

Application No: 17/1874M

Location: Land east of Congleton Road, MACCLESFIELD

Proposal: Demolition of existing structures and redevelopment of site including up to 950 homes; a one form entry primary school (use class D1), retail development (use class A1) of up to 4000sqm; employment floorspace comprising offices (use class B1a) of up to 500sqm and warehousing (use class B8) up to 10,000 sqm or relocation of existing demolition / reclamation yard operational facilities (sui generis); associated landscaping, roads and related works - outline application, all matters reserved except site accesses from Congleton Road, Moss Lane and Moss Lane/Star Lane.

Applicant: Engine of the North Ltd and TG Ltd

Expiry Date: 30-Aug-2017

#### **SUMMARY:**

The development is in accordance with the site specific newly adopted CE Local Plan Strategy and would deliver 950 houses, a primary school, retail and employment development together with areas of open space and significant infrastructure improvements/contributions.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement where there is existing infrastructure and amenities. A viability assessment has been carried which states that the proposal can deliver 10% affordable housing, contributions to education and highways improvements. In addition, the scheme would also provide appropriate levels of public open space both for existing and future residents.

The development would provide for a one form entry primary school, and addresses issues of drainage, highways, trees, residential amenity, noise, air quality and contaminated land. Landscaping could be secured at the reserved matters stage.

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

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

The scheme represents a sustainable form of development and the planning balance weighs in favour of supporting the development in accordance with the development plan subject to a Section 111/106 legal agreement and conditions.

**RECOMMENDATION:****Approve subject to the completion of a Section 111/106 Agreement****PROPOSAL**

The application proposes the demolition of existing structures and redevelopment of site including:

- up to 950 homes;
- a one form entry primary school (use class D1),
- retail development (use class A1) of up to 4000sqm;
- employment floorspace comprising offices (use class B1a) of up to 500sqm and warehousing (use class B8) up to 10,000 sqm or relocation of existing demolition / reclamation yard operational facilities (sui generis);
- associated landscaping, roads and related works.

The application is in outline form with all matters reserved except the site accesses from Congleton Road, Moss Lane and Moss Lane/Star Lane.

The application is supported by an Environmental Assessment, and supported by a number of documents including an illustrative masterplan and various parameter plans.

The application covers the whole of the Local Plan Allocation LPS13. Some Members may recall an application (14/0282M) made in 2014 for the western half of the site which included the erection of up to 220 dwellings, retail development, replacement sports pitches / facilities with the main vehicular access to be provided directly off Congleton Road,

This larger application comprises two separate redline areas. Firstly the main body of the site stretching from Congleton Road to Moss Lane at the junction of Star Lane, amounting to 54.65 ha, and secondly a much smaller area (0.40 ha) for highway improvements at the junction of Moss Lane and London Road.

The application includes the full link road between Congleton Road and London Road using part of the existing Moss Lane at the eastern end of the link road. A new roundabout will be provided on Congleton Road and a new traffic signal junction is proposed with London Road. A new road link to Moss Lane is also proposed as a mini roundabout at the existing bend near to Stamford Close. There are a number of other new roundabouts along the route of the link road to provide access to both the residential and employment areas.

**SITE DESCRIPTION**

The site is located approximately 2 miles to the south of Macclesfield Town Centre, and forms a sizable area amounting to 55.05 hectares between Congleton Road and the main railway line running south from the town. The majority of the site consists of extensive areas of grassland, scrub and woodland of varying ages, with the trees being concentrated in linear blocks following footpaths and boundaries of former "peat rooms", and running along the southern boundary of the site. To the eastern boundary, off Turf Lane is an unattractive area

consisting of various scrap yards and extensive areas of fly-tipping. In the south western corner of the site is an area of playing fields with a small car park and changing room block accessed off Congleton Road.

As stated above the site boundary is formed by Congleton Road to the west and the railway line to the east, in addition the site is bounded by a mix of uses off Moss Lane to the north and Danes Moss, with its waste recycling centre/landfill site off Congleton Road to the south.

Adjacent neighbouring uses include one and two storey residential properties on Congleton Road (A536) and a range of residential properties, including recent (and current) new residential development off Moss Lane. In addition there are some commercial uses south of Moss Lane including Cheshire Demolition and Henshaws. Lyme Green Business and Retail Park lies to the east of the railway line.

## **RELEVANT HISTORY**

There are numerous applications on and immediately adjacent to the site, but the following are considered to be most relevant (of some scale) to this application:

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

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

14/0282M - Demolition of existing structures and redevelopment of site including up to 220 residential units, Class A1 retail store max 7,432.sq.m (80,000 sq.ft) GIA, A class A3-A5 unit, replacement sports pitches/facilities including a new clubhouse, with main vehicular access to be provided directly off Congleton Road. Associated landscaping and other works - outline application, all matters reserved. (Voluntary Environmental Statement submitted) Resolved to be approved subject to s106 agreement.

## **NATIONAL & LOCAL POLICY**

### **Local Plan:**

### **Cheshire East Local Plan Strategy 2010-2030 July 2017**

The following are considered relevant material considerations

- SD 1 Sustainable Development in Cheshire East
- SD 2 Sustainable Development Principles
- SE 1 Design
- SE 2 Efficient Use of Land

SE 3 Biodiversity and Geodiversity  
 SE 4 The Landscape  
 SE 5 Trees, Hedgerows and Woodland  
 SE 9 Energy Efficient Development  
 SE 12 Pollution, Land Contamination and Land Instability  
 SE 13 Flood Risk and Water Management  
 CO 1 Sustainable Travel and Transport  
 CO 2 Enabling Business Growth Through Transport Infrastructure  
 CO 4 Travel Plans and Transport Assessments  
 CS 8 South Macclesfield Development Area  
 SC 1 Leisure and Recreation  
 SC 2 Outdoor Sports Facilities  
 SC 5 Affordable Homes  
 IN 1 Infrastructure  
 IN 2 Developer Contributions  
 PG 1 Overall Development Strategy  
 PG 2 Settlement Hierarchy  
 PG 5 Open Countryside  
 EG 1 Economic Prosperity  
 EG 5 Town Centres First

Directly relevant to this site is the following allocation for the entire site:

#### Site LPS 13 South Macclesfield Development Area

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

1. The delivery of around 1,050 dwellings;
2. Provision of:
  - i. Replacement playing fields, Green Infrastructure and open space to offer multi sports and recreational opportunities including a new pavilion / changing rooms;
  - ii. Class A3 / A4 Public house and restaurant;
  - iii. Class A3 / A5 drive-through restaurant or hot food takeaway; and
  - iv. Class D2 Health club / gym facility;
3. Provision of a new Class A1 superstore with a net sales area of up to 5,000 square metres. The majority of the net sales floor-space should be dedicated for convenience goods;
4. Provision of up to 5 hectares employment land and employment related uses;
5. Provision of a new primary school or contributions towards educational facilities;
6. Potential relocation of Macclesfield Town Football Club;
7. Incorporation of Green Infrastructure;
8. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities; and
9. On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space, community and sports facilities.

#### Site Specific Principles of Development

- a. Delivery of Link Road between Congleton Road and London Road.

b. Existing trees, water courses and natural habitats are to be retained and enhanced as appropriate.

#### Local Plan Strategy Sites and Strategic Locations

c. Necessary infrastructure, open space and structural planting to include additional tree planting must be provided.

d. The north / north-east portion of the site is most suitable for residential development. Proposals should take account of the scale, massing and density of the existing adjacent properties and access should be taken from the new link road. Site layouts should preserve the amenity of existing properties.

e. The site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes);

f. Commercial, convenience retail and leisure development will be appropriate on the western end of the site.

g. The south-east part of the site provides an excellent opportunity for the provision of a new stadium facility for Macclesfield Town Football Club. There would also be an opportunity, to the west of the Stadium, to provide training facilities along with car parking which could serve the whole site.

h. The form of development should endeavour to retain, where appropriate, much of the existing tree cover which is present on site – in particular on the southern boundary. Pedestrian and cycle links to existing routes and the proposed parcels of development should be provided, set within greenways which are safe, attractive and comfortable for users.

i. A desk based archaeological assessment is required for the site, with appropriate mitigation being carried out, if required.

j. A detailed site-specific flood risk assessment should be prepared.

k. The retention and/or replacement of the indoor and outdoor sports facilities should be in accordance with the findings of an adopted, up to date and robust needs assessment.

l. The site will be developed only where it can be demonstrated that there is no significant harm on the Danes Moss SSSI, particularly in relation to changes in water levels and quality and recreational pressures. This should include a full assessment of the direct and indirect impacts of the development on the features of special interest. Where impacts cannot be avoided, appropriate mitigation measures will be required to ensure protection of the SSSI.

m. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the site.

### **Macclesfield Borough Local Plan**

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

The relevant Saved Policies are: -

#### Employment

## E4 – General Industrial Development

### Environment

NE3 – Protection of Local Landscapes

NE11 – Protection and enhancement of nature conservation interests

NE17 – Nature Conservation in Major Developments

### Housing

H9 – Occupation of Affordable Housing

### Recreation and Tourism

RT5 – Open Space

RT6 – Allocated for additional Informal Recreational Facilities

RT7 – Recreation / Open Spaces Provision

### Development Control

DC3 – Amenity

DC6 – Circulation and Access

DC8 – Landscaping

DC9 – Tree Protection

DC15 – Provision of Facilities

DC17 – Water Resources

DC35 – Materials and Finishes

DC36 – Road Layouts and Circulation

DC37 – Landscaping

DC38 – Space Light and Privacy

DC40 – Children's Play Provision and Amenity Space

DC41 – Infill Housing Development

DC63 – Contaminated Land

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

### **National Policy:**

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

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

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

### **Other Material Considerations**

Interim Planning Policy: Release of Housing Land (Feb 2011)

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

North West Sustainability Checklist

SPG on Section 106 Agreements (Macclesfield Borough Council)

Ministerial Statement – Planning for Growth (March 2011)

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

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

## **CONSULTATIONS:**

### **Environment Agency**

Whilst they have no objections to the proposals, as they state: “the area has had some previous land uses which may have led to elevated concentrations of contamination that could pose a risk to controlled waters.”

The information submitted in connection with the application is largely generic and based on zones, and as such there is not sufficient information to accurately assess the risks. Because of this they recommend a series of conditions and informatives including:

- submission of a remediation strategy for each zone
- no infiltration into the ground where there are known contamination issues
- piling should not be permitted without the express consent of the LPA
- submission of a verification report for each zone

### **Network Rail**

A number of detailed comments have been received aimed at protecting the integrity and operational requirements of the West Coast Main Line, including in particular requiring the applicant to demonstrate that “de-watering” the site shall not lead to settlement issues. A number of stipulations would need to be reflected in conditions/informatives.

### **United Utilities**

No objections providing conditions relating to foul and surface water being drained on separate systems, and requiring a surface water drainage system to be approved are attached to any approval.

### **Canal and Rivers Trust**

The Trust feel that a legal agreement is necessary to secure a financial contribution towards footpath improvements and access directly related to the development. They feel that there is sufficient policy support for such a contribution to this important piece of blue infrastructure in Macclesfield, which is in need of improvement, and where the use will only increase as a

result of the development. They feel a contribution of £350,000 (£370 per dwelling) is appropriate and would meet the CIL Regulations.

### **Sport England**

They feel there is insufficient information on which to comment and as such have issued a Holding Objection. Sport England have sought clarification on the impact on the existing playing fields and how the development will contribute to their improvement.

### **Natural England**

No objections are raised. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites providing no surface water/foul water discharge into Danes Moss SSSI. However, the application may provide opportunities to enhance/restore priority habitats.

### **Cheshire Wildlife Trust**

They object to the application.

A minimum of 28 hectares of the site would meet the criteria for selection as a Local Wildlife Site and consequently they consider at least 51% of the development site to be a potential LWS. They feel there is some inaccurate information in the Environmental Statement, and:

The proposed mitigation measures as set out in the ES, would fail to reduce the significance of any of the county level impacts. In addition they have concerns about the impact on Danes Moss SSSI, and again do not feel the ES addresses all these matters. For the development to be considered sustainable (in accordance with NPPF definition of sustainable development - paragraph 9) there should be at least a no net loss in biodiversity and ideally a net gain.

They feel that in order to compensate for the loss of habitat, a minimum of 281 units of compensatory habitat restoration or recreation will be required. No compensatory habitat is proposed, and as such they recommend the application be refused.

### **Highways**

No objections are raised to the proposals, subject to agreeing an appropriate phasing plan that results in the link between London Road and Congleton Road being in place early in the development. There are some concerns about the Flower Pot Junction, which has current highways capacity issues, however identified improvements will assist in addressing some of these issues.

### **Flood Risk**

The overall Flood Risk Assessment completed is ok in principle. However, the concern is in relation to existing drainage systems in place. A number of watercourses are listed as 'abandoned', this will need to be clarified. As the site is very challenging in relation to land drainage wise a meeting is recommended before more detailed proposals are worked up. Conditions related to a drainage strategy and Finished floor Levels are recommended.



## **Environmental Health**

Detailed comments have been received in relation to noise, lighting, odours and air quality, and no objections have been received subject to a number of recommended conditions. Issues of contaminated land are still being discussed with the applicant at the time of writing the report and as such will need to be reported to Members in the update report prior to the committee Meeting

## **Housing**

They originally objected to the application. Neither the application form or the Design and Access Statement advise on their being any Affordable Housing to be provided. They did however state that if a validated Viability Report was provided to evidence that a reduction in Affordable Housing can be provided on the development then they would be happy to reconsider the objection.

Following a review of the submitted viability assessment, and its independent assessment which supported the findings they have removed their objection:

A Viability Assessment has been received and verified by an independent party. This assessment states that the site can provide 10% Affordable Housing. This 10% equates to 95 Dwellings. The objection is withdrawn on the understanding that the applicant is to provide the 10% Affordable Housing and that the 95 units will be split to 62 Affordable/Social Rent and 33 Intermediate Tenure. The exact mix of units and location can be detailed at Reserved Matters.

Any requirement would have to be secured via a Section 106 Agreement.

## **Public Rights of Way**

The development will impact on footpath No.1 which links Turf Lane with the bridge over the railway line to the canal beyond, but offers opportunities to improve these linkages providing an all weather surface and better access over the railway to link to sustainable routes beyond.

It is recommended that a condition be applied to require the details of how the PROW is treated and managed at the Reserved Matters Stage, contributions are sought for improvements to access and informatives are suggested to protect the PROW.

## **Education**

950 dwellings is expected to generate:

181 primary children (Less 4 children)

142 secondary children (Less 3 children)

11 SEN children

A primary school site has been identified in which a site for a school is required (at nil cost) as well as the build cost in proportion to the number of children being accommodated. The cost multiplier for new school build is higher than an expansion cost, at £3.2 million. (This is

consistent with our standard approach, for example the new school identified in the Gorsty Hill appeal)

Forecasts show that all the children expected from this development cannot be accommodated within existing infrastructure and a contribution is required to mitigate the impact.

Therefore contributions sought are as follows:

$177 \times £15,238 (£3,200,000 / 210) = £2,697,126$

$139 \times £17,959 \times 0.91 = £2,271,634$

$11 \times £50,000 \times 0.91 = £500,500$

Total Education contribution = £5,469,260

### **Gawsworth Parish Council**

It was RESOLVED to comment that the council would welcome cycle paths linking to Gawsworth and that it had concerns over the height of the three storey buildings and impact of increased traffic on the Gawsworth crossroads.

### **Sutton Parish Council**

Sutton Parish Council have noted this application.

### **REPRESENTATIONS:**

A number of representations have been received from local residents, an agent representing the Grosvenor shopping Centre, and an agent representing Gladman Developments Ltd. Whilst the full comments are available on the website, the main points raised are as follows:

- The application fails to provide for any affordable housing and should as a result be considered contrary to relevant development plan policies. The failure to provide policy compliant affordable housing on this site significantly curtails the capacity of Macclesfield to accommodate its affordable housing needs over the Plan period. The adverse effects caused are considered to  
to significantly outweigh the benefits of the application in the planning balance.
- The application fails to provide for a link road between Congleton Road and London Road. The alternative route provided through this application will fail to address traffic issues, is of an insufficient standard to support a wider strategic route, and will result in adverse impacts for residents on and close to Moss Lane.
- Moss Lane should not form part of the strategic highways link.
- The vehicular link to existing housing areas to the north of the Site is contrary to policy and will provide for a rat run to Congleton Road, London Road and the town centre, making use of routes which are unsuitable in supporting large amounts of traffic.
- The proposed development makes use of land for residential development which is considered inappropriate for development, or is sensitive to development.
- The proposed development will over develop the Site, adversely impacting on residential amenity and local biodiversity. Three storey properties are too high.
- With regards to the retail proposals, it is recommended conditions should, for example, (i) restrict occupation to a single food retailer (i.e. a supermarket); (ii) provide clear restrictions

on the amount of comparison goods floor-space allowed; and (iii) restrict the subdivision of the retail unit and the introduction of mezzanine floors to prevent harm to the retail provision in Macclesfield town Centre in line with Local and National policies and guidance.

- Concern about ground stability and contamination.
- Concerns about increase noise and air pollution.
- Loss of privacy/outlook from adjoining properties.
- Loss of amenity land for dog walking etc.

Macclesfield Civic Society whilst broadly welcoming the proposals, are concerned about the nature of the highway proposals for the link onto London Road and the impact on the Moss Lane residents; want to see affordable housing form part of any proposals and want to know what plans are being made to incorporate the FC and other community facilities into the scheme.

### **APPLICANTS SUBMISSION:**

The application is supported by an Environmental Statement (ES) and in addition the following documents have been submitted:

- Supporting Planning Statement
- Design and Access Statement
- Illustrative Masterplan
- Land Use framework
- Density Plan
- Storey Heights Plan
- Outdoor Sport and Play Provision
- Transport Assessment and Travel Plan
- Retail Impact Assessment

These reports can be viewed on the application file.

### **APPRAISAL**

There are three dimensions to sustainable development:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

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

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

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

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

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

## **Local Plan Update**

On 27<sup>th</sup> July the Council adopted the Cheshire East Local Plan Strategy. Accordingly the new Local Plan now forms part of the statutory development plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “*where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.*” This is the test that legislation prescribes should be employed on planning decision making.

The National Planning Policy Framework, which is the Secretary of State's guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means:

*“approving development proposals that accord with the development plan without delay”*

As a consequence where development accords with the adopted Local Plan Strategy the starting point should normally be that it should be approved – and approved promptly.

Councillors will be familiar with the second section of Paragraph 14, namely that:

*“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

*– any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

*– specific policies in this Framework indicate development should be Restricted”*

With the adoption of the Local Plan, the development plan is clearly not absent. It is also unlikely to be the case that the development plan will be silent or that relevant policies are out-of-date. As a consequence the second limb of the favourable presumption will not apply to overwhelming majority of planning decisions from this point forward (but see further on housing supply below).

That being the case, the appeal Court case of *Barwood Strategic Land II LLP v East Staffordshire Borough Council* has determined that there is no further test to employ in respect of the favourable presumption. The correct test for planning decision taking is that set out in Section 38(6) of the Act.

The Inspector’s Report published on 20 June 2017 signalled the Inspector’s agreement to the plans and policies of the Local Plan Strategy, subject to the modifications consulted on during the spring of 2016 and 2017. On adoption, all of these sites and policies will form part of the Statutory Development plan. In particular sites that were previously within the green belt are removed from that protective designation and will be available for development. Other sites also benefit from the certainty that allocation in the development plan affords. In the light of these new sources of housing supply, The Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

*“I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years”*

Given this conclusion from the examining Inspector, the Council now takes the position that it can demonstrate a 5 year supply of housing land. The NPPF requires that the housing land supply position be updated annually. If at some future point a five year supply cannot be demonstrated, then in accordance with paragraph 49 of the NPPF, relevant policies for the supply of housing will not be considered up to date. In those circumstances the second limb of the favourable presumption would then apply for decision takers

## **Principle of Development**

As stated above the site is allocated for the uses proposed by the development under LPS 13 in the newly adopted Local Plan. This is a significant material consideration with this application and in principle, fully supports the development proposed.

Policy E6 of the Macclesfield Borough Local Plan did allocate part of the land for employment uses, but this has been superseded by the newly adopted plan.

In addition, Macclesfield Borough Council also approved a Development Brief for the site, in November 1999, but again this, whilst only a material consideration in any event, has now been superseded by the adopted plan.

## **SOCIAL SUSTAINABILITY**

The first dimension to sustainable development is its social role. In this regard, the proposal will provide up to 950 dwellings, including 10% affordable homes.

## **Affordable Housing**

### *Viability*

The developer has submitted a viability appraisal, which indicates that the development would be deliverable with a 10% provision of affordable housing. On the basis that the viability case put forward has been accepted, then the Housing Strategy Manager raises no objection.

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

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

The applicant's Financial Viability Assessment has been scrutinised and it is concluded that the proposed development would be deliverable with a reduction in affordable housing to 10%.

As part of a joint application, it is understood that even though the Council is part applicant the required affordable housing still needs to be secured via a Section 106 Agreement.

## **Public Open Space**

The applicant has submitted a plan titled "Public Open Space", showing areas of:

- *Outdoor Playing Space (9.11ha)*
- *Amenity Open Space (3.59ha)*
- *Dedicated Ecology Area (4.85ha)*

The submission addresses the Macclesfield Local Plan Policy RT5, which sets out the POS Standards, and indicates that the policy requirements are met. This can of course be conditioned as part of any approval based on a development of 950 houses.

The dedicated Ecology areas are addressed in the Ecology section of this report.

Comments from ANSA on the level of provision and its indicative provision across the site are awaited, and will be reported in the update report to Members. Albeit as this is an outline application and the details will be dealt with at reserved matters.

## **Education**

**The emerging Local Plan Policy LS 13 requires:**

"Provision of a new primary school or contributions towards educational facilities".

A Primary school is clearly proposed as part of the development, in the centre of the site. In addition to the site, Education colleagues have requested a contribution towards of £2,697,126 towards the new school. In addition forecasts show that all the children expected from this development cannot be accommodated within existing infrastructure and a contribution is required to mitigate the impact. This includes £2,271,634 towards secondary and £500,500 for special education need. A total education contribution £5,469,260 has therefore been requested.

As indicated below, given the viability of the site this request will need to be balanced against other contributions.

## **Retail Impact**

This was a significant issue with the previous application as the quantum of development was significantly larger, that application proposed a 7,432sq.m. superstore and a 465sq.m. A3-5 unit. This application proposes 4000 sqm of A1 retail, which is described as:

*“It is anticipated that the proposed floorspace will be used as a neighbourhood supermarket and associated local retail facilities.”*

The Local Plan policy allocates part of the site for retail stating:

*“Provision of a new Class A1 superstore with a net sales area of up to 5,000 square metres. The majority of the net sales floor-space should be dedicated for convenience goods;”*

The proposal clearly is below that threshold and conditioned appropriately would meet the policy requirements.

Even though the application is in accordance with the development plan, it was not adopted at the time the application was made, and in accordance with NPPF requirements a retail impact assessment was been submitted as the application proposes over 2,500 sqm of out of centre retail development and (in accordance of para 24 of the NPPF) the assessment includes:

- Impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and,
- The impact of the proposal on Town Centre vitality and viability, including local consumer choice and trade in the Town Centre and wider area, up to five years from the time the application is made.

The applicants sequential test concludes that:

*“there are no sites in sequentially preferable locations that would be capable of suitably accommodating the proposed development within a reasonable period of time even taking into account a significant degree of flexibility applied.”*

Looking at the impact of investment, and in particular the ASK Churchill Street proposals and the expansion and refurbishment plans for the Grosvenor Centre, the applicant concludes the proposed development will have no impact on planned or committed investment in Macclesfield Town Centre.

Looking at the impact on trade and turnover they again conclude that:

“the proposed development will not have a significantly adverse impact upon Macclesfield Town Centre or any other nearby centre.”

The NPPF at para. 24 & 26 reference the need for a sequential test and impact test where applications are:

“not in accordance with an up-to-date Local Plan”.

When the application was made clearly the allocation was a proposal. It is now adopted and therefore the proposal is in accordance with an up-to-date Local Plan. Add to that planning permission was minded to approve for a larger retail proposal in 2014, and there has been little change in the Macclesfield area since, it is considered that the assessment meets the NPPF requirements and is sufficiently robust to conclude that the proposals meet the policy requirements and there will be no significant adverse impact on retail in Macclesfield or the surrounding area.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

As an outline application with all matters reserved (save access), residential separation distances cannot be properly assessed, although the testing layouts submitted with the application indicate that for the number of units proposed, they are capable of being achieved. Issues of noise, both in relation to existing properties and in relation to proposed properties adjacent to re-located commercial uses is examined below.

### **Environmental Impact**

This section looks at issues of noise, air quality and other environmental impacts. This is particularly significant on this site as there are a number of possible impacts associated with road traffic, the West Coast Mainline, and a number of uses both adjacent to the site and proposed to be re-located on the site.

#### Noise

As an outline application, where the site layout is not sought for approval, it is not possible to comment in detail, however suitability is assessed on the basis of whether a condition can be applied either to the outline stage, or a future reserved matters stage to ensure adequate mitigation. Environmental Protection have set out the anticipated noise sources and the levels that mitigation will need to achieve to meet the required standards. This will need to be conditioned. Hours restrictions may also be necessary for some of the uses. They highlight that the Environmental Statement anticipates a moderate to substantial adverse noise impact on some properties associated with road traffic noise, where current noise levels are very low, but will increase significantly in relative terms due to the development. These impacts will need to be carefully considered.

#### Lighting



Any issues can be addressed by conditions.

### Odour

There have been past issues with the Danes Moss waste and re-cycling facility, however it is considered that future issues can be addressed by condition.

### **Air Quality**

This issue was fully explored in the Environmental Statement which modelled a number of scenarios. A full audit of the “diffusion tube data” for 2013-2015 was undertaken and the correct data used in the assessment. Whilst impacts of the development in scenario 1 were negligible, under the “worst case” scenario 3 there were slight impacts in 7 receptor locations. As 2 of these receptors are in AQMA’s this is of course a concern, unless these impacts are managed. Conditions requiring a damage cost assessment to be undertaken and mitigation agreed, together with requiring Electrical Vehicle Infrastructure are recommended.

### **Contaminated Land**

The site is known to have contaminated land issues, associated with historical uses of parts of the site, and as it lies within 250m of a known landfill site. Discussions with the applicant are on going at the time of report writing, but the results will be reported to Members as part of any update report.

### **Land Stabilisation**

As Members may be aware large parts of the site, especially to the southern boundary, lie on peat, which is several metres deep in places. This creates land stability problems which impacts on construction costs. The application includes detailed proposals to deal with this issue, a matter that was discussed at the Local Plan Inquiry last year, where the Inspector was clearly convinced it was a viable proposition. The issue is largely one of viability and its impact therefore is on the Section 106 contributions the development can support.

### **Public Rights of Way/Green Infrastructure**

One public right of way will be affected by the development, although the intention is to retain the route within the proposed layout, and it is considered that this route can be safeguarded both through the approved plans and/or conditions. The current route PROW Footpath No.1 whilst attractive by virtue of its remoteness, is very poorly surfaced, highly susceptible to flooding, and a combination of stiles and very steep steps on the railway bridge make it virtually unusable to many users. The proposals clearly give opportunities to make improvements to this route.

Of more significance here are the opportunities to retain and enhance existing linkages from the site into the adjoining areas to the north in particular. A series of linkages, making use of and enhancing the green infrastructure are proposed. Whilst the detail will be dealt with at the

reserved matters stage, again the proposed plans can be approved in combination with conditions where necessary.

## **Highways**

As set out above, the application is in outline, with all matters reserved except site accesses from Congleton Road, Moss Lane and Moss Lane/Star Lane for which full consent is sought. The application is very significant in highway terms as it will deliver the strategically important link between London Road and Congleton Road. Highways have no objections to the application but have detailed comments on the proposals:

### Moss Lane

It is important to highlight that part of the link road will use some of the existing part of Moss Lane, the section between Moorhill Lane to Mayfield Avenue. The section of road has a number of junctions with Moss Lane and there are a number of improvements proposed by the applicant on this section of road. The proposals include:

- Star Lane to be one way westbound towards Moss Lane
- Rutland Road/Moss Lane to be converted to a mini roundabout
- Mayfield Avenue to closed at the junction with Moss Lane
- Left in/Left out at the junctions of Belgrave Road and Moorhill Road.

The use of this existing section of Moss Lane as part of link road was not the preferred option due to the presence of the residential area to north of Moss Lane and the increase in traffic flow that would result from the new link road. However, there are no technical reasons to object to the proposal as the link capacity is not exceeded and the mitigation measures will help improve traffic flow along this section of Moss Lane.

### Traffic Impact

The assessment of the traffic impacts of the development has been undertaken using CEC's S-Paramics traffic model and has assessed the worse case impact in the peak hours weekday from 08.00 – 09.00 and 17.00 – 18.00. The traffic model output flows has informed the extent of the local junctions that are likely to be affected by the development proposals and these are as follows:

Site Access – Congleton Road/Link Road  
Site Access – Moss Lane/Link Road  
Site Access – Moss Lane/Site Access  
Moss Lane/London Road  
Thornton Avenue/Congleton Road  
Moss Lane/Congleton Road  
London Road/Byrons Lane  
Congleton Road/Park Lane/Oxford Road (Flowerpot Junction)

The capacity tests undertaken on the above junctions have been undertaken using either Picady, Arcady or Linsig models depending on the type of junction proposed. The results of the capacity tests indicate that all of the site access junctions operate within capacity and do

not result in undue congestion. The Thornton Av/Congleton Rd junction, Moss Lane/Congleton Road junction would exceed capacity with the development added, and the London Rd/Byrons Lane signal junction would operate within capacity.

In order to mitigate the capacity problems there are improvements proposed at each of the junctions. These are the introduction of traffic signals at the Moss Lane/Congleton Road and also at Moss Lane/London Road junction and the Phase 1 scheme at the Flowerpot junction.

The flowerpot junction has been modelled with the improvement scheme agreed for the existing Phase 1 consent, this scheme involved the widening and lengthening of the left run lanes on three arms of the junction. The capacity results show that the junction operates at capacity in 2022 assuming the existing layout arrangement is in place and over capacity with the development and improvement in place. Clearly, the junction modelling results indicate that the junction has capacity problems even with a junction improvement scheme included.

In summary, all of the junctions can operate within capacity with the mitigation applied with the exception of the Flowerpot junction.

It is important to note that the modelling results presented in the applicants Transport Assessment does account for the full link road being in place between Congleton Road and London Road. There has been no assessment presented for any phased development assuming that the full link road is not constructed.

In the event that the full link road was not constructed CEC have commissioned further modelling work to assess the effects of a possible phased development coming forward. Two tests have been undertaken, test 1: 4000 sq.m of food retail and 550 residential units accessed only from Congleton Road; and test 2: 4000 sq.m of food retail and 550 residential units accessed only from Congleton Road and 400 residential units and 2.75ha of employment accessed from Moss Lane. Both these tests have been undertaken with improvements at the Flowerpot junction in place. The S-Paramics model has been run for the two tests in 2022 comparing the Do Minimum and Do Something scenarios, the performance of the road network has been assessed by calculating the Network wide average journey times and journey times on key routes.

The results of the modelling has indicated that journey times would increase significantly in the peak hours, the PM peak seeing the most increase Test 1 - 25% and Test 2 – 34%. If these results are compared with the test SMDA with full link road having just a 4% increase it is clear that a phased development with no link road would result in significant delay on the road network.

In summary, it is clear that a phased development would have a significant impact on the road network and that the full link road is required to be provided in the early stages of the development.

### Summary and Conclusions

The development proposal submitted does include for a full link road connecting London Road and Congleton Road and this is to facilitate development and also reduce traffic flows on other roads including Moss Lane.

The impact of the new road has been assessed with both a network Paramics model and also using individual junction capacity assessments, the result of the tests indicate that link road does not have an undue traffic impact on the road network in 2022 with mitigation installed. The Flowerpot junction is a concern and although improvement measures have been included it would continue to have delays and congestion, although the queues are not considered to severe to warrant refusal of the application.

Therefore in relation to the application there are no objections to the proposal for the full link road to be provided. However, it is important that this infrastructure is delivered early in the development and as no phased development plan has been submitted. CEC have assessed the quantum of development that can come forward in advance of the full link road being provided. This assessment work has shown that only the level of development already consented on the Phase 1 development can be accommodated in advance of the full link road connection.

For information the extant consent consists of 220 residential units, 7,432 sq.m of food retail, a A3/A5 unit and replacement sport pitches. An equivalent level of trips to this agreed scheme would be acceptable in any alternative development proposal.

The eastern end of Moss Lane does form part of the link road and it is important that the mitigation measures proposed by the applicant are implemented, should any development come forward that is accessed from London Road then these measures would be needed as part of the development proposal.

In summary, there are no highway objections to proposal to this application for a link road and any phased development will be subject to restrictions as detailed in suggested conditions below alongside a financial contribution to the Flowerpot junction.

1. Prior to the occupation of either:
  - A 220 houses and 4000 Sqm of food retail or
  - B 4000 Sqm food retail and 16,500 Sq.m employmentThe full link road shall be implemented
2. Prior to the occupation of 75 houses a contribution of £1.2m shall be provided for road improvements indicated on DWG 5108479/ATK/DR/D/008 at the Flowerpot junction.
3. Prior to the occupation of 200 units, the Moss Lane/Signal junction improvements as indicated on DWG 2176-13 shall be implemented through a S278 agreement
4. Prior to the occupation of 200 units the Moss Lane/Star Lane road improvements as indicated on DWG 2176-10 shall be implemented through a S278
5. Prior to the occupation 500 units a scheme for the installation of traffic signals at the Moss Lane/Congleton road improvements as indicated on DWG 5108479-014-TP-GA-DR-D-001 Rev P01 shall be submitted for approval of the Strategic Highways Manager
6. Prior to the occupation of 700 units the scheme approved at (5) is implemented
7. Prior to occupation a Construction Management Statement shall be submitted and approved.

## **Design/Layout/Connectivity**

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

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

The application has been assessed against the Council's newly adopted Design Guide which builds on the Building For Life 12 assessment. This assessment, of the 12 criteria scores this development as 7 green and 5 'grey' with no reds. In conclusion this assessment reads:

“This is a large and complex proposal which is being reviewed at Outline stage with all matters reserved aside from access so it is not possible to undertake a definitive Building for Life assessment with the level of design detail available. As a result of this reasonable assumptions have been made where possible but for some questions there was simply not enough available information to do that in any meaningful way, hence these are indicated as 'grey'. It is fully expected that in the fullness of time with suitably high quality design development these too will become Green.

Overall, this is a very well considered proposal with the potential to become an exemplar development and a valuable addition to Macclesfield and more widely Cheshire East. Specifically it achieves the tricky task of successfully connecting to the existing town edge, using a well considered green infrastructure network but also positively addressing the open countryside to the south creating a far better interface than exists currently. This is clearly a very good start however, the next stage is crucial.”

The report recommends that:

- A detailed masterplan and design code is paramount
- The site should be separated into suitably-sized parcels
- The development should respond to the local context

These matters can be picked up at the reserved matters stage, but as the assessment concludes there is a good base on which to build.

There is some concern that the proposals will result in a scheme with little character or sense of place, and there is also a concern expressed that all the proposed uses (up to 950 dwellings, a primary school, retail development, employment land and warehousing, along with a highways network and infrastructure) will be difficult to achieve on site, and that the areas of green space could be squeezed. Finally a concern has been expressed that the proposed density overall on site is too high and unrealistic. This is understood, and is often a concern with outline applications with all matters reserved. The application does set out the areas of POS proposed – which can be fixed as part of the approval, and whilst there is no overall layout showing housing numbers, there are the following documents:

- Density plan (low 25-30 dph, medium 30-40 dph & high 40-55 dph).

- Proving plans for each density area
- Storey heights plan

A combination of these documents (including the overall land use framework) can again form part of any approval.

Whilst it is acknowledged that the overall development density in the housing areas is high – relative to typical edge-of-settlement proposals, this is considered acceptable on this site, creating a site with different character areas which will allow more variety of development form and therefore visual interest.

### **Landscape/Green Infrastructure**

As part of the application a Landscape and Visual Impact Assessment (LVIA) has been submitted. The LVIA identifies that there are a number of trees with Tree Preservation Orders (TPOs) on the site, that there are no landscape designations on the site. Footpath, FP 1 Sutton runs along the southern part of the site. The LVIA also identifies the sources of potential effects on landscape and views, including the removal of 5 houses and removal of vegetation across the site, while also noting that the intention is to retain mature existing vegetation where possible, the introduction of the built environment, including residential development between 2 and 3 storeys in height, road junctions, landform works, structural planting and lighting.

The LVIA identifies the baseline landscape character at the national, regional and county and district level, in this case Landscape Type 12: Mossland, and specifically the Danes Moss Character area (M1), and assesses the sensitivity of the landscape character and features and landscape character. Existing vegetation is identified as being of High sensitivity, as is the Danes Moss Character Area along with an area of open space that runs through the centre of the site. The visual assessment offers a range of visual effects from major adverse through to negligible, with major effects located near to the site boundaries.

As the LVIA indicates, the site does have distinct character areas, with the western area being more open with vegetation marking former field boundaries and the eastern part of the site being more enclosed due to the amount of vegetation present; this is largely due to historic land uses over the area. The Cheshire Historic Landscape Characterisation Project identifies that the western part of the site falls within the Post Medieval Fieldsapes group, specifically 19th Century Field Systems Type and that the eastern part of the site is located within the much older Ancient Fieldsapes Group, specifically the Ancient Fieldsapes Type.

The LVIA is largely accepted, but it is apparent that there will be some major adverse landscape and visual effects associated with the proposals. This is an outline application for up to 950 homes and additional developments, and while there is a submitted Landscape Strategy Plan and Green Infrastructure Plan, it remains an outline application. The Design and Access Statement identifies the importance of the Green Infrastructure Network and identifies the importance of the southern boundary, the linking of the southern boundary to the existing urban fabric with two green corridors, and that green infrastructure will ensure wildlife connectivity across the site, using the link road to form a central green landscape and biodiversity spine, along with nodal points and maximising the retention of existing mature vegetation. The retention of existing vegetation, retention and enhancement of existing green

corridors will be of prime importance in this proposed development and it will be the creation of the nodal points, green corridors and retention of existing vegetation that will help create distinctive character and sense of place, as well as creating well defined streets and spaces.

### **Canal improvements**

Whilst it is acknowledged that the canal, is an important piece of “blue infrastructure” in the area, allowing occupiers of the site to access areas to the east, including sustainable links to Macclesfield, there are concerns regarding the request from the Canal and Rivers Trust for a significant financial contribution to improvement works. This is based on the following:

- The application site has no frontage to the canal, and in fact is separated from it by the West Coast Mainline with its “challenging” footbridge which limits access to many users. Whilst improvements on either end could help, if implementable (one side is outside the application boundary), the bridge itself is still inaccessible to many users.
- The canal, in the vicinity of the site is in relatively good condition, with an all weather footpath surface and metal fronted canal banks.

In view of the above, and conflicting demands on the limited financial “pot” available, following the viability assessment findings, it is regrettably concluded that the financial request cannot be supported in this case.

### **Open space**

Policy RT.3 requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children’s play space per dwelling is provided. Comments from ANSA are awaited to confirm if the proposals as set out address these policy requirements, although the applicant clearly feels they have addressed the policy requirement.

ANSA’s comments on the suitability of the distribution of these areas is also awaited.

### **Congleton Road Playing Pitches**

Whilst these sports pitches and their associated changing facilities are within the application site boundary, there are no proposals to carry out any works in this area of the site, although the new access would provide a spur to provide a new vehicular access in the future. The existing site access off Congleton Road would be retained.

That said, at the request of Sport England, the applicant has carried out some feasibility work to establish what works could be done to improve the playing fields to help meet the needs of the sports Needs Assessment carried out. These works include an assessment of ground conditions and possible pitch layout changes. The application indicates that a financial contribution of £225,000 to their improvement will be made as discussed on the Heads of Terms below. Sport England’s comments on the proposals are awaited and will be reported in any update report.

### **Ecology**

## Local Plan Policy

Under the adopted policy (Site Specific Principles of Development) the wording reads:

*b. Existing trees, water courses and natural habitats are to be retained and enhanced as appropriate.*

In addition in regards to the adjacent Danes Moss SSSI:

*1. The site will be developed only where it can be demonstrated that there is no significant harm on the Danes Moss SSSI, particularly in relation to changes in water levels and quality and recreational pressures. This should include a full assessment of the direct and indirect impacts of the development on the features of special interest. Where impacts cannot be avoided, appropriate mitigation measures will be required to ensure protection of the SSSI.*

“Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.”

As such there are no concerns that the development will cause harm to the SSSI if the drainage is conditioned accordingly.

Looking at each aspect of the nature conservation interest of these complex proposals:

## Habitats

### Lowland raised bog

With the exception of the existing football pitches and an area of adjacent grassland and woodland almost the entire application site appears on the UK Biodiversity Action Plan Inventory of Lowland Raised Bog Habitats. The submitted Phase One habitat report states that relic raised bog vegetation previously recorded on the site was not present during the latest survey. No information has been submitted with this application however to detail the types of relic bog previously recorded on site.

*Molinia caerulea* a grass species associated with degraded bog was present at number of locations. A second grass species which also occurs on degraded raised bogs was also present. It is understood that extensive deposits of peat remain on site. It is therefore advised that raised bog habitat remains on site although it is acknowledged that this habitat is in a highly modified and degraded state. The Environmental Statement submitted with the adjacent application 14/0282M assessed the raised bog habitats on site as being of County Value. This value is a combination of the value of the habitats ‘on the ground’ and also in the sites potential for restoration. Based on the information available this appears to be an accurate assessment of the sites value in terms of lowland raised bog.

Under the current proposals the majority of the existing degraded raised bog habitat would be lost as a result of the proposed development.

Confirmation should be sought from the applicant as to what relic bog vegetation was recorded on site during the earlier survey (2013).

### Coastal and Floodplain Grazing Marsh



A number of the areas of the application site appear on the national inventory for this priority habitat type. Diverse ditches are characteristic of this habitat type. Whilst many of the ditches present on site are dry and shaded some notable vegetation was present during a recent site visit. Ditches and marshy grassland are discussed below in the context of this habitat.

### Grassland

Much of the application site supports grasslands of nature conservation value. For the purposes of undertaking an assessment of these habitats the grasslands present have been divided into a number of compartments with each compartment assessed individually in 2014. A later habitat survey (2015) advises that some indicator species recorded previously were not encountered at that time. The 2014 survey remains the only comprehensive survey of the grassland habitats. Numerous grassland indicator species were however present on site during a recent site visit.

It is advised that some site compartments qualify as Local Wildlife Sites under the current selection. Of these compartments four are of the greatest value and should be considered to be of County Value. The submitted botanical survey report recommends the retention of the most important grassland compartments and at least partly retention of the other identified compartments.

In addition to the compartments identified of being of value in the Environmental Statement two additional areas of the site were identified during a recent site visit which are of sufficient value to meet the LWS selection criteria and so be of County value. The submitted ES identifies the areas of marshy grassland on site as being of County value. This value reflects them being more species rich examples of the degraded lowland raised bog and coastal and flood plain grazing habitats which cover much of the site.

It is recommended that the submitted land use plan be amended to show the retention of more of the grassland compartments considered to be of value.

### Hedgerows

Hedgerows are a priority habitat and hence material consideration. A hedgerow is present on the western boundary of the site. The submitted ES states that this hedgerow would be retained. However based on the submitted land use framework plan it appears likely that this hedgerow would be lost as a result of the realignment of Congleton Road. In addition, there are also a number of defunct hedgerows across the site that would also be lost as a result of the proposed development. The loss of hedgerows associated with the development would result in the loss of habitat significant in the local context.

### Woodlands

The proposed development will result in the loss of an area of native species woodland. The submitted Environmental Statement identifies this woodland as being of County value.

The submitted ES advises that there would be an increase of 1.53ha of what it calls 'woodland and structured landscape' based on the submitted land use framework plan. It is advised that much of the 'structural Landscape' area includes grassland habitats of nature conservation value where woodland planting would be to the detriment of nature conservation interests. It is therefore recommended that the losses and gains of woodland are calculated independently of the structural landscape. It is likely that this calculation

would demonstrate an overall loss of woodland habitat and a corresponding loss of biodiversity.

It is advised that in order to mitigate operational stage impacts associated with excessive public use and fly tipping etc. there should be no public access into the retained wet woodland habitats. It is recommended the submitted illustrative plans should be amended to reflect this.

#### Ponds

Ponds are a local priority habitat. The proposed development will result in the loss of two existing ponds. The submitted ES may undervalue these ponds, for example one of these ponds was found to have botanical interest when surveyed a number of years ago.

In any event it is advised that the submitted illustrative master plan should be amended to show either the retention of these habitats or the provision of suitably designed wildlife ponds to compensate for their loss.

#### Ditches and watercourses

Numerous ditches are present on site. The ES advises that seven ditches would be retained, one retained in part, three realigned and one ditch lost in full.

#### Invertebrates

A detailed invertebrate survey has not been undertaken of the application site. The ES however identifies the site as being of Local/County value for invertebrates due to the suitability of the habitats present.

A butterfly species, small heath, was present on site in good numbers at two locations during a recent site visit. This species is a material consideration and its presence alone would be sufficient for 2 compartments to be selected as a local wildlife site and so be considered to be of County importance. Both of these areas would be lost under the current framework plan. The loss of the habitat for this species would result in an adverse impact significant at the County level. The loss of other invertebrate habitats on the site is likely to have an adverse impact of at least local significance.

#### Reptiles

Common lizard a priority and protected species is present on site. A small population of this species is likely to be present on the application site. The submitted ES advises that this population is of district importance.

The proposed development will result in a substantial loss of suitable reptile habitat on site and also pose the risk of killing or injuring any animals present when site clearance works were undertaken.

To mitigate the risk posed to reptiles during clearance works the application is supported by outline proposals to remove and exclude reptiles from the footprint of the proposed development using standard best practice methodologies. The proposed development will result in an increase in the predation of common lizard by domestic pets.

A receptor area is proposed which will include the creation of features for reptiles. A buffer of additional habitat is also proposed to the south east, this is very narrow however. The current mitigation strategy includes surrounding the reptile receptor area with exclusion fencing until the proposed development is complete. As the development of this site is likely to take a considerable time it is recommended that animals within the receptor area be allowed access to the adjacent railway line and adjacent off site habitats for the duration of the construction period. Reptiles should then be deterred from entering the construction areas by maintaining these areas in a form that is unattractive to this species. It is advised that the reptile mitigation strategy be amended to reflect this change.

It is advised that the proposed development will have a residual adverse impact on this species due to the loss of terrestrial habitat which is significant in the local context.

#### *Common Toad*

This priority species is present on site. The proposed development will result in the loss of a significant area of terrestrial habitat and potential wetland features used for breeding. Any toads encountered during the reptile exclusion works will be transferred to the reptile receptor area and a new pond is proposed in the receptor area as compensation for the loss of breeding habitat associated with the development.

It is advised that the proposed development will have an adverse impact on this species due to the loss of terrestrial habitat. This impact is identified as being of significance in the local context by the submitted ES.

As with reptiles it is advised that the mitigation strategy should be amended to ensure that animals transferred to the receptor area have access to surrounding habitats for the duration of the construction period.

#### *Pole Cat and hedgehog*

Suitable habitat for these two priority species is present on site, a specific survey for these species was not undertaken. The proposed development will result in the loss of habitat suitable for these species that would be of significance in the local context if the species was present.

#### *Badgers*

A considerable level of badger activity was recorded during the latest survey of the site. Numerous setts are present together with a considerable area of foraging activity. Based on the illustrative layout of the site it is likely that seven existing setts would be directly affected by the proposed development. A number of setts are also likely to be indirectly affected by nearby works during the construction process. In the absence of mitigation the proposed development is also likely to result in the loss and fragmentation of badger foraging habitat.

To minimise the potential disturbance of badgers the applicant is proposing to permanently close any setts directly affected by the proposed development using standard best practice methodologies under the terms of a Natural England licence. It may also be necessary to close any setts indirectly affected by the works on a temporary basis during the construction phase. A replacement artificial sett is proposed together with recommendations for the provision of badger tunnels and underpasses to facilitate the movement of badgers around the site.

As the status of badgers on site is likely to change over time and the precise impacts of the development will depend upon the final layout developed at the detailed design stage it must be ensured that if planning consent is granted an updated badger survey and mitigation strategy must be submitted in support of any future planning application.

The submitted ES identifies a residual significant negative impact on badgers occurring as a result of the proposed development.

### Bats

Roosting bats – buildings and trees

No. 46 Moss Lane which would be affected by the proposed roundabout has been identified as having potential to support roosting bats. The initial bat survey undertaken to inform the ES has recommended that a further bat activity survey be undertaken to determine the presence/absence of roosting bats.

A number of trees have been identified as having bat roost potential on site. One of these (T4) is anticipated to be lost as a result of the proposed development. A further survey of this tree is therefore required to establish the presence absence of roosting bats

It is advised that a report of the results of the required further bat survey must be submitted prior to the determination of the application. This is awaited.

A bat roost was identified in a tree near to the sports pitches. Based upon the submitted layout plan it appears that this tree would be retained as part of the proposed development. It is however essential that any lighting in this part of the site is designed so as to avoid any adverse impacts on this roost and the surrounding commuting and foraging habitat.

### Barn owls

Barn owls were recorded as foraging upon the application site during the bat surveys completed in 2015. The proposed development will result in the loss of a significant area of suitable barn owl foraging habitat. A barn owl box is proposed.

It is advised that the loss of this habitat would have an adverse impact on barn owls which is significant in the local context. An area of grassland will be retained but as this would be set within a large housing scheme and its management to enhance its botanical value would limit its suitability for barn owls it is unlikely that it would continue to be suitable for barn owls.

### Black Poplar

Specimens of this uncommon priority species are present on site. It is feasible for this species to be retained as part of the proposed development.

### Birds

A detailed bird survey has not been undertaken of the site. It is advised that the site is highly likely to support a number of breeding bird species including those considered to be a priority for nature conservation.

Willow tit a bird of national importance is known to breed on Danes Moss SSSI and may potentially occur within the woodland habitats on site. The submitted ES states that the

construction phase of the proposed development will result in a temporary significant effect at the national scale. Disturbance of retained habitats for this species are likely to result in a further significant impact. This impact would be mitigated to some extent if public access from the wet woodlands is excluded. If wet woodland habitats are lost as a result of the proposed development then there may potentially also be a permanent adverse impact on this species.

#### Habitat management

If planning permission is granted a condition/planning obligation should be attached which requires the submission of a detailed habitat management plan to be submitted with any future reserved matters application.

#### Japanese Knotweed

The applicant should be aware that Japanese Knotweed (*Fallopia japonica*) is present on the proposed development site. Under the terms of the Wildlife and Countryside act 1981 it is an offence to cause Japanese Knotweed to grow in the wild. Japanese knotweed may be spread simply by means of disturbance of its rhizome system, which extends for several meters around the visible parts of the plant and new growth can arise from even the smallest fragment of rhizome left in the soil as well as from cuttings taken from the plant.

Disturbance of soil on the site may result in increased growth of Japanese Knotweed on the site. If the applicant intends to move any soil or waste off site, under the terms of the Environmental Protection Act 1990 any part of the plant or any material contaminated with Japanese Knotweed must be disposed of at a landfill site licensed to accept it and the operator should be made aware of the nature of the waste.

#### Ecology Conclusion

Under the current proposals there would be a loss of habitat associated with the proposed development which results in a number of adverse effects that are significant in the context of the Local to the County scale.

The highest value habitats on site are those identified as being of County value. As referred to earlier, as the application site is an area of degraded raised bog a large portion of the application site is of 'County value'. This value is a combination of the value of the habitats 'on the ground' and also in the sites potential for restoration

The submitted Environmental Statement ES identifies the loss of semi-improved grassland and marshy grassland habitats as being significant negative impacts associated with the proposed development. The submitted ES advises that retained habitats are likely to be further degraded as a result of excessive use for dog walking, litter, fly tipping etc.

The submitted ES also identifies a significant adverse impact on badgers occurring as a result of the proposed development.

It is advised that the following adverse impacts are also associated with the proposed development:

- Hedgerows (Local level adverse impact)
- Woodland (County level adverse impact)
- Ponds (local – County level adverse impact)

- Invertebrate habitat (Local – County level adverse impact).
- Loss of reptile habitat (Local level adverse impact)
- Loss of barn owl foraging habitat (Local level adverse impact)
- Loss of terrestrial habitat for toads (Local level adverse impact)

In order to avoid these impacts as far as possible it is recommended that the framework plan be amended to retain those habitats identified as being of significant nature conservation value. Any unavoidable impacts should then be compensated for. Compensation could take the form of offsite habitat creation/enhancement.

Once the framework plan has been amended to include the retention of the identified habitats it is recommended that the level of compensation required to address the residual impacts of the development proposals be assessed using the Defra biodiversity offsetting 'metric' methodology.

An assessment of this type would both quantify the residual impacts of the development (after identified potential impacts have been avoided, mitigated and compensated for in accordance with the mitigation hierarchy) and calculate in 'units' the level of additional compensation which would be required to 'offset' the impacts of the development to ensure that the development proposals achieve a no net loss of biodiversity.

The response from the applicant includes an offsetting contribution of £219,703. This amount needs to be considered as to whether it is sufficient to provide appropriate mitigation. An update will be provided to members accordingly.

## **Archaeology**

Any comments received will be reported in the update report.

## **Flood Risk and Drainage**

Whilst the site clearly has a complex drainage system, and any subsequent reserved matters application will need to be carefully considered, United Utilities, the Environment Agency and the Council's Flood Risk Team have considered the report and raised no objections, subject to the position of appropriate planning conditions. It is therefore, concluded that the proposed development will not adversely affect onsite, neighbouring or neighbouring developments or the adjacent SSI to the south.

## **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as a new retail unit, class B1(a) and B8 Uses, relocation of a demolition/reclamation yard and a new primary school, as well as bringing direct and indirect economic benefits to Macclesfield, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Infrastructure provision generated from the development would also assist in creating significant economic benefits of the development, and most significantly the strategic link road between Congleton Road and London Road.

### **Other matters**

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

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

### **ENVIRONMENTAL IMPACT ASSESSMENT**

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

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

The likely environmental effects embodied within the Environmental Statement have been considered in the relevant sections of this report.

### **ENVIRONMENTAL STATEMENT - PROCEDURAL ISSUES**

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

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

### **Section 106 Heads of Terms and Viability Issues**

Planning permission for this development has been sought by Engine of the North on behalf of Cheshire East Council, but in this case in a joint venture with TG Limited. As such whilst the Council itself cannot enter into a Section 106 Agreement with itself, and would normally commit to any contributions under Section 111 of the Local Government Act 1972, in this case it is advised that a Section 106 Agreement is required to tie the relevant parties together to ensure that the contributions are secured.

The developer has submitted a viability appraisal (undertaken by consultants), which indicates that because of the abnormal costs of developing the site, together with the costs of providing the strategic highway link it is not possible to provide policy compliant levels of affordable housing and public open space/playing field improvement contributions along with the necessary highway contributions, ecological and education contributions. It should be noted that the costs for the link road and abnormal costs due to ground conditions are approximately £19.5m and £11m respectively.

As a result of various scenarios the development can deliver 10% affordable housing with a maximum contribution of £3.8m towards other contributions.

The proposed Heads of Terms therefore offered at present include the following areas for that amount to be split.

- 10% affordable housing
  - £219,703 towards Ecology Mitigation / offsetting contribution
  - £225,000 towards Sport pitch improvements
- and the remaining to be split between
- Highway Improvement works to the Flowerpot junction
  - Education

As set out above, within the context of the NPPF, viability is an important material consideration in the determination of planning applications. Furthermore, this scheme is a key element in delivering key parts of the Local Plan of Macclesfield in terms of facilitating the



delivery of the Congleton Road to London Road link road. It is also a strategic housing site allocated within the adopted Local Plan.

It is considered that the applicant has demonstrated that the viability issues would delay delivery of the scheme and that this would have a negative impact on housing land supply within Cheshire East and the delivery of the link road.

## **LEVY (CIL) REGULATIONS**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S111 satisfy the following:

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

The development would result in increased demand for primary school places in Macclesfield where there is very limited spare capacity. In order to either provide a new school, or increase capacity of the school(s) which would support the proposed development, a contribution towards primary education is required. This is considered to be necessary and fair and reasonable in relation to the development.

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

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

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

## **CONCLUSIONS**

The site is allocated within the adopted Local Plan for the range of uses proposed and the site is identified as deliverable and forms part of the Councils identified 5 year supply of housing land. The contributions that this scheme will make towards infrastructure improvements, in particular, the Congleton Road to London Road strategic link are significant factors that weighs in favour of this application. It is therefore, critical that a viable scheme is put forward. The development of the site for the proposed mix of uses is therefore, considered to be acceptable in principle.

Comments are awaited from Archaeology, Sport England and the Councils Open Space / Greenspaces Officer in relation to the provision of playing pitches and Public Open Space, but these matters are considered to be capable of being addressed. Further comments and clarification will be provided to Members on the s106 contributions and their appropriateness.

## **The Planning Balance**

The application is in accordance with the principle of the now adopted Cheshire East Local Plan Strategy so it should be approved unless material considerations indicate otherwise. Those material matters are considered below:

The benefits in this case are: -

- A package of highways contributions, which will help deliver a number of highways improvements including the strategic highway link.
- The development would provide benefits in terms of much needed affordable housing provision
- A new retail outlet to the south of Macclesfield, to help provide for local needs;
- POS provision and the provision of play space within the site;
- Improvements to the PROW infrastructure in the area;
- The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

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

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

Balanced against the above must be the following:

- The acceptance that there will be some landscape harm.
- There will be negative impacts of ecology, especially in terms of habitat loss although albeit this is considered to be appropriately mitigated.

The infrastructure contributions and improvement to local sustainability of this scheme do achieve the overall local plan objectives and in accordance with the NPPF it should be approved without delay.

## **RECOMMENDATION**

### **Approve subject to the completion of a Section 106/111 Agreement**

Heads of Terms (subject to further update)

1. 10% Affordable housing: up to 95 dwellings

2. Education
3. Public open space in accordance with policy with maintenance
4. Sports pitches
5. Off-site highways

And the following conditions

1. Commencement of development (3 years) or 2 from date of approval of reserved matters
2. Reserved matters to be approved
3. Phasing plan, including highways works to be agreed
3. Approved Plans
4. Materials
5. Landscaping
6. Implementation of landscaping
7. Tree/Hedgerow Protection Measures
8. Arboricultural Impact Assessment in accordance with Section 5 of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations which shall include a Tree Protection Scheme
9. Construction and Environmental Management Plan to be submitted prior to commencement, to include dust control measures.
10. Submission of a detailed acoustic assessment with mitigation required with reserved matters.
11. Hours of deliveries to be agreed
12. Odour Management Plan
13. Air pollution damage cost calculation and associated mitigation works.
14. Electric Vehicle Infrastructure
15. Approval of lighting associated with the leisure and commercial uses.
16. Submission of a post demolition Phase II ground contamination and risk assessment together with a remediation report.
17. Control of soils brought onto site.
18. Measures to address contamination should it be expectantly be found during works.
19. Submission of a Ecological mitigation and Management Plan for the Woodland (including the Ancient Woodland) and Local Wildlife Site.
20. Submission of an updated Badger Survey as part of and reserved matters application.
21. Updated reptile survey as part of any Reserved Matters
22. Updated GCN mitigation strategy as part of and reserved matters application.
23. Management of and improvements to the PROW
24. Travel Plan to be submitted prior to occupation of the first dwelling.
25. Programme of archaeological work
26. Approval of levels.
27. Submission of a Flood Risk Assessment.
28. Drainage strategy/design in accordance with the appropriate method of surface water drainage chosen.
29. Foul and surface water drained on separate systems.
30. Cycle storage
31. Bin stores
32. Prior to the occupation of either  
A: 220 houses and 4000 Sqm of food retail or

B: 4000 Sqm food retail and 16,500 Sq.m employment

The full link road shall be implemented

33. Prior to the occupation of 200 units, the Moss Lane/Signal junction improvements as indicated on DWG 2176-13 shall be implemented through a S278 agreement
34. Prior to the occupation of 200 units the Moss Lane/Star Lane road improvements as indicated on DWG 2176-10 shall be implemented through a S278
35. Prior to the occupation 500 units a scheme for the installation of traffic signals at the Moss Lane/Congleton road improvements as indicated on DWG 5108479-014-TP-GA-DR-D-001 Rev P01 shall be submitted for approval of the Strategic Highways Manager
36. Prior to the occupation of 700 units the scheme approved at (35) above is implemented
37. Prior to occupation a Construction Management Statement shall be submitted and approved.

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

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

