

Application No: 17/2854M

Location: Land off, Moss Lane, Macclesfield

Proposal: Erection of 32 no. residential dwellings and associated engineering works.

Applicant: Mr John Matthews, Eccleston Homes Ltd

Expiry Date: 05-Sep-2017

## **SUMMARY**

The application is a full planning application for the development of 32 dwellings on a greenfield site located off Moss Lane, Macclesfield. The site forms part of the South Macclesfield Development Area which forms part of allocation LPS 13 in the adopted Cheshire East Local Plan.

This is a very small portion of the wider site, for which the remainder has received outline planning permission for 950 units. It is considered that the proposed development accords with the Local Plan policy relating to its allocation by providing housing. Further where the site falls short, such as open space, this is mitigated through financial contributions to improve existing facilities. The applicant is providing financial contributions required in order to make the development acceptable and is providing the full amount of affordable housing on site which is essential in order to make developments sustainable in the future. It is considered that the proposals are environmental, socially and economically sustainable and accord with the development plan and the framework. The site is sustainably located within the town and the proposals represent an efficient use of the land.

Cheshire East is currently able to demonstrate a 5 year supply of housing however this proposal will make a valuable contribution in maintaining this position.

It is considered that the proposal represents sustainable development and accords with the development plan policies outlined in the report and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for approval.

## **SUMMARY RECOMMENDATION**

**Approve subject to Section 106 Agreement**

## **PROPOSAL**

The application is a full planning application for the development of 32 dwellings on a greenfield site located off Moss Lane, Macclesfield. The site forms part of the South Macclesfield Development Area which forms part of allocation LPS 13 in the adopted Cheshire East Local Plan.

The application proposes the following mix of dwellings:

5 x Edenfield (2 bed mews)  
2x 1bed apartments  
7 x Tarleton (3 bed semi-detached)  
1 Kingsleigh (3 bed detached)  
2 x Frodsham (3 bed detached)  
7 x Whalley (4 bed detached)  
4 x Hartford (4 bed detached)  
1 x Buckley (4 bed detached)

The application proposes the provision of 10 affordable units including 2x 1 bedroom apartments required through negotiation with the Housing Officer together with a S106 contribution for primary and secondary provision of £146,791 and an off site open space and recreational open space financial contribution of £65,416 towards improvements at Ash Grove Play Area, South Park and Congleton Road Playing Fields.

The proposed development provides two pedestrian links to the wider South Macclesfield Development Area LPS site that was approved in August 2017 for *950 dwellings, 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 to the south of this site.*

The proposed development has an access road off Moss Chase which forms a U shape and is graded to shared surface towards the extremities of the site.

## **SITE DESCRIPTION**

The application site extends to approximately 0.93ha and is a greenfield site which is very overgrown, the site has a number of trees, shrubs and vegetation on it and around its boundaries. The site rises to the north towards Moss Chase a small housing development to the north. The site has an irregular shape and has a ditch along the southwestern boundary of the site. The boundaries of the site are defined adjacent to the existing residential properties with domestic boundary treatments. There is residential development to the northeast and southeast.

## **RELEVANT HISTORY**

01/0076P, Mixed use development comprising: employment (b1,b2,b8), retail (a1), restaurant (a3), hotel (c1), nursery school (d1), trade counters, distributor road, railway bridge, car parking, children's play area, landscaping and associated works (outline application), Refused, 08-May-2001

21458P, Light industrial development class 3 (excluding heavy water users) (outline), Refused, 31-Mar-1980

**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:**

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

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** (External to planning)

## **Housing**

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

This is a proposed development of 32 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 10 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Macclesfield Per Year to 2018 is for 103x 2 bedroom and 116x 3 bedroom dwellings for General Needs. The SMHA is also showing the need for 80x 1 bedroom Older Person's dwellings.

The SHMA is showing an oversupply of 1 and 4 Bedroom General Needs dwellings and also for 2 bedroom Older Person dwellings.

The majority of the demand on Cheshire Homechoice in the Combined area for Macclesfield is for 528x 1 bedroom, 546x 2 bedroom, 237x 3 bedroom, 37x 4 bedroom and 1x 5 bedroom dwellings therefore 1,2,3 General Needs and 1 bedroom Older Person Dwellings on this site would be acceptable. 7 units should be provided as Affordable rent and 3 units as Intermediate tenure. The Older Persons accommodation could be via Bungalows, Ground Floor Flats or Cottage Style Flats.

The applicant is showing to be providing the required 30% affordable provision and also the correct 65%/35% split in tenure and are located adequately on site. However they are not providing any 1 bedroom dwellings and the need is shown from the SHMA and CHC. Housing Officers would like to see 2x2 bedroom dwellings to be as flats or bungalows but they must have easy access for those Older persons or with access issues.

Also with the house prices being so high in Macclesfield, we need to make sure the affordable housing is genuinely affordable. Housing would be able to consider a reduced number of Affordable Houses on site but with a bigger discount in the Affordable price. For example the rental units could be as Social Rent over Affordable Rent and the Intermediates, if for example as Shared Equity, be discounted between 30% and 50%. Housing would need full evidence on viability and that the affordable housing is genuinely affordable, to support this.

## **Revised housing comments following amendments**

As the applicant is now providing 2x 1 bedroom flats as requested plus a mix of 2 and 3 bedroom dwellings for the Affordable housing, Housing formally Withdraw their Objection.

**Education** - Summary for the Moss Lane attached. 100% claim for both primary and secondary.

Primary would be £ 65,076 (6 x £10846)

Secondary £81,715 (5 x £16,343)

**ANSA – Summary 17/2854M Land off Moss Lane - Cost Break down**  
South Park commuted sum

Musical Corner – Wicksteed

Supply	£6638
Install	£690
Del	£332

VAT £1466

Total **£9192**

multiplay unit – Kompan

Supply	£9665
Install	£4362
Delivery	£682
VAT	£2572

Total **£17651**

Fantasy Funrun – Wicksteed

Supply	£3785
Install	£1730
Delivery	£190
VAT	£1141

Total **£7036**

Access improvements into the play area - ANSA

80m2 Rubber Mulch

Supply and Install **£4537**

Ash Grove commuted sum

Tarmac pathways **£5000**

Recreation and Outdoor Sport

22 family dwellings x £1000 ROS contribution = £22,000

TOTAL POS CONTRIBUTION £43,416

TOTAL ROS CONTRIBUTION £22,000

**GRAND TOTAL £65,416**

Indoor Sport contribution waived

Allotments and Green Connectivity contribution waived

Amenity Greenspace Contribution reduced by 20%

Play Contribution increased by 17%

**Highways** – No objection in relation to access, traffic generation, general layout following additional information. Concerns regarding refuse collection.

**Revised highways comments following amendments** - The revised site layout is acceptable

**Environmental Protection** – No objections subject to conditions

**PROW** – No objections

The proposed footway/cycleway and proposed footpath to adjacent development site would increase the permeability of the site to pedestrians and cyclists, and the developer should be tasked to ensure that the alignment of such routes, and the specification of width and design for specific user groups, are in accordance with proposals for the adjacent site (17/1874M)

**Natural England** - No objection.

**United Utilities** – No objections subject to conditions.

## **VIEWS OF THE TOWN COUNCIL**

**Macclesfield Town Council** – No comments received.

## **REPRESENTATIONS**

**Macclesfield Civic Society** - This is a compact scheme for a small site adjacent to existing development on the south side of Moss Lane. The scheme can proceed independently of the comprehensive proposals for the South Macclesfield Development Area and as such could make an early contribution to the increase in housing supply. The layout is compact and well integrated though space around and between dwellings is just sufficient to provide privacy and amenity for existing and prospective occupiers. It is suggested that garden space should not be eroded by subsequent extensions and a condition may be necessary to secure this constraint. The affordable housing (presumably discounted market price) content of 30% is welcomed and should serve as an example for other developers to follow (something that is within the council's power to achieve!).

Some representations express concern regarding disturbance and safety during construction - these concerns could be addressed by planning conditions and adherence to the "considerate construction" code of practice.

As many trees as possible should be retained. The house designs are mixed and should be appraised for their suitability for the site and its wider surroundings.

18 letters of representation received:

- Highways issues layout is unacceptable
- Density too high
- Issues with Moss Lane and Moss Chase vehicle movements
- Volume of traffic will increase

- Disruption from construction traffic
- Concerns of odours from proposed development
- Loss of view
- Impact on protected trees
- Drainage issues
- Impact on protected species
- Homes will not be affordable at £350,000
- The site is designated open space in Macclesfield Local Plan
- Stating in supporting statement that area is a magnet for crime is untrue
- Lack of bin stores
- No access to plots 20-27 for refuse vehicles
- Infrastructure cannot support the proposal
- Generally supportive – pleased with the design but would be better off Moss Lane rather than Moss Chase.
- CEC byelaw 10 states that no obstructions should be within 8m of watercourse.
- Design is dense and oppressive
- Will block daylight and sunlight to 96 Moss Lane
- Comments from Engine of the North – drainage should reflect greenfield run-off rates; require pumping station to be designed in accordance with ‘sewer for adoption’ odour management; require pedestrian and cycle links to wider SMDA.
- Moss Chase is not a social housing area
- Water Voles are believed to be in the area

## **APPLICANT'S SUPPORTING INFORMATION**

- Planning Statement
- Arboricultural Assessment
- Design and Access Statement
- Geo-environmental Report
- Preliminary Ecological Assessment

## **APPRAISAL**

### **Key Issues**

- Principle of development
- Housing Land Supply
- Sustainability
- Affordable Housing and Housing Mix
- Landscape Impact
- Trees
- Ecology
- Amenity
- Flood Risk
- Highways
- Design
- Highways

- Section 106 agreement
- CIL
- Representations
- Conclusions
- Planning Balance
- Recommendation

## **Principle of development**

The site is located within Macclesfield town located off Moss Lane and situated behind Moss Chase a small residential development to the north. The site is located within the wider SMDA (South Macclesfield Development Area) which recently (August 2017) gained approval for 950 dwellings among other uses. The site is greenfield, however does form part of an allocation within the newly adopted Cheshire East Local Plan Strategy document. The whole of the SMDA allocation is expected to provide around 1050 dwellings along with associated infrastructure. This would provide for 32 of the dwellings providing a total so far of 982.

The principle of residential development is acceptable in this location being a parcel of a wider strategic allocation in the newly adopted local plan.

The site was a former area of designated open space, however with the adoption of the Local Plan in July 2017, this designation has been superseded by the wider strategic allocation of which this forms a part.

The policy set out within allocation LPS13 states that the site must provide for residential development. The requirements also include those expected to be delivered through the main SMDA site. However all development is expected to provide for primary and secondary educational needs which can be through a financial contribution which is required in this case. Further the site is expected to provide links to the wider site to the south. The layout provides for two links for pedestrians and cyclists to the land to the south. The site is required to provide on site affordable housing, which is proposed in through this development.

## **Local Plan Update**

The Council's current position with regard to 5 year housing supply is shown below:

On 27th 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).

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.

This application proposes 32 dwellings in a sustainable location including 12 affordable units. Therefore the site will make a valuable contribution to maintaining the Council’s housing land supply through the delivery of allocated sites.

## **Sustainability**

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

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing and Housing Mix**

The application proposes 32 units, 10 of which will be an affordable housing product.

The SHMA 2013 shows the majority of the demand in Macclesfield Per Year to 2018 is for 103x 2 bedroom and 116x 3 bedroom dwellings for General Needs. The SMHA is also showing the need for 80x 1 bedroom Older Person's dwellings.

The SHMA is showing an oversupply of 1 and 4 Bedroom General Needs dwellings and also for 2 bedroom Older Person dwellings.

The majority of the demand on Cheshire Homechoice in the Combined area for Macclesfield is for 528x 1 bedroom, 546x 2 bedroom, 237x 3 bedroom, 37x 4 bedroom and 1x 5 bedroom dwellings therefore 1,2,3 General Needs and 1 bedroom Older Person Dwellings on this site would be acceptable. 7 units should be provided as Affordable rent and 3 units as Intermediate tenure. The Older Persons accommodation could be via Bungalows, Ground Floor Flats or Cottage Style Flats.

The applicant is showing to be providing the required 30% affordable provision and also the correct 65%/35% split in tenure and are located adequately on site. However they were not originally providing any 1 bedroom dwellings and the need is shown from the SHMA and CHC.

The Housing Officer originally objected to the proposals based on the style of two bedroom property to be provided which could include single storey or flatted development for those with accessibility issues and further for 1 bedroom units. The scheme has now been amended to reflect this requirement and does now provide 2x1 bedroom flats as affordable housing. The affordable mix is now considered to be acceptable and contributes to meeting the requirement in Macclesfield.

The general housing mix is 3 and 4 bed accommodation, the Council's SHMA demonstrates that the yearly demand for dwellings in Macclesfield is 116 x 3 bedroom dwellings. This application proposes 7 x 3 bedroom dwellings with 15 x 4 bed dwellings. The SHMA does not show a market demand for 4 bedroom dwellings in Macclesfield, however the proposals do contribute to the demand for 3 bedroom market dwellings.

Whilst the general housing mix does not meet 1 or 2 bedroom demand, it does provide a mix of small 3 bedroom units. There will be a mix of 7 housetypes of varying sizes of 3 and 4 bedroom properties with the majority being 4 bedroom properties. It is considered that the mix of dwellings is acceptable in this location.

It is considered that the proposed housing mix is acceptable for a development of this size.

### **Education**

A proposal of a total of 32 dwellings will put pressure on local school services, therefore the proposal is required to provide a financial contribution towards both primary and secondary educational needs. This has been calculated as being Primary would be £ 65,076 (6 x £10846) & Secondary £81,715 (5 x £16,343) a total of £146,791.

Therefore the proposals are policy compliant in terms of education.

### **Public Open Space and Recreation**

The proposal does not provide for public open space or recreation space, however will make connections through to the wider SMDA to the south which is proposed to provide a variety of public open space and recreation options to be provided when the site is built out, including parks and playing pitches.

However, notwithstanding the future links the proposal may have, on-site provision is always the preferable option. In this case however, it is considered that a financial contribution for off-site provision is required to mitigate for the lack of on-site provision. The applicant will be providing an off-site financial contribution of £65,416 which will go towards improvements at Ash Grove Play Area, South Park and Congleton Road Playing Fields. The indoor sport requirement has been waived in lieu of improvements at Congleton Road. Therefore it is considered that the proposal is fully policy compliant with regard to public open space and recreation.

### **Social Sustainability Conclusion**

The proposals for the residential development will make an affordable housing contribution through the provision of 10 units of the correct tenure. The scheme does make a valuable contribution towards affordable housing which will be secured through a Section 106 agreement.

The proposed development will make a full education contribution and is likely to make a contribution towards open space and outdoor sport. The 2013 SHMA does not show a market demand for 4 bedroom dwellings, however the site forms part of the wider LPS 13 allocation and it is likely that on an allocation of this size 4 bedroom dwellings will be required.

The proposal will make a financial contribution towards improvements of the open spaces and recreation areas locally, therefore it is considered that the proposal makes a positive contribution to the health and wellbeing of the future residents of the dwellings and the wider area.

Overall the provision of a reasonable mix of housing for the community as part of a large strategic allocation along with on site affordable housing and education and open space and outdoor recreation contributions which can be provided by the development are considered to be socially sustainable.

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Landscape Impact**

The site is generally overgrown, on the edge of an urban area, the land is untidy in appearance. There are concerns from the Landscape Officer with regards to the ditch to the rear gardens of properties 6 – 17, with a 1.8m timber fence located to the west of the ditch and a number of existing trees retained along this boundary. There are concerns regarding the location of the ditch within the gardens and possible amenity concerns regarding the relatively close proximity of the remaining trees to residential properties and the viability of retaining the existing landscape buffer along this ditch.

However no detailed landscape proposals have been submitted as part of this application, the full detail will be reserved by condition to ensure that the landscaping is appropriate and acceptable within the site.

## **Trees**

The application is supported by a detailed Arboricultural Impact assessment (AIA) by Ascerta dated May 2017.

The application identifies the removal of seven individual trees and three groups and part of a group; these are identified G2, T2-T5, G4 part, G5, G6, and T7-T9. The trees individually and collectively have been categorised in accordance with current best practice BS5837:2012 as being of moderately low value. None of the trees identified for removal are protected under a Tree Preservation Order; formal protection is not considered appropriate.

The AIA and associated site identifies the retention of a number of trees associated with the site boundary; these present a poor social and spatial proximity to the rear elevations of the proposed dwellings. Should the development precede post construction problems in terms of light restriction and dominance are inevitable as the trees mature; removal of these trees also would not be contested.

There is a significant Root Protection incursion in respect of T6 in order to facilitate parking bays and a temporary road surface to service the development; the tree is a moderate value specimen with limited long term potential as a result of its twin stemmed formation.

Tree protection details have been included within the AIA and are consistent with the requirements of current best practice.

It is considered that the proposals will not include the removal of high value specimens, further some trees are to be retained. Therefore the proposals are considered to be acceptable with regard to tree loss.

## **Access**

The development does not appear to affect a Public Right of Way. The proposed footway/cycleway and proposed footpath to adjacent development site would increase the permeability of the site to pedestrians and cyclists, and the developer should be tasked to ensure that the alignment of such routes, and the specification of width and design for specific user groups, are in accordance with proposals for the adjacent site (17/1874M)

The National Planning Policy Framework states that “planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails” (para 75). NPPF continues to state (para. 35) that “Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to.....

- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians”.

Proposed developments should present an opportunity to deliver and improve walking, cycling and equestrian facilities for transport and leisure purposes, both within the proposed

development site and in providing access to local facilities for education, employment, health etc. These aims are stated within the policies and initiatives of the Council's statutory Local Transport Plan and Rights of Way Improvement Plan and also within the Local Plan Strategic Priority 2: "Creating sustainable communities, where all members are able to contribute and where all the infrastructure required to support the community is provided. This will be delivered by:

2. Ensuring that development provides the opportunity for healthier lifestyles through provision of high quality green infrastructure and cultural, recreational, leisure and sports opportunities

4. Improving links between existing and new neighbourhoods by giving priority to walking, cycling and public transport and providing a genuine choice of transport modes and supporting community integration".

In order to encourage people to walk and cycle for travel purposes and for healthy leisure activities, specific support and facilities should be offered to people at a 'transition point' in their lives, for instance, when they are changing job, house or school. The National Institute for Health and Clinical Excellence (NICE) guidance Walking and cycling: local measures to promote walking & cycling as forms of travel or recreation, November 2012, states that "at these times people may be open to trying a new mode of transport or new types of recreation". It is therefore important that the facilities for walking and cycling, including routes, destination signage and information materials, are completed and available for use prior to the first occupation of any property within any phase of the development, and remain available for use during the completion of other phases.

It is considered that the proposed pedestrian links to future development to the south and the main connection with Moss Chase will allow residents to make choices to walk and cycle safely from their homes. The proposed links add to the sustainability of the site within the wider sustainable location within Macclesfield.

## **Ecology**

### Local Plan Allocation

This application site falls within the South Macclesfield Development Area. Local plan policies specific to this allocation refer to the retention of trees, water courses and natural habitats as appropriate.

### Designated Sites

The application site falls within Natural England's SSSI Impact Risk Zones.

The SSSI impact risk zone relates to developments of 50 units for rural housing and 100 for housing in general. The proposed development falls below this threshold. It however forms part of the wider South Macclesfield Development area which is also subject to an outline planning application, for which NE have requested conditions be attached to any consent granted to safeguard the SSSI.

Natural England has commented in respect of the SSSI and have raised no objections to the proposals.

### Habitats and Lowland Raised Bog

The application site, and much of the South Macclesfield Development Area of which the application forms part, appears on the national inventory of lowland raised bog habitat. Habitats of this type are a material consideration for planning. The value of this type of habitat arises from the species and habitats it supports and in the case of degraded sites their potential for restoration.

In this instance the habitats on the application site are currently not particularly reflective of Lowland Raised Bog and no bog species were recorded during the submitted surveys. The existing habitats are of some nature conservation value, but do not amount to priority habitats in their own right. The submitted ecological assessment however identifies the ditches as being of low to district value and states that they may have some potential to support relic bog vegetation.

#### Water voles

This protected species is known to occur in this broad locality. No conclusive evidence of this species being present was recorded during the submitted survey.

It is therefore advise that based on the results of the survey the proposed development is not likely to have a significant impact on this species.

However, as this species is known to occur in this locality it is recommended that in the event that planning permission is granted, a condition be attached requiring an updated water vole survey be submitted prior to the commencement of development.

#### Bats

The submitted ecological assessment identifies the trees surrounding the site as having potential to support roosting bats and recommends that a further bat survey be undertaken of these trees if any are proposed for removal. This survey has been completed and no evidence of roosting bats was recorded. Therefore based upon the current status of bats on site the proposed development is not likely to have an adverse impact upon this species group.

However if planning permission is granted it is recommended that a condition be attached which requires the completion and submission of an updated bat survey if the trees identified as having potential to support roosting bats that would be lost as a result of the development have not been removed by September 2018.

#### Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so this species may occur on the site of the proposed development, although no evidence of its presence was recorded during the submitted surveys.

#### Reptiles

Common lizard is present in small numbers on the broader South Macclesfield Development Area. The application site offers opportunities for this species, but no evidence of this species has been recorded on the application site to date. The submitted ecological assessment states that the ditches around the site limit the potential for reptiles to gain access to the application site.

It is advised that the ditches around the site are likely to be dry during some periods of the year and so there remains a risk, albeit relatively, low that common lizard could occur on the site. The relatively low risk posed by the local common lizard population could be mitigated through the implementation of reasonable avoidance measures.

It is therefore advised that if planning consent is granted a condition should be attached which requires a method statement of reptiles reasonable avoidance measures to be submitted prior to the commencement of development and implemented.

#### Common Toad

This priority species is a material consideration for planning. Evidence of activity of this species on site was recorded during the submitted survey. The proposed development will have a localised impact on this species as a result of the loss of terrestrial habitat. The retention of the ditches around the site would ensure that there is no loss of suitable breeding habitat.

#### Nesting Birds

If planning consent is granted, a condition is required to safeguard nesting birds and to ensure some additional provision is made for nesting birds and roosting bats as part of the development proposals.

#### Ecology Conclusion

This application site falls within the South Macclesfield Development Area. Local plan policies specific to this allocation refer to the retention of trees, water courses, natural habitats as appropriate.

There may be a requirement for a financial contribution to offset the potential loss of biodiversity at the site, however this will be reported to the committee by way of an update.

#### **Amenity**

In order for the proposals to be acceptable, it is important that they do not have a detrimental impact on the amenities of existing residents and that the development is not located within an area which would harm the amenities of future residents, or the proposals would not cause undue harm by overlooking, loss of light or loss of privacy to future or existing residents.

Environmental Health has commented on the application and has raised no objections with regard to contaminated land, air quality or noise and vibration subject to conditions.

The proposed layout of the site has no directly facing back to back dwellings due to the shape of the site. It is considered that the separation distances across the site are adequate, there is one dwelling plot on site where side to rear separation distance is at 11m, however it is not considered that this would result in overlooking, loss of light or loss of privacy. There may be overlooking into some of the proposed gardens from existing properties, however due to the existing and proposed boundary treatments, coupled with no direct facing windows, this is not considered to be harmful to future residents. The garden areas are considered to be sufficient, therefore it is considered that the proposals accord with policy DC38 which allows

for flexibility with regard to separation distances and policy DC3 which aims to protect the amenity of existing and prospective residents of dwellings.

## **Flood Risk**

It is important that new developments are not at risk from flooding, or that the development itself would not exacerbate flooding in an area. The Flood Risk Team has commented that the application is acceptable in principle and site layout plan submitted, it suggests a large decrease on existing permeable area. It is considered that greater permeability is required, to enable more natural surface water infiltration. There is a localised flooding issue which previously effected sections of highway / land along various location across Moss Lane. The developer should take this into consideration and undertake further site investigation to establish any potential land drainage / watercourses which currently run through proposed site.

Furthermore, a number of ditches are unmaintained. It is advised that the developer to undertake vegetation and removal of any debris before any construction is undertaken on site. It is also worth noting as the site is predominantly greenfield, existing QBAR run-off must be mimicked with appropriate attenuation designed up to 1 in 100 years + 30% climate change. This needs to be agreed before any further drainage design is undertaken.

Therefore conditions are recommended to ensure that the site can drain effectively.

United Utilities has commented on the application and raised no objections to the proposals. No objections have been raised in relation to flooding and drainage subject to suitably worded conditions.

## **Design**

The proposed site is constrained due to the irregular shape therefore the layout of the site has been designed to best accommodate this. It is considered that the layout is acceptable and will provide active frontages. The layout does allow for some landscaping and retention of existing which will be secured by condition. The highway layout has a hierarchy of surfaces becoming less formal towards the edges of the site on turning heads, and minor driveways. There are a number of housetypes which will add variety to the street scene. It is considered that the layout is acceptable and has been tailored well to the awkward shape of the site, making the most efficient use of the space, in accordance with policy SE2 which requires the efficient use of land.

## **Highways**

A small number of objections have been received in relation to the proposals, mainly relating to increased traffic the development will cause on an already busy road Moss Lane, and concerns of the site joining Moss Chase. The proposal will create an access off Moss Chase.

The highways officer has assessed the proposals and raises no objections following an amendment providing a refuse area for collection days, due to the size of the refuse vehicles. It is considered that the proposal will not have a detrimental impact on the capacity of the local highway network, and the internal layout is acceptable in highways terms. The site provides adequate parking provision.

Therefore the proposal is acceptable with regard to highways matters.

### **Environmental sustainability conclusions**

It is considered that the proposed development is environmentally sustainable. The proposed design of the site is acceptable, there are conditions required in respect environmental matters raised above.

## **ECONOMIC SUSTAINABILITY**

### **Employment**

The proposed development will provide employment in the short term during the clearance and construction of the development in the area.

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

The addition of 32 units within the town will undoubtedly boost the economy in the local area through the increased use of shops and services making them more sustainable, which is especially important in Macclesfield Town Centre to be sustainable into the future. Additional population can create more demand for local services, increasing the likelihood that they will be retained into the future and improvements and investment made.

### **Economic sustainability conclusions**

The proposals will result in additional employment in the sort term through the construction of the site along with an economic boost locally through the increase in population to this area of the town. It is considered that the proposals will make efficient use of the site which is part of a wider strategic allocation.

### **Section 106 agreement**

A s106 agreement will be required to secure the following:

- Provision of 10 affordable units.
- Educational contribution of £146,791 towards primary and secondary spaces.
- Contribution towards POS £43,416
- Contribution towards ROS £22,000

### **CIL Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following: a) Necessary to make the development acceptable in planning terms; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified meet the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial

requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

## **Representations**

A large number of representations have been received in relation to the application, the majority of which are supportive of the principle of the development with reservations and objections relating to traffic and parking. However, it is considered that the proposals are acceptable in highways terms and will not have a detrimental impact on the local highway network. Due to the sustainable location of the development, walking and the use of public transport is a realistic option which could reduce the demand of the private car on the site. Those comments relating to this scheme and its merits have been addressed in the main body of the report. Having taken into account all of the representations received including internal and external consultation responses, the material considerations raised have been addressed within the main body of the report.

## **CONCLUSIONS**

The site forms part of a strategic allocation for the South of Macclesfield. This is a very small portion of the wider site, for which the remainder has received outline planning permission for 950 units. It is considered that the proposed development accords with the Local Plan policy relating to its allocation by providing housing, further where the site falls short, such as open space, this is mitigated through financial contributions to improve existing facilities. The applicant is providing financial contributions in order to make the development acceptable and is providing the full amount of affordable housing on site which is essential in order to make developments sustainable in the future. It is considered that the proposals are environmental, socially and economically sustainable and accord with the development plan and the framework. The site is sustainably located within the town and the proposals represent an efficient use of the land.

Cheshire East is currently able to demonstrate a 5 year supply of housing however this proposal will make a valuable contribution in maintaining this position.

It is considered that the proposal represents sustainable development and accords with the development plan policies mentioned in the policies section of this report and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for approval.

## **RECOMMENDATION**

**The application is recommended for approval subject to a S106 planning obligation which secures the heads of terms listed in the Section 106 agreement section of the report or added as an update to the report, and the following conditions.**

1. Time Limit 3 Years
2. Approved Plan and document condition
3. Facing Materials to be submitted including windows, doors and rainwater goods.
4. Details of boundary treatments to be submitted.
5. Sustainable drainage management and maintenance plan to be submitted.

6. No development shall take place until a detailed strategy / design and associated management / maintenance plan of surface water drainage for the site has been submitted to and approved in writing by the Local Planning Authority. The drainage design must also include information about the design's storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for Climate Change)) & any temporary storage facilities included, to ensure adequate drainage is implemented on site.
7. Details of Ground levels and Finished floor levels (FFLs) need to be approved in writing by the LLFA and LPA.
8. Prior to the commencement of development detailed proposals are to be submitted for the provision of gaps for hedgehogs to be incorporated into any garden or boundary fencing proposed. The gaps to be 10cm by 15cm and located at least every 5m.
9. Prior to commencement of development an updated water vole survey is to be submitted.
10. An updated bat survey is to be submitted if trees identified as having roost potential are not removed prior to September 2018.
11. Prior to commencement of development a method statement of reptiles reasonable avoidance measures to be submitted.
12. Nesting bird survey to be carried out
13. Prior to the commencement of development detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house sparrow and roosting bats shall be submitted to and approved in writing by the Local Planning Authority.
14. All arboricultural works shall be carried out in accordance with Ascerta Arboricultural Impact Assessment dated May 2017
15. Piling method statement to be submitted
16. Dust control method statement
17. Prior to first occupation, a Residents' Travel Information Pack shall be submitted to and agreed by the LPA.
18. Electric vehicle charging point for every dwelling with dedicated off road parking
19. Ground gas risk assessment to be carried out and remediation scheme.
20. Imported soils to be tested for contamination.
21. Reporting of unexpected contamination.
22. Landscaping scheme to be submitted including hard and soft landscaping
23. Landscaping implementation
24. Plan to show locations of bin stores
25. Broadband connection to be made available to all dwellings
26. Construction Management Plan

*In order to give proper effect to the Committee's intentions and without changing the substances of the decision, authority is delegated to the Planning & Enforcement Manager in consultation with the Chairman (or in their absence Vice Chairman) of the Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, including*

*wording of conditions and reasons, between approval of the minutes and issue of the decision notice. Should the application be subject to any appeal, the following Heads of Terms should be secured as part of any S106 Agreement.*

