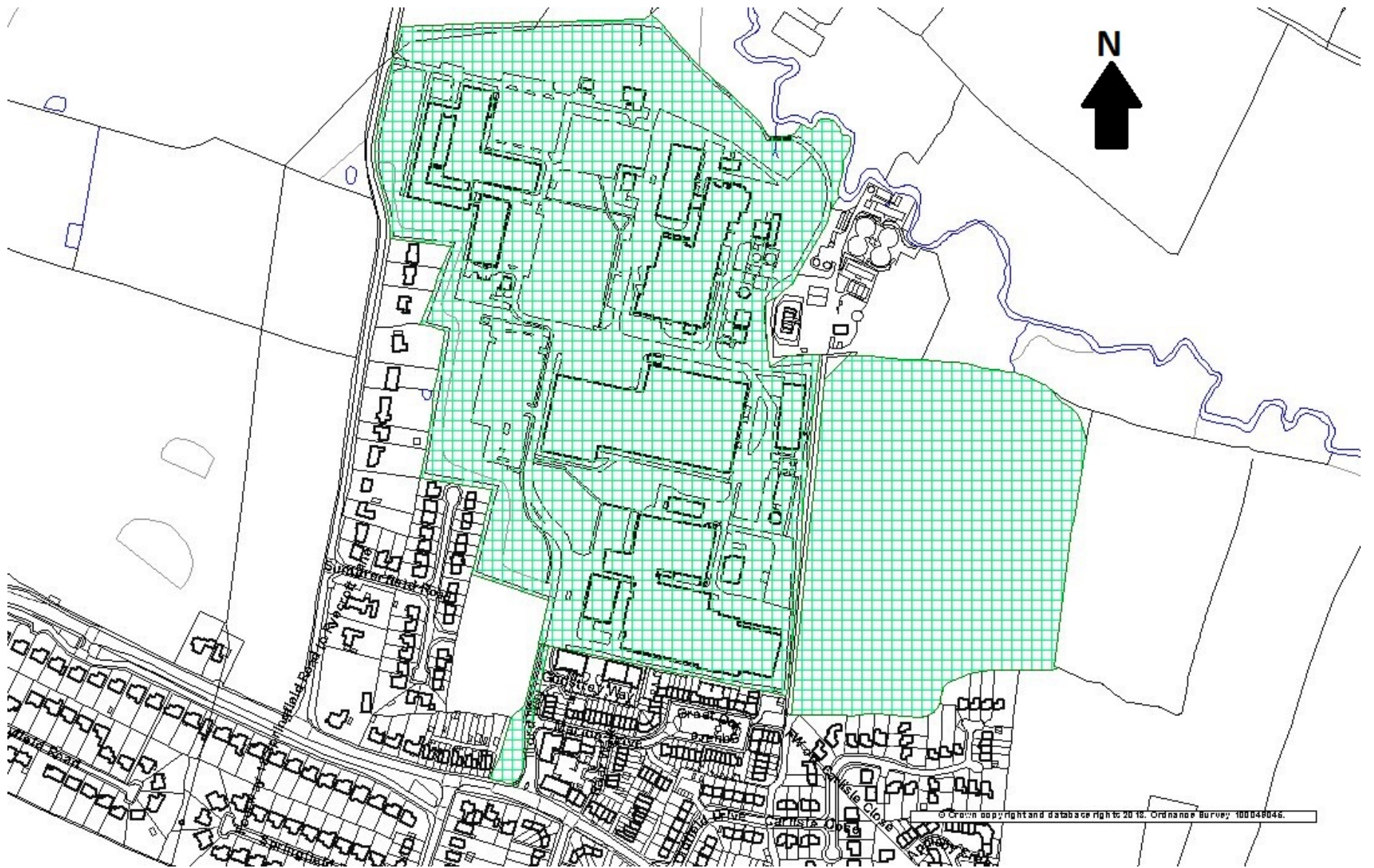
On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged due to the provision of housing on a previously developed site and the retention of an existing well established business on the site and the provision of a B1 business park. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

## **RECOMMENDATION**

**Approve subject to completion of a section 106 and the following conditions:**

- 1. Commencement of development (phasing)**
- 2. Time limit for submission of reserved matters (phasing)**
- 3. Submission of reserved matters (appearance, landscaping, layout and scale)**
- 4. Implementation of reserved matters (phasing)**
- 5. Outline residential scheme in compliance with design code**
- 6. Outline residential development in accord with approved plans**
- 7. Full industrial redevelopment in accord with approved plans**
- 8. Details of ground levels to be submit**
- 9. Reserved Matters to include Site Construction Environmental Plan**
- 10. Reserved Matters to include noise mitigation scheme**
- 11. Review of noise mitigation scheme**
- 12. Industrial Noise Condition (from all fixed plant and machinery)**
- 13. Industrial Noise Condition (Noise measurements and assessments)**
- 14. Travel Plan**
- 15. Electric car charging points**
- 16. Construction Management Plan (hours of work/deliveries/Pile foundation/site compound)**
- 17. Decontamination of land**
- 18. External materials (for each phase)**
- 19. Surface materials (for each phase)**
- 20. Boundary treatments (for each phase)**
- 21. Landscaping for industrial scheme**
- 22. Landscape implementation for industrial scheme**
- 23. Landscape management for industrial scheme**
- 24. Tree protection**
- 25. Service / drainage layout**
- 26. Arboricultural Impact Assessment**
- 27. Protection of breeding birds**
- 28. Breeding bird enhancements**
- 29. Lighting details to be approved**
- 30. Details of bins and serving**
- 31. Restriction – No use of Smith Lane access**
- 32 Access laid out for each phase**
- 33. Secure cycle storage**
- 34. Public right of way safeguarding**
- 35. Surface water details**
- 36. Foul surface water details**
- 37. Other relevant requested UU/EA conditions**

## 38. Informatives



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