

Application No: 19/0562M

Location: Land to the west of MACCLESFIELD ROAD, EATON

Proposal: Outline planning application for the erection of up to 150 dwellings with public open space, landscaping and a sustainable drainage system (SUDS) on land off Macclesfield Road CW12 2NB. All matters reserved except for access.

Applicant: Gladman Developments Ltd

Expiry Date: 16-Sep-2019

## SUMMARY

The proposed development would be contrary to Policy PG2 and PG6 of the Cheshire East Local Plan Strategy as the development would result in a loss of open countryside. The Publication Draft of the SADPD identifies that the site would also be located within the open countryside.

As an outline application, the development could provide a sufficient quantum of POS/children's play whilst the impact upon indoor and outdoor sport could be mitigated via S106 contributions. Given the site constraints careful consideration would be needed for the siting of such amenities at reserved matters stage.

The development would provide economic benefits through the provision of employment during the construction phase, new homes, affordable and market and benefits for local businesses through new residents spending in the economy.

The impact upon education and health infrastructure would be neutral as the impact could be mitigated through a financial contribution as requested by the Education Manager and the NHS.

The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions. Most trees are retained.

The application is recommended for refusal on the basis that the development is within the open countryside, outside the designated settlement boundary for Congleton and the Council can demonstrate a 5 year housing land supply. The 'tilted balance' in the NPPF is not engaged.

The proposal would be likely to be car dependent given the inadequate provisions put forward for alternative modes of transport and the internal road layout is considered to likely result in excessive speeds. The proposal also contains insufficient information concerning ecological matters/ drainage into the adjoining Moss in ecological terms.

## **RECOMMENDATION**

**Refuse**

## **PROPOSAL**

This is an outline planning application for up to 150 dwellings.

The access point to serve the site would be taken off the (to be constructed) roundabout on Macclesfield Road as part of the Congleton Link Road.

## **SITE DESCRIPTION**

The site lies to the north east of Congleton and is located within Eaton Parish.

The site covers an area of approximately 8.82 hectares; the majority of the application site is semi-improved grassland that is used for pasture. The topography of the application site is steeply undulating, with the highest point located centrally and falls to the east and west with levels falling by circa 9 metres. The site slopes towards Macclesfield Road, which is very apparent in views from Manchester Road.

To the west the site is bordered by the adjacent woodland of Cranberry Moss Local Wildlife Site (LWS); to the north by land which will become the Congleton Link Road. There are a number of trees and hedgerows located across the application site.

The site is bounded by the end of the Congleton Link Road currently under construction and the access point is proposed to be off an arm of the Link Road roundabout.

## **RELEVANT HISTORY**

None

## **NATIONAL & LOCAL POLICY**

### **Cheshire East Local Plan Strategy (CELPS)**

PG2 – Settlement Hierarchy

PG6 - Open Countryside

PG7 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

CO1 Sustainable Travel and Transport

CO4 – Travel Plans and Transport Assessments

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - 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 6 – Green Infrastructure

SE 8 – Renewable and Low Carbon Energy  
SE 9 – Energy Efficient Development  
SE 12 – Pollution, Land Contamination and Land Sustainability  
SE 13 - Flood Risk and Water Management  
SE14 - Jodrell Bank  
IN1 – Infrastructure  
IN2 – Developer Contributions

### **Macclesfield Borough Local Plan (MBLP) 2004**

NE11 (Nature Conservation)  
NE12 (Sites of Biological Importance)  
GC14 (Jodrell Bank)  
DC3 (Amenity)  
DC6 (Circulation and Access)  
DC8 (Landscaping)  
DC9 (Tree Protection)  
DC35 (Materials and finishes)  
DC36 (Road Layouts and Circulation)  
DC37 (Landscaping)  
DC38 (Space, Light and Privacy)  
DC40 (Children's Play Provision and Amenity Space)

### **Eaton Neighbourhood Plan**

Has yet to reach regulation 14 status. No weight can be attached

### **National Policy**

The National Planning Policy Framework

### **Other Material considerations:**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation  
Statutory Obligations and Their Impact within the Planning System  
Interim Planning Statement Affordable Housing  
Cheshire East SPD residential Design Guide

### **CONSULTATIONS**

**CE Flood Risk Manager:** No objection. Considers could be conflict with requirements of the Councils ecologist. Conditions suggested.

**CEC Strategic Housing Manager:** No objection subject to 30% affordable housing in the appropriate mix

**United Utilities:** No objection subject to the imposition of conditions.

**Strategic Highways Manager:** Advises that the provision of the roundabout access is acceptable in principle subject to safety audit and financial mitigation based on £3000 per house would be required for use on wider network, based on the impact of the development. However, formal objection is raised in terms of the detailed internal road layout likely to result in excessive speeds and lack of accessibility to the site for pedestrians/ safe routes to school and no provision of cycle routes.

**Environmental Health:** Conditions suggested relating to piling hours, dust mitigation, noise mitigation, travel plan, electrical vehicle infrastructure, contaminated land, low emission boilers and an environmental management plan.

**NHS England:** Request a full contribution based on a formula consisting of occupancy x number of units in the development x £360. Estimated average occupancy of 2.8 persons is £151,200. This would need to be adjusted when true levels of occupancy are known

**Jodrell Bank:** No comments received.

**Ansa (Public Open Space):** No objection in principle but considers that the layout of the on site Children's play and kick about space needs careful positioning on this sloping site with numerous trees that would limit placement

**Natural England:** No objection - consider CEC should determine the ecological impacts.

**CEC Education:** A development of 150 houses is expected to generate

22 (Secondary) x £17,959 x 0.91 = £359,539

2 (SEN) x £50,000 x 0.91 = £91,000 (SEN)

Total education contribution: £450,539

Without such a contribution, the Education Department would object to this proposal

## **VIEWS OF THE PARISH COUNCIL**

**Eaton Parish Council :** Object to the application on 2 occasions on the following grounds:

- This development is not in accordance with, nor is it considered by the Cheshire East Local Plan Strategy (2017). A fact acknowledged by the Applicant. The supposed material considerations raised in the application document do not outweigh this conflict.
- The Site Location is in open countryside, it is 2.1 km from the centre of Congleton and not on the edge of Congleton. The Site Location is rural and it is not suitable or sustainable.
- The Applicant accepts that the Site Location is 'located in the open countryside beyond existing settlements' therefore Policy PG6 Open Countryside applies
- Contrary to PG6, if this development were to be consented it would undoubtedly further erode the important gap between Congleton and Eaton village.
- This Site Location is a site of 'medium - high visual & landscape constraint' whose parkland character should be 'maintained' This was established in the North Congleton

Masterplan which forms an integral part of the Cheshire East Local Plan Strategy (2017). The harm caused by this development would be substantial

- This development runs counter to Policy SE4 landscape
- This development runs counter to Policy SE3 Biodiversity and Geodiversity.
- As recently as November 2018 Cheshire East Council's housing supply was been shown to be 7.2 years. A number which is 44% greater than the minimum target of 5 years' supply.
- This application fails to justify why this development should be used to help support Cheshire East Council or Congleton to meet its National housing objectives, over and above the levels already being achieved.
- Spur from roundabout intended for agricultural use
- Cheshire East does not require the site to meet its statutory housing obligations as it can demonstrate a supply of 7.2 years, with many more sites across the Borough allocated for housing within the CELPS.

**Gawsworth Parish Council** - Objection as adjoining Parish the site was not within the Cheshire East Local Plan no provision was made for the impact the additional housing will have on the A536.

## **REPRESENTATIONS**

Approx. 48 letters of objection have been received from local households raising the following points:

- No need given range of other developments locally
- Cheshire East now has a 5 year housing land supply
- This site is not included within the Cheshire East Local Plan
- The vast majority of Eaton residents do acknowledge that some new houses are needed within the Village and surrounding Parish areas. But this should be limited to say a 10% increase in existing housing numbers.
- The Neighbourhood Plan for Eaton is still in draft format. Time should be allowed for this document to be completed which would then outline how the residents of Eaton would like to see their environment and community develop.
- Eaton will be absorbed into Congleton
- Adverse impact upon hydrology and ecology of the adjacent Moss
- The development is in the open countryside/green buffer
- erosion of green buffer
- Increased traffic congestion/ access onto link road roundabout is dangerous
- The site is not allocated for housing
- Increased pressure on local schools (both primary and secondary)
- Impact upon local health provision
- Increased demand on all facilities and utilities, electricity, water, gas
- no public transport
- impact on water table and that impact upon the Moss
- Unsubstantiated need. The housing needs assessment for the Eaton area identified sub 10 additional properties to be built by 2030 – there is no evidenced need for this development within the parish or borough as a whole
- Adverse impact on landscape character area in area of high landscape character
- Noise and disturbance/ impact on air quality

- The impact upon the character of area
- The high density of the proposed development is not acceptable
- Quarry operator raises concerns in terms of 'agent of change' principle and potential adverse impacts upon their commercial operations as a result of new residents close to Eaton Hall Quarry

## **APPRAISAL**

The key issues are:

The Policy Position

Housing land supply

Sustainability including the proposal's Environmental, Economic and Social role

The impact upon highway safety/pedestrian safety for future residents

Impact upon trees and landscape

Impact upon ecology

Drainage

Planning Balance

## **Principle of Development**

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

This is acknowledged in the NPPF at paragraphs 2 and 12. Paragraph 12 states that 'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Policy PG 2 'Settlement Hierarchy' sets out the council's approach to development within the Borough, which is to focus the majority of new development to the Borough's Principal Towns and Key Service Centres.

Congleton is identified in the settlement hierarchy as a Key Service Centre. Policy PG 7 'Spatial Distribution of Development' states that Congleton is expected to accommodate in the order of 4,150 new homes over the plan period (2010-2030).

The Congleton settlement boundary runs along the southern side of Moss Lane and the site is physically separated from that boundary by intervening agricultural land, Cranberry Moss and a small cluster of rural dwellings.

Accordingly, the site lies outside of the settlement boundary in open countryside as defined by Policy PG2 and Policy PG6 of the Cheshire East Local Plan Strategy (CELPS). Policy PG6 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers,

affordable housing in accordance with policy SC6 or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing (rural exception) and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

## **Housing Land Supply**

The Cheshire East Local Plan Strategy was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These are:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Under transitional arrangements, where the Housing Delivery Test Result indicates that the delivery of housing was substantially below 25% of housing required over the previous three years.

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2018) was published on the 6th November 2018. The report confirms:

- A five year housing requirement of 12,630 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of a 5% buffer.
- A deliverable five year housing land supply of 7.2 years (18,250 dwellings).

The 2018 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19th February 2019 and this confirms a Cheshire East Housing Delivery Test Result of 183%. Housing delivery over the past three years (5,610 dwellings) has exceeded the number of homes required (3,067). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

Relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged.

## SUSTAINABILITY

The National Planning Policy Framework definition of sustainable development is:

*"Sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs"*

The NPPF determines that sustainable development includes three overarching objectives – economic, social and environmental – which are interdependent and need to be pursued in mutually supportive ways (so opportunities can be taken to secure net gains across each of the different objectives).

**an economic objective** – to help build 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 improved productivity; and by identifying and co-ordinating the provision of infrastructure;

**a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

**an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy.

### Locational Sustainability

Both policies SD1 and SD2 of the CELPS refer to supporting development in sustainable locations. Within the justification text of Policy SD2 is a sustainable development location checklist toolkit from the CELPS.

The toolkit sets maximum distances between the development and local amenities. These comprise of everyday services that a future inhabitant would call upon on a regular basis, these are:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),



- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).
- public right of way (500m)

The accessibility of the site shows that following facilities meet the minimum standard:

	Recommend ed	Actual (approx.)	Location
Any transport node	400m		Macclesfield Road bus stop on site frontage
Convenience Store	500m	1200m	McColls – Lower Heath
Post Box	500m	1200m	Jackson Road
Playground	500m	440m	Eaton Village & on site
Bus Stop	500m	840m	Macclesfield Road
Public right of way	500m	800m	Byway along Havannah Lane (Eaton BY9)
Amenity Open Space	500m		On site
Children's Play Area	500m	0m	on site
Post Office	1000m	1500	McColls – Lower Heath
Bank/Cash Point	1000m	1500m	McColls – Lower Heath
Supermarket	1000m	2000m	Tesco
Pharmacy	1000m	1300m	Salus Pharmacy
Primary School	1000m	1150m	Havannah School
Secondary School	1000m	1100m	Eaton Bank School
Medical Centre	1000m	2800m	Meadowside Medical Centre
Leisure Centre or Library	1000m	2500m	Congleton Leisure Centre Worrall St
Community Centre	1000m	1900m	Scout Hut, Worrall Street
Public House	1000m	1400m	The Plough Inn
Public Park/ Village Green	1000m	2000m	Congleton Park
Child Care Facility	1000m	2800m	Hilltop Nursery, Chapel Street
Railway Station	2000m	3900m	Congleton

The proposal fails to meet a number of standards; however, as is common in many suburban situations, the facilities in question are within a reasonable distance of those specified and are therefore accessible to the proposed development.

Macclesfield Road is served by public transport. However no proposals have been provide for any form of footway provision to Macclesfield Road and no linkages can be provided through any other part of the site due to the relationship with Cranberry Moss. No cycle provision is also provided.

Whilst it is recognised that the nearby sites that have been allocated have been determined to be locationally sustainable as part of the development of the Local Plan Strategy, the application fails to provide for any pavement and facilities other than for the motor vehicle as part of the proposals, and although the provision of the Link Road will provide some cycling infrastructure, the lack of any such linkages or provisions for modes of transport other than the car in this proposal is a serious failing.

The area is on the edge of the Congleton area and day to day facilities are available a short distance away. On this basis the site is considered to be generally locationally sustainable,

however, those trips will be heavily car reliant given the lack of infrastructure/safe routes to schools as proposed. As the area develops it is also expected that facilities will also develop and proximity to every day services would improve, in terms of this proposal, it is concluded that the site is locationally unsustainable by virtue of the lack of provision for anything other than the motor vehicle.

## **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development would contribute to a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the local area including additional trade for local shops and businesses by virtue of people living in the houses, and the economic benefits during the construction phase including jobs in construction and economic benefits to the construction industry supply chain.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

The application proposes 30% affordable dwellings within a market led development. This could result in up to 45 affordable units on this site (based on the application description of up to 150 units), depending upon the resultant layout and mix and site constraints.

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

The current number of those on the Cheshire Homechoice waiting list with Gawsworth and Eaton PC as their first choice is 41. This can be broken down to 15x 1 bedroom, 12x 2 bedroom, 6x 3 bedroom, 4x 4 bedroom and 4x 4+ bedroom dwellings.

The SHMA 2013 showed the majority of the house type demand annually up to and including 2018 in Macclesfield Rural is for 9x 1 bedroom, 6x 2 bedroom, 23x 3 bedroom and 11x 4 bedroom dwellings for General Needs. The SHMA also showed an annual need for 2x 1 bedroom and 8x 2 bedroom dwellings for Older Persons. These can be via flats, cottage style, bungalows or lifetime standards homes.

Of the 45 Affordable dwellings 29 units should be provided as affordable/Social rent and 16 units as Intermediate tenure.

If this Outline application is granted permission, for the Reserved Application an Affordable Housing Statement will have to be produced and agreed with the council that confirms the following:

- (a) the Agreed Mix;
- (b) the timing, location and distribution of the Affordable Housing within the Site, ensuring that the Affordable Housing is pepper-potted throughout the Site and not segregated from the Open Market Housing;
- (c) details of how the proposed design and construction of the Affordable Housing will ensure that the Affordable Housing is materially indistinguishable (in terms of outward design and appearance) from the Open Market Housing of similar size within the Development;

The Local Plan Strategy's annual affordable housing target for the borough is 7,100 across the Plan period (average of 355 per year). Affordable housing completions since 2010 are reflected in the following taken from the Councils Annual Monitoring Report (AMR).

The proposal could deliver up to 45 affordable dwellings. However this is a policy compliant level of provision that could be secured on any site considered suitable for residential development.

In terms of affordable housing need, the borough wide housing requirement for 36,000 new dwellings, includes the provision of 7,100 new affordable homes over the plan period, equating to 355 dwellings per year.

Affordable housing completions between 01.04.2010 – 31.3.2018 totalled 2812 dwellings compared to a requirement of 2840 (355x8) over the same period. However it should be noted that there has been a significant uplift in affordable housing delivery since 2014/15 with 2113 dwellings delivered over this 4 year period, equivalent to 528 dwellings per annum. This is shown in the extract from the Authority Monitoring Report 2017/18 below.

#### MF4 Gross total of affordable housing units provided (SA1)

**12.88** Table 12.30 shows the number of affordable units completed over the last five years. In 2017/18, 27% of the gross dwellings built were affordable. This is an increase of 283 dwellings on the number of affordable dwellings built in 2016/17 and reflects the Council's policy on affordable housing provision across the Borough.

Table 12.30 Provision of Affordable Homes<sup>(52)</sup>

2013/14	2014/15	2015/16	2016/17	2017/18
131	638	448	372	655

## Public Open Space

The indicative plans show that the open space would measure approximately 11000sqm and located to the northern boundary with the (to be developed) noise attenuation bund associated with the Link Road. A considerable amount of this area comprises structural planting and a SUDs and existing on site pond. A further area of open space/structural planting/ecological buffer adjoins the southern boundary with the adjacent peripheral areas to the boundaries of the site. The submitted information also indicates that the applicant is prepared to provide Allotments on site

Two proposed play areas will be located within the POS to the north of the site adjacent to the proposed footpaths and development, designed to provide a range of equipment for children and provide for information recreation as well as seating areas. The Framework Plan indicates a LEAP and a LAP is to be provided. Whilst a LAP is acceptable in the northwest of the site a NEAP should be provided centrally as the main facility for play. This area should be DDA inclusive, have a minimum 30m buffer zone/separation between activity zone and the boundary of the nearest dwelling, contain a minimum of 8 pieces of play equipment including a combination multi-play unit and have sufficient space around equipment to allow children to run around and play games.

The area should be predominately flat, enjoy quality infrastructure in keeping with the site and should be to Fields in Trust (FiT) standards. FiT advise for a development of this size, a contribution towards a MUGA is required however the Greenspace Officer confirms the LAP in the northwest of the site would be more appropriate in this instance.

**Allotments/Food Production** – The Cheshire East Sustainable Community Strategy encourages environmentally sustainable living to help increase food security by encouraging the use of allotments and other community food schemes. There is also provision for allotments within policy SE6 requiring 5m<sup>2</sup> per family home. In this instance the Greenspace Officer is of the view that allotments are not appropriate and would encourage the applicant to secure an alternative such as community orchard or community planting areas in raised beds. As this is an outline application, this could be achieved at reserved matters stage

**Outdoor Sport** – Policy SC2 and SE6, Table 13.1 for Open Space Standards require developer contributions for outdoor sports facilities. In line with the recently updated Playing Pitch Strategy contributions sought would be £1,000 per family dwelling or £500 per 2 bed space (or more) apartment for off-site provision. This figure may change as Policy is updated at any time.

Policy SE6 Green Infrastructure requires all developments to strengthen and contribute to sport and playing fields through developer contributions.

Policy SC2 for Indoor and Outdoor Sports Facilities states that “*major (10 dwellings or more) residential developments contribute, through land assembly and/or financial contributions, to new or improved sports facilities where development will increase demand and/or there is a recognised shortage in the locality that would be exacerbated by the increase in demand arising from the development.*”

## **Indoor Sport**

Policies SC1 and SC2 of the Local Plan Strategy provide a clear development plan policy basis to require developments to provide or contribute towards both outdoor and indoor recreation. Policy SC2 – states that whilst new developments should not be required to address an existing shortfall of provision, they should ensure that this situation is not worsened by ensuring that it fully addresses its own impact in terms of the additional demand.

A contribution of £26,000 is sought towards improvements at Congleton Leisure Centre. Specified use should be included within a Section 106 agreement. This would need to be secured as part of a S106 Agreement.

## Education

This is an outline application which seeks approval for the development of up to 150 dwellings. The development of 150 dwellings is expected to generate:

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28 primary children (150 x 0.19) 29 – 1 SEN  
22 secondary children (150 x 0.15) 23 – 1 SEN  
2 SEN children (150 x 0.51 x 0.023%)

The development is expected to impact on secondary school places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places still remains.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough

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

22 x £17,959 x 0.91 = £359,539  
2 x £50,000 x 0.91 = £91,000 (SEN)  
Total education contribution: £450,539

Without a secured contribution of £450,539 Children's Services raise an objection to this application.

This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 22 secondary children and 2 SEN children would not have a school place in Congleton. The objection would be withdrawn if the financial mitigation measure is agreed.

## Health

The East Cheshire Clinical Commissioning Group (CCG) have sought a S106 Contribution advise that the local medical centres are operating at capacity and therefore to accommodate the future residents put forward, and the Readesmoor Surgery, Lawton House Surgery, Meadowside Medical Centre will need to be developed to support their ability to provide the expected level of primary care facilities in Congleton.

The mitigation requested, as this is an outline application for up to 150 dwellings the numbers of bedrooms as yet unknown is, based on the formula consisting of occupancy x number of units in the development x £360. This equates to £151,200

The requested mitigation can be provided as part of the overall financial contributions offered. On this basis the proposal mitigates for its health related impacts

## **Residential Amenity**

The application is in outline form and there is no reason why adequate separation distances could not be provided on site. This would form part of any reserved matters assessment and could be refused if it did not comply with policy or provide an adequate layout at that time.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Countryside and Landscape Impact**

The application site comprises a field and covers an area of approximately 8.8 hectares; the majority of the application site is semi-improved grassland that is used for pasture. The topography of the application site is steeply undulating, with the highest point located centrally. To the south the site is bordered by the adjacent woodland of Cranberry Moss, to the north by a fence (which adjoins the route of the Congleton Link Road, with views out over the wider rural landscape. To the east lies Macclesfield Road, along which is a hedgerow and hedgerow trees. Macclesfield Road is a lower land level.

The Applicant has argued that the Congleton Link road, when built adjacent, will significantly change the landscape character. They also argue that the scheme contributes to the overall vision for growth of Congleton.

To the south the site is bounded by Eaton Cottage, and further to the south is Rose Cottage, both of which are surrounded by extensive vegetation and trees that extends along the very southern section of the application site. There are a number of trees located across the application site

As part of the application a Landscape and Visual Impact Assessment has been submitted, this indicates that it has been based on the Guidelines for landscape and Visual Impact assessment, 3rd Edition, 2013. As part of the assessment the baseline landscape is referred to, the Assessment identifies the National Character Area in which the application site is located, as well as the Local landscape type, in this case Higher Wooded Farmland, and more specifically within the LCA 11b: Gawsworth Character Area. The application site is formed by parts of four fields, with a number of hedgerows, hedgerow trees and a number of individual trees, and conforms well to the description of the Gawsworth Character Area as described in the Cheshire East Landscape Character Assessment, 2018.

The submitted Landscape and Visual Impact Assessment indicates that the site and the immediate landscape is of medium value and that the proposed development would have a negligent effect upon the National Character Area; a minor adverse effect on the local landscape character area (Gawsworth) and a moderate adverse effect on the site itself. The assessment identifies that the local area landscape effect would reduce to a negligible effect after 15 years and that the site character would reduce to minor adverse/negligible after 15 years. The assessment indicates that the direct impact on the landscape features will result in no more than a moderate adverse effect upon the landscape of the site, with landscape effects at year 15 no greater than minor adverse. The assessment of effects at 15 years would of course be dependent on the amount and quality of new habitat creation, tree planting and attenuation features. The visual assessment identifies that there will be moderate adverse visual effects at

completion for sensitive receptors such as users of Macclesfield Road and the Dane Valley Way and Eaton Farm, and minor adverse effects along a section of Moss Lane; the visual assessment identifies that the effects in the long term will reduce to minor adverse, and that the visual effects on a number of PROWs nearby will be no more than minor adverse after 15 years; again, this is dependant on the quality and quantity of habitat creation, tree planting and attenuation features generally.

The Landscape Architect agrees with the landscape and visual assessment at completion; this is an outline application and the longer term effects will depend on a robust new Landscape framework, including new open spaces, trees, structure planting, hedgerows and other mixed habitats, and particularly attention to design and specification of landscape boundary treatments. If these are achieved it is considered that the effects identified in the assessment are reasonable. It should also be noted that The National Planning Policy Framework (NPPF) highlights the importance of high quality design that also responds to local character and that reflects the identity of local surroundings, with appropriate landscaping; this is also reflected in Policy SE4 The Landscape in the Cheshire East local Plan Strategy.

Policy PG 6 of the CELPS seeks to protect open countryside from urbanising development. Policy PG6 recognises the intrinsic character and beauty of the countryside, which is consistent with one of the core planning principles in paragraph 17 of the Framework. Policy PG 6 only permits development in the Open Countryside for certain essential or limited purposes appropriate to the rural area, and that in this regard identifies that particular attention should be paid to design and landscape character so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced.

The Landscape and Visual Impact assessment identifies that the application site is located in the Open Countryside, and that Policy PG 6 - Open Countryside is relevant. The submitted Planning Statement also identifies that the proposed development is contrary to this policy, 'Whilst the proposals do not form a use which is supported within policy PG6 in the open countryside, they would contribute to the overall vision for growth of Congleton and would be appropriate within this landscape context'(4.4.12). The assessment also identifies adverse landscape and visual effects in the shorter term.

As adverse landscape and visual impacts have been identified, it is unlikely the proposals would preserve or enhance the appearance and distinctiveness of the Cheshire East countryside. As such the development is contrary to Policy PG 6.

## **Trees**

The application is supported by an Arboricultural Impact Assessment (AIA). As this is an outline application, the potential impacts have not been assessed in any significant detail with only brief comments on the loss of trees and impact on Root Protection Area's (RPA).

The outline appears to show most existing trees to be retained within Open space but one Moderate category Oak (T8 not TPO'd) proposed for removal and the removal of a further two trees, a Crack Willow (T5) and Hawthorn (G1) that have been identified as unsuitable for retention for arboricultural reasons.

The Illustrative layout suggests some retained trees will interface with the indicative residential layout and the internal access provision but this and the assessment of both above and below ground constraints in relation to retained trees can be dealt with at detailed design stages having regard to BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. Particular attention should be given to existing and proposed levels due to the topography of the site (cross sections may be required to demonstrate proposed levels do not impact on the Root Protection Area of retained trees) and the provision of services in relation to retained trees.

The Assessment indicates that such losses can be mitigated by replacement planting, however no specific details have been provided to demonstrate that a net environmental benefit will be provided.

It is noted that a 15 metre buffer along the Cranberry Moss (LWS) site boundary has been incorporated into the design in order to minimise the impact on the LWS and root protection areas of trees.

Whilst a 15 metre buffer will take account of the maximum Root Protection Areas defined by BS5837:2012 consideration must also be given to the impact of shading on plots and restriction of daylight and sunlight from trees along this section. The indicative layout provides no such analysis. Further the Tree Officer considers that the indicative layout will provide for numerous social proximity conflicts between houses and many protected trees.

On this basis there is no indication provided that the indicative layout could be achieved whilst also safeguarding protected trees and also future social proximity/shading issues. The trees on this site provide a significant visual amenity to the area/ assist in biodiversity and also contribute to the landscape character of the area.

Overall, this proposal does not provide sufficient information to demonstrate that the scale/distribution of the indicative development across the site relative to the distribution of protected trees and levels issues on site can be adequately developed without causing harm to the integrity of protected trees. The lack of information is a reason for refusal.

## **Ecology**

### **Non-statutory Sites – Cranberry Moss**

The application site is located adjacent to Cranberry Moss Local Wildlife Site (LWS). Cranberry Moss appears on the national inventory of Lowland raised bog priority habitat. Lowland raised bogs capable of natural regeneration are listed on Schedule 1 of the EC Habitats and Species Directive and are an irreplaceable habitat for the purposes of paragraph 175 of the NPPF.

Habitats of this type are dependant on the quantity and quality of water available within their catchments. A significant proportion of the catchment of the Cranberry Moss Local Wildlife Site falls within the red line of the application.

In ecological terms therefore the proposed development has the potential to have a significant adverse effect on Cranberry Moss in a number of ways including:

- Construction phase related dust and contaminated water entering the LWS.



- Changes in hydrology and water quality entering the LWS during the occupational phase of the development.
- The introduction of non-native invasive species.
- Contamination resulting from garden and open space related pesticides and fertilisers.
- Pruning back of trees and other vegetation due to issues of shading of residential properties.

The submitted ecological assessment has also identified noise and light pollution associated with the development as potentially having adverse effects on the Local Wildlife Site. The ecological assessment states that these two impacts could be mitigated through the provision of a buffer of green infrastructure between the LWS and the residential development.

No detailed specification for the design or width of buffer required to address these impacts has been submitted as part of the application. The submitted masterplan (8426-L-03 L) includes a green buffer between the proposed development area and the boundary of the local wildlife site, this is however narrow and poorly defined.

The Ecologist advises that the buffer as shown on the submitted master plan is unlikely to be effective in avoiding impacts on the Local Wildlife Site, resulting from non native species, contamination from garden chemicals, noise and pruning.

In relation to light pollution a detailed lighting strategy for the site is required to enable the Council to assess whether lighting associated with the proposed development would have an adverse impact on the Local Wildlife Site. None has been provided

In terms of water quality, the ecological assessment states that a detailed drainage scheme will be developed at reserved matters stage to demonstrate that water quality entering the Local Wildlife Site would be maintained. The ecologist advises that in order for the Council to be able to fully assess the impacts of the proposed development upon the LWS a drainage strategy must be submitted in support of this application. The drainage strategy must be supported by an assessment of the quality of water currently entering the moss and the anticipated quality of water discharged during the occupational phase of the proposed development.

The submitted ecological assessment states that Hydrological Modelling of ground water flows into the Local Wildlife Site has been completed; however this does not appear to have been incorporated into the draft of the Ecological Assessment submitted with the application. Insufficient information has therefore been provided for the Council's ecologist to be satisfied that the proposed development would not have an adverse effect on the LWS as a result of hydrological changes.

No assessment or mitigation proposals have been submitted with the application in relation to construction phase dust and water contamination risks.

### **Great Crested Newts**

No updated great crested newt surveys have been undertaken to inform the ecological assessment submitted in support of this application. Great Crested Newts have however been identified at a number of ponds located within 250m of the proposed development, including a pond within the redline boundary of the current application.

Previous ecological assessments undertaken in support of consented developments to the South of Moss Lane have identified Cranberry Moss as providing optimal terrestrial habitat for this species.

In the absence of mitigation the proposed development will have an adverse impact upon great crested newts as a result of the following:

- The permanent loss of immediate terrestrial habitats
- Isolation of known breeding ponds from high quality terrestrial habitat
- Severance of connectivity between known breeding ponds in the wider landscape.
- The risk of animals being killed or injured during the construction phase.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

In conclusion the ecologist advises that the proposed development is likely to have a significant adverse impact on Cranberry Moss Local Wildlife site and the priority habitat that it supports. The ecologist advises that it is unlikely that impacts on the Local Wildlife Site would be avoided or adequately mitigated. On this basis the 3 tests of the Habitat Regulations would not be passed and English Nature would refuse any Licence

It is advised that further survey information is required with regards to Pond 2 on site. This pond appears to have potential to support great crested newts, but has not been surveyed. This pond should either be subject to a presence/absence survey for great crested newts or justification should be provided for why a detailed survey is not necessary..

The submitted strategy proposes that the loss of pond 2 would be compensated for through the provision of attenuation basins created as part of the sites drainage scheme. Attenuation ponds are not acceptable as ecological mitigation due to concerns relating to water quality and the uncertainty of maintaining suitable water levels. Specific wildlife ponds should therefore be provided to compensate for any ponds unavoidable lost as a result of the scheme.

In terms of the severance effects of the proposed development the ecologist is of the opinion that the proposed layout in isolation would result in the isolation of the on site breeding pond from populations recorded to the south of Moss Lane. The proposed indicative layout does however, in his opinion, integrate acceptably with the ecological mitigation proposed as part of the consented Congleton Link Road.

In order to maintain the favourable conservation status of great crested newts the open space to the north of the development would need to be maintained as rough grassland with areas of scrub.

Inadequate survey information is provided concerning the pond.

### **Hedgerows**

Hedgerows are a priority habitat and hence a material consideration. Based on the submitted framework plan the proposed development would be likely to result in the partial loss of hedgerow 4, the complete loss of hedgerow 3 and the complete loss of hedgerow 2. The ecologist advises that this is a significant loss of priority habitat.

The ecologist has advised the Applicant that the masterplan must be amended to avoid the loss of this habitat and the masterplan be amended to show compensatory planting for hedgerows unavoidably lost as a result of the proposals. No such information has been received

### **Hedgehog and Pole Cat**

These two priority species have been recorded in the broad locality of the application site and may occur on the application site on at least a transitory basis. Features for these species would need to be provided at the reserved matters stage. This may be dealt with by means of the ecological enhancement/mitigation

### **Ecological Conclusion**

The submitted appraisal is by its nature only an interim assessment of the potential impacts of the proposed development and further survey and full assessment is required. Careful consideration is also required about the potential conflicting interests that arise from the Flood Risk Authority/United Utility requires for drainage on this site as opposed to the ecological implications that drainage design may have upon the delicate ecosystem of the adjacent Moss.

These reports have been requested, but have not been provided and on this basis insufficient information about the ecological impacts of the proposal have been provided. This is a reason for refusal of this application.

### **Design**

Para 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning guidance.

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings.

The proposal is in outline with only the access applied for. The internal road layout has also been sought, formally, as part of the access reserved matter. The site is 7.49 ha with the residential development zone indicated as being 4.99ha. This development site would have a density of approximately 30 dwellings per hectare within that built zone. Whether or not this is achievable within the context of this sloping site would depend upon the size / mix of units and the amount of site coverage of building versus open space. The sloping nature of the site, the probable need for retaining structures due to considerable level changes, particularly as detailed for the raising

in heights towards the Macclesfield Road frontage, would be highly visible from the lower level of Macclesfield Road.

In this case an indicative layout/zone residential zone has been provided in support of this application. The indicative layout is of a very poor design and the Highways Engineer is of the view that it is too linear and will result in too high traffic speeds.

Given the sloping nature of the site also does not adequately demonstrate that the site can accommodate the number of dwellings proposed without extensive retaining structures and increasing the heights and land levels of the site, whilst also providing for adequate open space/buffers and which would also have adequate amenity/ not adversely impact upon the various trees/hedgerows within site and hydrological/ecological environment.

However, as this is an outline application with only means of access applied for with a description of 'up to' 150 dwellings. Given the outline nature of the application, it is considered that a design could be negotiated at the reserved matters stage. This could result in the overall numbers of units being significantly reduced, and/or the size/mix of smaller units and/or the distribution of development across as indicated on the illustrative masterplan being drastically reduced.

## **Noise**

An acoustic report has been submitted in support of the application. The impact of the noise from Macclesfield Road (A536) taking into account the proposed Congleton relief road on the proposed development has been assessed in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. This is an agreed methodology for assessing noise of this nature and specifically highlighting where amelioration is required.

The report demonstrates that with appropriate layout and design of dwellings and noise mitigation measures to be applied to identify areas of the site - the development can be made acceptable with respect to noise.

The conclusions of the report and methodology used are acceptable and the Environmental Health Officer raises no objection subject to noise level conditions.

## **Air Quality**

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

Also there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Taking into account the uncertainties with modelling, the impacts of the development could be significantly worse than predicted.

Congleton has two Air Quality Management Areas, and as such the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact.

Conditions are suggested in relation to a Travel Plan, Electric Vehicle Charging Points, Dust Control and low emission boilers should the application be approved.

## **Contaminated Land**

The contaminated land officer has no objection to the application but states that the application is for new residential properties which are a sensitive end use and could be affected by any contamination present. Furthermore there are a number of emissions within the submitted Phase I report due to areas not being assessed.

As such, and in accordance with the NPPF a condition is suggested in relation to contaminated land is added if permission is granted.

## **Highways**

There is a single point of access to the site that will be a fourth arm on the Congleton Link Road/A535 Macclesfield Road roundabout. The submitted site access drawing indicates a carriageway width of 7m and two footways, an internal layout has been provided as formally required as part of the access proposals by the Local Planning Authority.

### *Development Impact*

The forecast traffic generation has been calculated using TRICS, the level of trips generated in the AM and PM peak hours is 115 and 120 trips. The predicted trip rates used are considered to be acceptable.

The baseline flows used for the assessments have been taken from the CLR traffic model outputs for 2020. These traffic flows have been growthed to 2023 to be used as a base for the assessment and then the development flows added for the junction assessments in 2023.

A number of junctions were agreed with the applicant to be assessed in regards to the operational capacity with development added:

- A536 Macclesfield Road/Congleton link Road roundabout
- A34 Macclesfield Road/Congleton link Road roundabout
- Lower Heath Gyratory

The results of 2023 assessments indicate that all the junctions would operate within capacity in 2023 with minimal queuing at the junctions. It should be noted that these results are reliant upon the CLR being constructed reducing the flows on the A535 and A34 through Congleton town centre. Whilst the CLR is currently being constructed and is funded there are other measures such as traffic management measures on the local road network that are required as part of the CLR that remain unfunded. Other large housing development sites in the vicinity provided contributions to these works to mitigate for their impacts on the highway and this would be the case on this application and based upon 3k/unit precedent set elsewhere a

financial contribution £450,000 is required to mitigate for the impact of this development on the local road network.

### *Internal Road Layout*

The layout provided is noted as being indicative, however, given that notice was served by the Local Planning Authority to require this detail in full at this stage, this is considered to be an error by the Applicant and is being assessed as a formally applied for road layout.

The design and layout of the internal road network is far too linear and would lead to high traffic speeds, a 20mph design speed is required on the internal roads. This can be achieved by an alternative road design and measures to limit traffic speeds. In addition, there is no need for a uniform road width throughout the development, the initial sections can be a minimum of 5.5m or greater but the latter part of the site can be 4.8m wide with shared surface been used.

Overall, the design submitted is not an acceptable internal road layout.

### *Site Accessibility*

It is important that this residential development consisting of 150 units is accessible particularly for walking to local amenities and also to provide a safe walking route to school. In addition, provision of cycle infrastructure is important for both work and leisure use.

The applicant has looked at the catchments of 1km and 2km of the site for walking and 5km for cycling, there is no analysis submitted of the footpath or cycle connections to the site. In addition, the nearest public transport bus stop is a considerable distance away from the site well in excess of the recommended 400m walking distance.

In regards to accessibility the site is isolated; there is no footway provision on the development side of Macclesfield Road from Moss Lane to the access point. A very narrow path exists on the eastern side of Macclesfield Road but is well below the 2.0m standard and not enough for a children's buggy or wheelchair. There is no pedestrian/cycle connection from the proposed development to Moss Lane. People would also have to cross Macclesfield Road to access public transport or walk to Congleton

Overall, the site has no connectivity and there is no proposals submitted to mitigate/improve the accessibility of the site. This is a reason to refuse the application.

### **Flood Risk**

The Lead Flood Risk Officer advise that the drainage strategy outlined within the Flood Risk Assessment is acceptable in principle, however he acknowledges that the Ecologist has numerous concerns about hydrology at the site vis-à-vis Cranberry Moss and there is potentially direct conflict between the requirements for drainage and the need for the water source to Cranberry Moss to be maintained in the current state.

With regard to the Drainage Strategy, the FRA indicates that infiltration will not be feasible at the site however The Flood Risk Authority advise that they require the applicant to submit ground investigations to fully discount infiltration as a drainage method for the site.

Secondly, the Lead Flood Risk Officer requires the Q bar rate for the western parcel of the site that is proposing to discharge into Cranberry Moss, as it appears that only the 1 in 30 and 1 in 100 discharge rates have been included within the FRA.

Thirdly, the FRA makes reference to increasing land levels to allow for gravitational drainage. However during the design stage the applicant will need to demonstrate that this does not have adverse flood impacts on and off site.

It should be noted that whilst United Utilities and the Council's Lead Flood Risk Officer have been consulted about this application and have raised no objection to the proposed development subject to the imposition of planning conditions, however, this is potentially in direct conflict with the drainage requirements and hydrological environment of Cranberry Moss and requirements as noted by the Council's Ecologist.

### **CIL Regulations**

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

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

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

As explained within the main report, POS and children's play space, is a requirement of the Planning Policy. It is directly related to the development and is fair and reasonable.

The development will result in greater use of the local road network and the development is required to mitigate for that impact

The development would result in increased demand for indoor and outdoor sports provision in where there is very limited spare capacity. In order to increase capacity of the facilities which would support the proposed development, a contribution towards indoor and outdoor sport will be required. This is considered to be necessary and fair and reasonable in relation to the development.

As a result the contributions are necessary, directly related to the development and fair and reasonable.

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

### **CONCLUSION**

The application is recommended for refusal on the basis that the development is outside the settlement boundary and within the open countryside, it is contrary to the Development Plan, there is insufficient ecological information included within the application and the development would result in the creation of unsafe access and egress for pedestrians from the site. The benefits put forward by the Applicant do not outweigh the policy presumption against the proposal.

The internal road layout is considered to be of poor design likely to result in excessive speed and be unsafe contrary to Manual for Streets and adopted planning policy. Likewise the site is considered locationally isolated and the proposals make no provision for links or modes of transport other than the private car. No footway is provided to Macclesfield Road and residential occupiers would have to cross Macclesfield Road to use the existing below standards footway on the other side.

The application contains insufficient information in relation to the ecology upon the site and Cranberry Moss adjacent and drainage for Cranberry Moss in ecological terms. Given the presence of European protected species, their favourable conservation status can not be assessed on the basis of the information submitted.

## **RECOMMENDATION:**

### **REFUSE for the following reasons:**

- 1. The proposed residential development is unacceptable because it would cause harm to the Open Countryside, contrary to Policies PG2 and PG6 of the Cheshire East Local Plan Strategy and the National Planning Policy Framework. Any benefits provided in the form of additional housing does not outweigh the harm caused to interests of acknowledged importance. There are no material considerations to indicate that permission should be granted contrary to the development plan.**
- 2. The Local Planning Authority considers that there is insufficient information included within this application to determine the impact of the proposed development upon protected species known to occur either on or within the vicinity of the site contrary to Saved Policies NE11, NE12 and NE14 of the Macclesfield Borough Local Plan, Policy SE3 and SE4 of the Cheshire East Local Plan Strategy and guidance contained within the NPPF.**
- 3. The proposed development by virtue of its isolated location and the lack of a pedestrian linkage on the development side of Macclesfield Road taking into account the existing substandard footpath on the southern side of Macclesfield Road results in an undesirable walking environment that is likely to result in a car dependant development, thereby comprising an unsustainable development. The internal road layout is considered to be of an inadequate design and layout which will result in excessive speeds contrary to Policy SE1 and SD2 of the Cheshire East Local Plan Strategy, Saved Policy DC6 of the Macclesfield Local Plan and the NPPF**



In order to give proper effect to the Board's intent and without changing the substance of its decision, authority is delegated to the Head of Development Management in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Highways Contribution</b>	£3000 per dwelling	Staged contributions – 50% upon commencement, 25% upon 1 <sup>st</sup> occupation and 25% upon occupation of the 50 percentile property
<b>Affordable Housing</b>	30% affordable housing in a 65:35 split in accordance with the IPS	In accordance with details to be submitted and approved.
<b>Health</b>	£151,200. (based on 150 dwellings)	To be paid prior to first occupation of the development.
<b>Education Contribution</b>	£359,539 for secondary £91,000 (SEN) Total education contribution: £450,539 (based on 150 dwellings)	Staged contributions – 50% upon commencement, 50% upon 1 <sup>st</sup> occupation
<b>Indoor Sport</b>	£26000	To be paid prior to first occupation of the development.
<b>Outdoor Sport</b>	Formula - £1,000 per family dwelling or £500 per 2 bed space (or more) apartment for off-site provision.	To be paid prior to first occupation of the development.
<b>Private Management scheme for all POS/ Children's Play space on site.</b>		Upon occupation

