

Application No: 21/0289M

Location: FLORA GARDEN CENTRE, CHELFORD ROAD, HENBURY, SK11 9PG

Proposal: Redevelopment to provide a new, flexible commercial unit and 14 no. residential dwellings with associated infrastructure and landscaping

Applicant: Mr Jamie Hall, Project Iris D Limited

Expiry Date: 17-Mar-2022

SUMMARY

The application proposes the re-development of previously developed land within the Green Belt containing a garden centre, tearoom / café and gift shop. The application seeks the demolition of the existing built form and the erection of x14 dwellings, including x4 affordable dwellings, and a small commercial unit that will consolidate much of the existing site's business in its place.

It is assessed that the scheme would not have a significant impact upon the openness of the Green Belt and as such, is deemed to represent appropriate development in the Green Belt and is subsequently deemed to be acceptable in principle.

Although the sustainability of the location of the site is not a merit of the proposals, it does lie within reasonable distance from a moderate proportion of public services and importantly, lies within close proximity to a regular bus service which links the site to various larger urban centres.

The provision of the commercial unit on site is deemed acceptable in this rural fringe location as the commercial use is already established and the proposals simply seek to consolidate their existing operations.

The development would be of a design that mimics a farmstead arrangement in this rural fringe location which works well. The development results in no issues in relation to amenity, highway safety, landscape, tree, ecology or flood risk and drainage concerns, subject to conditions where applicable.

Contributions are required to offset the impact of the development upon education and open space and a combination of on-site affordable housing and a commuted sum towards off-site affordable housing is proposed. These elements will be secured via a S106 Agreement in the event of approval.

For the above reasons, the application is recommended for approval, subject to a S106 Agreement and conditions.

RECOMMENDATION

APPROVE subject to a S106 Agreement to secure:

- **Commuted sum of £32,685 towards secondary education**
- **Secure the provision of x4 on-site affordable dwellings and a commuted sum towards of 0.2 of an affordable dwelling off-site**
- **Commuted sum of £44,000 towards off-site Open Space provision (£33,000 Public Open Space and £11,000 Recreational Open Space)**
- **Requirement to establish a private management company in perpetuity for on-site open space**

REASON FOR REFERRAL

This application has been referred to Northern Planning Committee as it involves residential development on a site that is over 1ha in size and therefore triggers one of the requirements within the Scheme of Delegation for applications to be referred to Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

This application relates to a site to the north of Chelford Road, Henbury, Macclesfield, covering an area approximately 1.2 hectares in size. Its currently in use as a garden centre and gift shop with tea rooms. The ground level of the site gradually slopes up from the highway to the rear of the site.

The site lies within the Green Belt and a Designated Local Landscape (DLL).

DETAILS OF PROPOSAL

Full planning permission is sought for the redevelopment of the 'Flora complex' to provide:

- 14 dwellings, comprising of:
 - X3 5-bed dwellings
 - X4 4-bed dwellings
 - X4 3-bed dwellings
 - X3 1-bed dwellings
- A commercial unit (approx.181sqm) to include:
 - Shop and communal dining space
 - An open-plan space to accommodate Flora to consolidate their existing retail operations
 - x2 food stalls (and associated storage)
 - Communal seating to be open to the public (e.g. like a café)
 - WC's
 - Communal outdoor seating for all users
 - 16 parking spaces

- A landscaped area incorporating an orchard, meadow and edible garden, all with a footpath running through

Revised plans/statements were received during the application process. The main changes relate to changes to the layout and in order to consolidate the development to a smaller area, a reduction in the scale of the commercial unit and the removal of a secondary access onto Pepper Street. The plans were further updated to incorporate additional parking in order to meet CEC parking standards.

RELEVANT HISTORY

11/3537M - Change of Use from Retail and Cafe to Offices Including External Alterations and Associated Car Parking – Approved 15th August 2012

Agent confirmed - not implemented.

10/2045M – Use of Whole Site as a Retail Garden Centre – Positive Certificate 7th October 2011

08/1581P - Change of Use from Retail and Cafe to Offices Including External Alterations and Associated Car Parking – Approved 1st October 2008

Agent confirmed - not implemented.

77673P - New Glasshouse; Re-siting Of Existing Glasshouse – Approved 18th May 1994

75081P - Single Storey Extension to Provide New Toilets – Approved 8th September 1993

73483P - Single Storey Extension to Link Horticultural Unit to Sales Area - Approved 24th March 1993

66444P - Proposed Glasshouse to Replace Existing Polytunnel – Approved 2nd April 1991

63660P – Proposed car park – Refused 27th June 1990

61544P – Proposed car park – Refused 31st January 1990

60126P – Non-Illuminated Entrance Sign – Approved 23rd November 1989

60125P – Sales kiosk – Approved 11th October 1989

56876P - Amended Elevations to Previously Approved Application No. 51836p – Approved 16th March 1989

51836P - Extension to Existing Shop Erection of Sol Span Horticultural Unit Widening of Existing Access – Approved 17th February 1988

ADOPTED PLANNING POLICIES

The relevant aspects of the Cheshire East Council Development Plan subject to this application are the Cheshire East Local Plan Strategy (CELPS) and the Macclesfield Borough Local Plan (MBLP). The relevant policies within these include:

Cheshire East Local Plan Strategy (CELPS)

PG1 - Overall Development Strategy, Policy PG2 - Settlement Hierarchy, PG3 – Green Belt, PG6 – Open Countryside, PG7 – Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SE1 - Design, SE2 - Efficient Use of Land, SE3 - Biodiversity and Geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 – Green Infrastructure, SE9 - Energy Efficient Development, SE12 Pollution, Land Contamination and Land Instability, SE13 – Flood Risk Management, SC4 – Residential Mix, SC5 - Affordable Homes, IN1 - Infrastructure, IN2 - Developer Contributions, CO1 – Sustainable Travel and Transport and EG2 – Rural Economy

Macclesfield Borough Local Plan (MBLP)

NE1 – Areas of Special County Value, NE11 - Nature Conservation, Policy GC1 - Green belt (new buildings), H9 – Occupation of Affordable Housing, DC3 - Protection of the amenities of nearby residential properties, Policy DC6 - Circulation and Access, Policy - DC8 – Landscaping, Policy DC9 - Tree Protection, Policy DC38 - Guidelines for space, light and privacy for housing development and Policy

Other Material planning policy considerations

Emerging Cheshire East Site Allocations Development Plan Document (SADPD)

The Site allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Plan was submitted for examination in April 2021, hearings took place in October and November 2021. Draft Main Modifications were consulted on during April and May 2022. Noting the relatively advanced stage of the SADPD it is considered that at least moderate weight should be applied to relevant policies, including the proposed modifications. Relevant policies include:

PG12 – Green Belt and safeguarded land boundaries, GEN1 - Design principles, ENV1 - Ecological network, ENV2 - Ecological implementation, ENV3 - Landscape character, ENV5 – Landscaping, ENV6 - Trees, hedgerows and woodland implementation, ENV7 - Climate Change, ENV12 - Air quality, ENV14 - Light pollution, ENV15 - New development and existing uses, ENV16 - Surface water management and flood risk, ENV17 - Protecting water resources, RUR6 - Outdoor sport, leisure and recreation outside of settlement boundaries, HOU10 – Amenity, INF1 - Cycleways, bridleways and footpaths, INF3 - Highways safety and access, INF6 - Protection of existing and proposed infrastructure, INF9 - Utilities

National Planning Policy Framework (NPPF) 2021
National Planning Policy Guidance (NPPG)

CONSULTATIONS (External to Planning)

Head of Strategic Transport (CEC Highways) – No objections

Environmental Protection (CEC) – No objections, subject to a number of conditions including; the provision of electric vehicle charging infrastructure, the submission/approval of a Residents Sustainable Travel Information Pack, the submission/approval of a Phase II contaminated land report; the submission/approval of a verification report; the submission/approval of a soil verification report and; works should stop in the event that contamination is identified; the submission/approval of a noise impact assessment/mitigation strategy for any plant and equipment (commercial unit); restriction over hours of use (commercial unit); restriction over the delivery hours (commercial unit); restriction over the use of the commercial unit, and the submission/approval of an odour abatement/control/mitigation statement in the event that the commercial building changed to a business whereby a odours arise. A number of informatives are also proposed.

Flood Risk Manager (CEC) – No objections, subject to a condition requiring the submission/approval of an overall drainage strategy and informatives

Housing Officer (CEC) – No objections, subject to the following being secured via a S106 Agreement: on-site affordable housing and the agreed contribution (£49,840) towards off-site affordable housing

Education Officer (CEC) – Require a contribution of £32,685 to offset the impact of the development upon local secondary schools

ANSA Greenspace (CEC) – Require a contribution of £44,000 to offset the impact of the development upon Public Open Space (£33,000) and Recreation Open Space (£11,000)

United Utilities – No objections, subject to a number of conditions including: the submission/approval of a surface and foul water drainage scheme, that foul and surface water be drained on separate systems, the submission/approval of a sustainable management and maintenance plan

Cadent Gas Ltd – No comments received

Henbury Parish Council – Raise the following concerns:

- Highways – Breach of CEC Parking Provision standards, how deliveries can operate effectively within such a small car park, traffic safety concerns regarding additional access point

REPRESENTATIONS

In response to a re-consultation on the revised plans, letters of representation have been received from 2 addresses. These comments are summarised below:

- Revised scheme represents an improvement in terms of the removal of the access onto Pepper Street and a more compact commercial unit.
- Still have concerns about the design and scale of the proposed affordable housing (*Design*)
- Impact of the scale of the development sought with single-storey development being replaced by two-storey development (*Design*)

- Inconsistencies between plans e.g. with regards to the scale of the commercial unit (*Procedural*)
- Inadequate parking for the commercial unit (*Highways*)
- Increase in traffic likely to exacerbate nearby, existing busy junction (*Highways*)
- Impact on local services such as school places (*Education*)
- Flood risk and drainage
- Lack of green credentials

In response to the consultation based on the original proposals, letters of representation were received from 7 addresses. Objections to the scheme are raised for the following reasons:

- Procedural matters – Little attention should be paid to nearby developments on Anderton's Lane and Rough Hey within Henbury as these were approved/allowed at a time of a different policy position; what is the nature of the proposed business use?; Lack of local engagement/consultation
- Green Belt – Proposal will have a greater impact upon openness than existing development. Gardens have not been taken into account in assessing the impact upon Openness of the proposals upon the Green Belt (enclosed, domestic paraphernalia etc). Areas of hardstanding will spill into currently undeveloped areas of the site when added to the greater volume and height compared to existing structures, will have a greater impact upon openness; PDL excludes temporary buildings and as such, the glasshouses should be omitted from calculations/consideration
- Sustainability of the location – local bus service does not run during unsociable hours
- Highways – Impact upon local network due to increased traffic; Access onto Pepper St of concern, narrow (not wide enough for two cars to pass), sloping, no footpath, has poor visibility, no lighting and is part of National Cycle route - danger to cyclists, pedestrians and motorists and emergency services. Other access point is opposite a public house, raises concerns about safety and suitability of access; there have been historic planning permissions refused nearby for highway safety reasons
- Amenity – Proposed use of Piling (vibration concerns); Impact of earthworks on stability of nearby properties; impact of any proposed business use on neighbouring amenity
- Trees – Large Oak tree (T5) identified to be retained has been felled as have other mature trees in recent months
- Ecology – Concerns as a result of above losses; contest that the proposals will have no threatening impact upon protected species
- Flood Risk & Drainage – Flooding in wider parts of Henbury such as Dark Lane; no foul drainage details submitted with the application
- Utilities - concerns that the site includes an electricity transformer and over-head cables that supplies the developed part of Henbury. Electricity North-West have not been consulted

- Education – lack of local school places

OFFICER APPRAISAL

Procedural matters

An Officer Site visit was undertaken on the 21st April 2021.

The scale of the proposed development falls short of it needing to be determined by planning committee and the application is not subject to a 'called in' request.

Principle of development

Whether or not Inappropriate development in the Green Belt

The site lies entirely within the Cheshire Green Belt.

Policy PG3 of the Cheshire East Local Plan Strategy (CELPS) seeks to control new development within the Green Belt and does not support the construction of new buildings within it, unless it is for one of the purposes set out in the policy.

These purposes include; buildings for agriculture or forestry, appropriate facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; extensions or alterations to buildings provided that it does not result in a disproportionate additions over and above the size of the original dwelling; replacement buildings provided that the replacement is within the same use and not materially larger; limited infilling in villages, and limited affordable housing; limited infilling or the partial or complete redevelopment of previously developed sites provided they would not have a greater impact upon openness; mineral extraction, engineering operations, local transport infrastructure, the re-use of buildings provided that are permanent and substantial and development brought forward under a Community Right to Build Order.

The agent for the application considers that the proposals fall into the redevelopment of previously developed sites exception, detailed below.

'...the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'

The NPPF's (2021) exception differs to that within Policy PG3 of the CELPS stating:

'...the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable need within the area of the local planning authority.'

As the NPPF is a more up-to-date publication (2021 compared to 2017), the NPPF wording of the exception is principally to be used to assess the proposals at this time.

The first consideration of this exception is whether *all* of the site sought for development qualifies as 'previously developed land' (or PLD or brownfield land).

PDL is defined within the glossary of the NPPF as:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'

The applicant has advised within their Planning Statement that *'we are satisfied that the land currently has permission for retail uses as a Garden Centre (use Class E)'*.

In review of this point, although planning permission has been granted on two occasions for the conversion of two of the buildings on site to be used as offices – the main, larger building and the smaller building to the south of this (Tea Room) (11/3537M and 08/1581P), it did not appear from the site visit and indeed, the agent has subsequently confirmed, that these were never implemented. They have subsequently therefore, expired.

Between these permissions, a Certificate of Lawful Existing Use was granted for the *'Use of Whole Site as a Retail Garden Centre'* (LPA ref: 10/2045M). No plans were referred to on the Decision Notice but submitted with the application and referred to within the Officer's delegated report for 10/2045M, was an updated Location Plan which it is reasonable to accept as the extent of the land subject to the positive Certificate as signified by the red edge.

This therefore suggests that the land subject to this application is indeed within the curtilage of the permitted 'Retail Garden Centre'.

As such, the full extent of the site sought for development has part of this application accepted as falling within the PDL definition.

The next question is whether the structures sought for demolition are 'permanent' structures and not 'temporary buildings' as per the requirements of the NPPF, PDL definition, a point raised by an objector as part of the original consultation exercise. In response, there is no definition within the NPPF or the CELPS as to what constitutes a 'temporary' building, nor is there a definition of 'permanent' structures. Therefore, a degree of judgement is required. None of the buildings sought for demolition were subject to a condition that they were only permitted for a temporary period. There appears no reason to doubt that the main, larger building on site

and the building to the south, comprising of the Flora Flower and Gift Centre and Tea Room/Café respectively, are 'permanent' structures. The question therefore is whether the 3rd main building sought for demolition to be replaced, the glasshouse, used currently as the main garden centre element on site, is a 'permanent' structure.

The glasshouse has an 'L-shaped' footprint measuring approximately 270.2m² and at its maximum height (on undulating ground), measures 4.1 metres. It comprises of a series of dual-pitched roofs. To the southern side and parts of the west and east, it has a buff stone dwarf wall. The remainder of the elevations are made up from metal framed glazing, including the roof and painted timber doors.

Planning history and a review of old aerial imagery suggests that this structure has been in place for at least 13 years, and possibly much longer.

The Officer report for the Certificate of lawful use (10/2045M) established that the building was part of the wider 'retail garden centre' which sold plants and garden related products. For this reason, it is accepted that this building and the other land on site is not defined as 'agriculture'. Given the length of time that this building has stood and been functionally used and because visually, there appeared no good reason to consider the glasshouse to be a temporary structure based on its construction, it is concluded that the main glasshouse on site, currently used as a garden centre, is indeed a permanent structure for the benefit of this assessment.

Overall, for the above reasons, the land subject to the application is accepted as Previously Developed Land (PDL).

The second part of the Green Belt assessment is therefore whether the development sought would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable need within the area of the local planning authority.'

The second bullet exception applies a less ridged test than the first. As the proposal is for 11 dwellings or more in a defined 'Other Settlement and Rural Area', Policy SC5 of the CELPS dictates that there is a 30% affordable housing requirement. In the case of providing 14 homes, that would amount to 4.2 affordable dwellings being required/provided. Clearly part of an affordable housing cannot be provided on site. As such the requirement in such instances would either be for the number of on-site affordable to be rounded up to 5 or 4 on-site dwellings be provided and a contribution towards 0.2 of an affordable dwelling to account for the rest. Either option ensures the policy required minimum is achieved.

The Council's Affordable Housing Officer has confirmed that there is an identified local need for such housing in the area. As such, it is deemed that the second exception within this NPPF PDL Green Belt exception applies, and the openness test is whether the development proposed causes '*substantial harm*' and not whether the *development 'would have a greater impact upon openness'*.

In consideration of openness, Paragraph 001 (2019) of the Green Belt NPPG sets out what factors can be taken into account in the assessment of openness. Three factors are listed and include-

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.*

To assist in assessing this, a comparison exercise between the existing and proposed development is required. The agent has provided some figures within their submission. For clarity, the Officer has also calculated the figures. A summary of both sets of calculations is set out below.

| | Footprint (m2 - measured externally) | Floor Space (m2 measured internally) | Volume (m3) |
|--|--------------------------------------|--------------------------------------|-----------------------------------|
| Existing buildings (All) | 1321 (Agent - 1292) | 1282 (Agent - 1223) | 5702 (Agent - 5413) |
| Proposed buildings (All) | 1281 (Agent - 1116) | 1739 (Agent - 1604) | 6197 (Agent - 5619) |
| Percentage difference between Existing and Proposed dwellings (including outbuilding demolition & retention) | 3% reduction (Agent - 14% reduction) | 36% increase (Agent - 31% increase) | 9% increase (Agent - 4% increase) |

This shows that there is not a hugely significant variation between the Agent's and the Officer's calculated figures between the existing and proposed built form.

In general terms, it is deemed that the proposed development would comprise of a similar or slightly smaller footprint to the development being replaced and would amount to only a 4-9% increase in volume, a figure not deemed significant. The 31-36% increase in floor space would be created through the introduction of two-storey development across the site (proposed dwellings) in the place of single-storey development, and as such, is tied in closely with proposed changes in heights.

The differences in the height of the development proposed is difficult to calculate. This is because of the varying existing levels and varying proposed levels. To assist in assessing these differences, the applicant has provided section plans. These show that although the land naturally rises in height from south to north from Chelford Road, the development proposed at the highest parts of the site to the north would be no taller than the existing development. This is because at the northern sections, it is proposed to excavate the land levels to accommodate the proposals.

As such, the additional floorspace that would be created as part of the proposed development would, due to the excavation proposed, not result in development that visually in openness terms, would be substantially harmful compared to the built form being replaced.

Another consideration is a comparison between the spread of the proposed development on the site compared to the spread of the existing built form. The proposals seek built form extending further into the Green Belt in numerous locations currently free from buildings, which in turn, has

an impact upon openness. More specifically, the two-storey dwellings proposed on plots 1-3, 5-7 and the proposed commercial unit.

However, unlike previous iterations of the proposal, this additional built form has been consolidated so it is grouped much closer together to either where (or close to where) the existing built form is located or nearby to neighbouring built form, with the majority of this located on areas of existing hardstanding.

Given that this proposed built form, not on the footprint of existing buildings, does not extend significantly beyond the extent of the existing built form into areas of greenfield Green Belt land, but towards other nearby built form such as the neighbouring residential dwellings to the east or the public house and its car park on the opposite side of Chelford Road to the south, it is not deemed that the spread of development would have a 'significant' impact upon openness, spatially.

Further to the above, the applicant has highlighted a notable reduction in the amount of hardstanding on site in the event of approval. They have specified within the submission that this would amount to a 47% reduction.

In addition to the residential and commercial parts of the site, the scheme also proposes the creation of a Meadow, Orchard and edible garden. This is proposed to the far north and west of the site and makes up a large portion of the overall land accepted as PDL. Within this part of the site, the submitted landscaping and external works plans show that the proposed edible garden would be rectangular in shape and it is advised within the updated Design and Access Statement that it would comprise of numerous '*...raised and ground level beds...*'. These would be surrounded by an area of loose gravel. Also, within this area would a couple of existing structures would be retained. Beyond this section, a mown footpath would be created extending from this space to the meadow and Orchard to the north.

Given the relatively minor nature of this element of the scheme, in conjunction with the overall reduction in hardstanding on the site, it is not considered that this part of the proposals would have a substantial impact upon the openness of the Green Belt. If anything, it is deemed that this element would represent a notable improvement to openness, primarily in spatial terms, and to a lesser extent, visual terms.

In consideration of the degree of activity / intensification of use aspect of openness, this is difficult to quantify in this instance. At present is a commercial use comprising of various elements. As proposed, the site would become predominantly residential use, with a degree of commercial use. There appears no reason to conclude one use would be substantially more intensive than the other given the amount of variables e.g. quiet times of the existing use compared to busy times, working from home etc. As such, it is not deemed that the proposed development would result in substantial harm to openness with regards to intensification of use.

Overall, it is not considered that the proposed development, as revised, would result in a 'substantial' impact upon the openness of the Green Belt and as such, would fall within the Previously Development Land (PDL) exception within Green Belt policy therefore represent appropriate development in the Green Belt.

Rural Economy

The application proposals include the erection of a commercial unit in a rural area. As such, Policy EG2 (Rural Economy) of the CELPS is a consideration.

Policy EG2 details that in rural locations (such as the application site), a number of types of development will be supported. Within the list relevant to the application proposals, includes development that:

- provides opportunities for local rural employment development that supports the vitality of rural settlements
- encourages the retention and expansion of existing businesses (Particularly through conversion of buildings)

The existing retail use of the site has been established through a historical planning permission. This encompassing retail use at present includes a garden centre, a shop and a tearoom.

The proposal seeks to consolidate some of these operations. It would include a retail function and a food/café element.

The principle of having retail on this site is already established by the extant use. The food offering is considered ancillary to the shop the same way a café within a shop would be. There is already a tearoom on site and this would be replaced as a result of the application proposals. As such, this element of the scheme would assist in the retention of part of the existing business on site and as such, would be deemed acceptable in principle in this location.

As such, the proposal is deemed to adhere with the requirements of EG2 of the CELPS.

Other Matters

Locational Sustainability

Policy SD2 of the CELPS refers to sustainable development principles. It is stated that one of these principles is that new development should provide access to a range of forms of key services and amenities. In order to assess this in more detail, a table is provided within the subtext of the policy which outlines recommended distances from application sites to amenities. An assessment of the scheme using this table is set out below.

It should be noted that the figures below are based on walking distances (not as the crow flies) but on real life distances.

The accessibility of the site shows that following services and amenities meet the minimum standard:

- Public right of way (500m) 290m – Junction of Church Lane and Henbury Rise
- Outdoor Sports (500m) - Pepper Street (5m) is on the National Cycling Network. Informal outdoor sports at Henbury Millennium Green 190m. Jasmine Park 1.4km
- Local meeting place/Community Centre (1km) - 200m Henbury Church Hall
- Post Box (500m) - 50m Pepper Street just off Chelford Road
- Bus stop (500m) - 10m Chelford Road
- Public house (1km) - Blacksmiths Tavern 15m

- Amenity open space (500m) - 190m Millennium Green
- Convenience Store (500m) - 50m Garage on Chelford Road
- Children's Playground (500m) - 190m Millennium Green
- Public Park or Village Green (1km) - 190m Millennium Green

The following amenities/facilities are all over the distances suggested:

- Bank or Cash Machine (1km) - Tesco Broken Cross 1.5km
- Secondary School (1km) - Fallibroome Academy 2.5km
- Primary School (1km) - Whirley Primary School 1.2km walk and 2.2km drive. Broken Cross Primary and Nursery 1.8km.
- Leisure Facilities (1km) – Macclesfield Leisure Centre 2.6km
- Pharmacy (1km) – 1.9km Peak Pharmacy
- Supermarket (1km) - 1.5km Tesco Broken Cross
- Medical Centre (1km) - Macclesfield District Hospital 2.8km. Hope Cottage Surgery 3.8km
- Post Office (1km) - Ivymeade Post Office 2.7km
- Railway station (2km where possible) - 4.2km to Macclesfield Station
- Child-care facility (nursery or creche) (1km) - Whirley Pre-School 1.2km

To summarise the above, the scheme is within approximately half of the recommended distances of the public services listed. However, importantly, this includes a bus stop. The bus stop is located with close proximity to the site, travelling in both directions (east and west), and this is served by the No.88 and the No.130 bus services. One of these services travels from the site westwards to either Altringham (No.88) or Wythenshawe Hospital (No.130), roughly every hour and stops at the following main destinations en-route: Alderley Edge, Wilmslow, Knutsford, Hale, Woodhouse Park and Newall Green. In the other direction, the service regularly takes the member of public into Macclesfield. Many of these locations include all the services listed in the sustainability checklist.

As a result, it is not considered that the refusal of this application on locational sustainability grounds could be sustained.

Design

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.

Policy SD2 of the CELPS states that development should contribute positively to an areas character and identity, creating or reinforcing local distinctiveness in terms of; height, scale, form and grouping, choice of materials, external design features, massing of development, green infrastructure and relationship to neighbouring properties and streetscene. These policies are supported by the Cheshire East Design Guide SPD. Emerging SADPD Policy GEN1 is also a consideration.

Layout

The submission includes a comprehensive analysis of the site and its context including an investigation into the predominant local typologies which has been used to inform the positioning of the blocks. The compact 'fold' courtyard is effective in both reducing the sprawl and providing a sense of enclosure. The commercial building is reminiscent of a barn and the whole layout is redolent of a farmstead.

Overall, the Council's Urban Design Consultant considers that the layout is successful in not only providing that enclosure with well-placed houses around a communal green, but also by incorporating the edible garden and community orchard on the sites boundaries resulting in softer edges and greater connection to the place.

Scale and Massing

The proposal comprises two-storey houses which are in-keeping, scale-wise, with those in the surrounding area and a single-storey commercial building to the street edge, which again sits well in the streetscape. It is advised that the built form is respectful of local typologies and the use of the topography and the subtle variations in house-types and ridge heights this is not considered to be problematic.

Appearance

Both the houses and the commercial block offers a clean and contemporary take on the local vernacular. Design features such as the brick detailing to the front facing chimneys, the timbered entrance porches and the generous fenestration result in a distinct and coherent place that incorporates a variety of house types. The vertically cedar-clad commercial building with the profiled metal roof maintains the farmstead aesthetic yet also looks sophisticated. This innovative yet restrained architecture is further supported by a carefully selected materials palette that seems appropriate for this location.

Parking

Parking has been well located so as to be close to homes but not dominating the street scene. With regard to materials, these spaces employ an attractive and contextually appropriate resin-bound gravel and are enhanced by some good quality landscaping.

The commercial building has a car park at the entrance comprising of interplanted paving system which is both permeable and attractive.

Public and Private Space

The proposed houses have private rear gardens which are all accessible with adequate space for both refuse/recycling and storage for bicycles etc. There are predominantly smaller but clearly defined private spaces to the frontages apart from plots 4 and 5 that would front/partially front the proposed communal green. The communal areas are sizable and with a mix of uses that enhance the environmental credentials of the development. Management of these spaces will need to be controlled.

Overall

The Council's Urban Design Consultant advises that this is a well thought out proposal that is a product of some excellent analysis and careful design. As a result, the impact of the new housing on the clearly sensitive setting, in design terms, is minimal. It is considered to be both from and of the place, and the raised design quality bar, required given the sites location within the Green Belt and a Designated Local Landscape, has been cleared.

As such, it is considered that the proposal would respect the local rural character and adhere to Policies SE1 and SD2 of the CELPS, the Cheshire East Design Guide SPD, emerging SADPD design policy GEN1 and the NPPF.

Amenity

Policy DC3 of the MBLP states that development should not significantly injure the amenities of adjoining or nearby residential property or sensitive uses due to (amongst other considerations): loss of privacy, sunlight and daylight, an overbearing impact and environmental considerations. Policy DC38 of the MBLP provides minimum separation distances.

Policy SE1 of the CELPS states that development should ensure an appropriate level of privacy for new and existing residential properties.

Emerging SADPD policies ENV7, ENV12, ENV14 and HOU10 are also a consideration.

Neighbouring amenity

The closest neighbouring residential properties to the application site are the occupiers of the group of cottages to the far south-eastern corner of the site on the junction between the A537 and Pepper Street comprising of Spinks Cottage, Spinks House/Spinks Farm, the x2 detached properties to the north (Henbury House and Hillside House) and the residential occupiers above the public house (Blacksmiths Arms) on the opposite side of the highway (A537) to the south.

The closest of the proposed development to the public house would be the mews properties proposed on the opposite side of Chelford Road, approximately 16.3 metres away. On the opposing part of the public house is the commercial use at ground floor and residential accommodation above. The main residential window that would oppose the proposed Mews dwellings would represent a lounge window. However, due to the intervening road and the fact that the lounge also benefits from an opening on another elevation, there are no significant neighbouring concerns in relation to loss of privacy, light or an overbearing impact upon the occupiers of the public house that would warrant refusal of the application.

In terms of the occupiers of Spink House/Farm, a semi-detached dwelling that fronts Chelford Road, at present, the rear elevation of this property lies parallel and just short distance away from the side/rear elevation of the tea shop / café. Partially within the place of the tearoom / café, the application proposes the erection of x4 mews properties that would be constructed at 90 degrees from Spink House/Farm's rear elevation, but also off-set from its rear elevation, so built form would no longer lie directly parallel to the rear of Spink House/Farm. In place of the built form to the rear of Spink House/Farm would be the rear garden of the dwelling proposed on plot 14. Subject to appropriate boundary treatment, this would represent an improvement to the amenity on this unit as its rear elevation would no longer directly oppose built form. Any possible overlooking concerns have been addressed through the submission of a section plan which demonstrates that through a combination of levels and boundary treatment, no such issues should occur.

Spinks Cottage is the adjoining property to Spink House/Farm and lies on the junction between Chelford Road and Pepper Street. The side/rear elevation of an outrigger to Spinks Cottage would be approximately 20 metres away from the rear elevations of the dwellings sought on plots 12-14. This gap would normally be sufficient in itself in order to avoid amenity concerns, but the application site is positioned at a higher ground level compared to Spink Cottage and would introduce two-storey development compared to the existing single-storey development. As such, consideration needs to be given as to whether the taller development in conjunction with the change in levels would result in any amenity concerns for the occupiers of Spink Cottage.

However, as demonstrated by the submitted section plans, due to a combination of levels and boundary treatments, no overlooking should occur. In addition, due to the set-back position of the built form from the common boundary and the west north-west position of the dwellings proposed on plots 10-14 compared to Spink Cottage, no concerns are raised in relation to an overbearing impact or loss of light.

In the event of approval, it is proposed that detailed spot levels and Finished Floor Level details be provided by condition for the whole site.

Also, in the event of approval it is proposed to remove Permitted Development Rights for Classes A (enlargement, improvement and alteration), B (additions to roofs) and E (buildings in curtilage) for the dwellings proposed on plots 9-14 so control over future development on these plots is retained in the interests on neighbouring amenity.

Of the proposed dwellings to the north, Henbury House would be closest to the development proposals. It would be approximately 18.9 metres away and would be offset from the side elevation of the dwelling proposed on plot 9 sufficiently so not to cause a loss of amenity in terms of privacy, light or an overbearing impact.

Environmental amenity

The Council's Environmental Protection Officer's who consider matters of environmental amenity have reviewed the proposals and raised no objections, subject to a number of conditions and informatives. More specifically, the following conditions are proposed: the provision of electric vehicle charging infrastructure, the submission/approval of a Residents Sustainable Travel Information Pack, the submission/approval of a Phase II contaminated land report; the submission/approval of a verification report; the submission/approval of a soil verification report and; works should stop in the event that contamination is identified; the submission/approval of a noise impact assessment/mitigation strategy for any plant and equipment (commercial unit); restriction over hours of use (commercial unit); restriction over the delivery hours (commercial unit); restriction over the use of the commercial unit, and the submission/approval of an odour abatement/control/mitigation statement in the event that the commercial building changed to a business whereby a odours arise. A number of informatives are also proposed.

Amenity of future occupiers

Having regard to the future occupiers of the proposals themselves, each of the proposed dwellings is deemed to have a garden of sufficient size, some of which would be terraced, in order to be used for normal functions. Although the gardens to the rear of the dwellings proposed on plots 1-3 would be small, there are no minimum garden standards in this part of Cheshire East.

In terms of the relationship between the proposed dwellings themselves, there is an uncomfortable relationship between the dwellings proposed on plots 1-3 and the side elevation of the dwelling on plot 14. The rear elevation of the dwellings proposed on plots 1-3 would be between approximately 5.4 metres (single-storey) and 6.4 metres (two-storey) away from the side elevation of the dwelling proposed on plot 14. Looking closer at the proposed plans of these dwellings (Plots 1-3), on the rear elevation would be a large ground-floor window to an open-plan living room kitchen which would also benefit from light from 2 other elevations (in terms of plots 1 and 2), or 1 elevation (in terms of plot 2). At first floor of each unit would be a bedroom window, which would also have light/outlook from an opening on the opposing elevation.

Within the side elevation of the dwelling proposed on plot 14, at first floor would be a window to an en-suite.

As such, none of the windows impacted would represent sole windows to principal habitable rooms, therefore allowing a degree of flexibility on separation standards. As such the dwelling-to-dwelling relationship is accepted, subject to the first floor en-suite window on Plot 14 being conditioned to be obscurely glazed.

Whilst it is accepted that the private amenity spaces for these units would be oppressive due to their confined nature, the space still offers a private outdoor area and there are no minimum standards to adhere too. In addition, the occupiers would have access to the nearby meadow & orchard also proposed by this application. To ensure control over retaining, within reason, the small amount of garden space for these dwellings, in the event of approval, it is proposed to remove permitted development rights for these plots for enlargements, improvements and alterations (Class A) and buildings within the curtilage (Class E).

Another area of consideration is a loss of amenity between gardens on plots 6-8 as a result of their proposed tiered design. However, a sectional plan has been provided that demonstrates that because of boundary treatments, any loss of privacy would not be significant. There will also be a degree of buyer beware in relation to these plots.

In the event of approval, it is proposed to add a condition to the side window to Bedroom 3 on Plot 8 in order to prevent any loss of privacy between this dwelling and the dwelling proposed on plot 10.

As such, subject to the above conditions and informatives, it is considered that the development would adhere to Policies DC3 and DC38 of the MBLP and the amenity aspect of Policy SE1 of the CELPS and emerging SADPD policies ENV7, ENV12, ENV14 and HOU10.

Highways

The site is currently a garden centre located along the A535 Chelford Road which acts as the main vehicle access and there is a secondary access from Pepper Street.

Access

Revised plans have been submitted in response to the previous highway comments on this site, the site now has a separate access to both the commercial and residential elements of the site from Chelford Road.

The commercial access has been located further west from the existing access point and provides adequate visibility in both directions. The new residential access that serves the 14 units is located at the existing site access point which also provides adequate visibility.

16 spaces being provided for the commercial unit which adheres with CEC parking standards. The parking for the residential elements is also acceptable.

The submitted plans indicate that cycle parking will be provided near to the commercial building and also the bin collection will take place from within the site.

The internal roads of the residential element are shared surface. The Council's Highways Officer advises that this is acceptable given the low number of properties that will be on the site and speeds will be low. Swept paths have been provided indicating that refuse vehicles are able to turn within the site.

Development Impact

The existing use as a Garden Centre needs to be taken into account when assessing the impact of the site that in itself generated traffic movements. The Council's Highway's Officer advises that the proposed development of 14 dwellings and 181 sqm of commercial will not result in higher levels of traffic generation on the local road network and is acceptable.

Conclusion

The revised plans address previous highways concerns and the Council's Highways Officer raises no objections. As such, subject to a condition to ensure the access is provided, the proposals are deemed to adhere with Policy DC6 of the MBLP and emerging SADPD Policy INF3.

Landscape

The site lies within the Green Belt and a Designated Local Landscape (DLL) known as the Alderley Edge and West Macclesfield Wooded Estates (formerly known as the Bollin Valley ASCV). As such, paragraphs 3 and 4 of Policy SE4 of the CELPS are also relevant as they relate to designated landscapes. Emerging SADPD Policy ENV5 is also a consideration.

The application is supported by an updated Landscape and Visual Impact Assessment (LVIA) was submitted, revised to account for the amendments made during the course of the application. This indicates that it had been undertaken in accordance with the methodology and approach of the Guidelines for Landscape and Visual Impact Assessments, Third Edition, 2013.

This identifies the baseline landscape in terms of the National Character Area – NCA:61 Shropshire, Cheshire and Staffordshire Plain and the local character as identified in the Cheshire East Local Character Assessment, as LCT11 – Higher Wooded Farmland and specifically LCA 11b Gawsworth.

Policy SE4 of the CELPS (Landscape) identifies that in Local Landscape Designation Areas, Cheshire East will seek to conserve and enhance the quality of the landscape and to protect it from development which is likely to have an adverse effect on its character and appearance and setting, this policy also identifies that a full understanding of the context, characteristics and significance should be provided with reference to the Local Landscape Designation Study.

The site is currently used for commercial purposes and that the proposals include areas of open space, wildflower meadow, orchard and elements of green infrastructure and seek to retain much of the existing hedgerow. The Council's Landscape Officer does not consider that the proposals will result in any significant landscape or visual impacts. However, because the detail of the submitted landscaping plan to date lacks the necessary detail, recommends a condition in the event of approval requiring the submission of an updated Landscaping Plan and a subsequent landscaping implementation condition.

The hard boundary treatments proposed on the submitted external works plan is considered sympathetic and acceptable.

In order to ensure that the private, on-site open space and incidental areas of open space are effectively managed in perpetuity, it is proposed that a private management company be established and secured by way of a S106 in the event of approval. Subject to this and the above conditions, the proposals would adhere with Policy SE4 of the CELPS and emerging SADPD Policy ENV5.

Trees & Hedgerows

This amended layout has been supported by an updated Arboricultural Statement by Cheshire Woodlands - (CW/1037-AS-1) REVISED 12/5/2022.

Of the trees formally surveyed on the site the new layout indicates that 1 individual moderate quality B Category trees, 6 groups and 2 areas of low-quality C Category trees and 1 hedgerow will be removed to accommodate the development. This equates to just 1 additional tree being removed to that formally found acceptable with the last layout. The tree is a moderate quality roadside Oak and the Council's Tree Officer has advised that it is not considered to be of sufficient arboricultural significance to warrant formal protection and there are no objections to its removal. The Council's Tree Officer advises that the trees removal will be mitigated for by the increased area of open space adjacent to the roadside which is shown to benefit from new planting of semi mature and extra heavy standard trees.

The revised layout provides improvements in terms of the relationship with trees to the southwest corner of the site with no incursion indicated into the RPAs of trees T3, T4, T6 and T7.

A residential plot (Plot 9) is now shown to be positioned near off-site trees in group G4 which can be seen to overhang the boundary. However, pruning solutions exist to maintain appropriate clearance from the northern elevation. The Council's Tree Officer notes that the extent of new hard surfacing indicated on the Tree Protection Plan has been significantly reduced with increased areas of amenity grass.

The Council's Tree Officer therefore raises no objections to the proposed development, subject to a condition requiring that the proposed works proceed in accordance with the submitted Arboricultural Statement, Tree Protection Scheme and Arboricultural Method Statement.

Subject to these conditions, the proposal is deemed to adhere with Policy SE5 of the CELPS and emerging SADPD Policy ENV6.

Nature Conservation

The application is supported by an Extended Phase 1 Habitat Survey and a Daytime Bat Survey and a Biodiversity Impact Assessment. This has been reviewed by the Council's Nature Conservation Officer who has broken down the ecological considerations into various subheadings. This is detailed below.

Bats

The Council's Nature Conservation Officer advises that roosting bats are not reasonably likely to be present or affected by the proposed development.

The Officer advises that whilst the application site offers limited opportunities for roosting bats, bats are likely to commute and forage around the site to some extent. To avoid any adverse impacts on bats resulting from any lighting associated with the development, the Council's Nature Conservation Officer recommends that in the event of approval, an external lighting scheme be conditioned.

Biodiversity Net Gain

CELPS Policy SE3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. In order to assess the biodiversity losses and gains resulting from the proposed development the applicant has undertaken a calculation using the Biodiversity Metric methodology. This calculation shows that the proposed development would result in a net gain for biodiversity. The Council's Nature Conservation Officer advises that he has made a number of revisions to the metric as submitted. However, the revised metric still shows the scheme delivering a net gain. The proposed development is therefore in accordance with Policy SE3 of the CELPS.

In the event of approval, the Council's Nature Conservation Officer recommends the submission of a habitat creation method statement and a 30-year habitat management plan.

Ecological enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with CELPS Policy SE3.

The Council's Nature Conservation Officer therefore recommends that the applicant submits an ecological enhancement strategy prior to the determination of the application or if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy. This has not been provided so shall be conditioned in the event of approval.

Nesting Birds

If planning consent is granted, the Council's Nature Conservation Officer recommends a condition to protect nesting/breeding birds.

Due to a lack of information in relation to external lighting or biodiversity net gain, it is considered that the proposal fails to adhere with Policy SE3 of the CELPS, Policy NE11 of the MBLP, emerging SADPD policies ENV1 and ENV2 and the NPPF.

Flooding and Drainage

The application site does not fall within a Flood Risk Zone 2 or 3 and is not of a scale which requires the submission of a Flood Risk Assessment.

Although the Council's Flood Risk Officer has not commented on the most recent proposed layout (which increased the on-site parking provision by 6 spaces), they did review the previous iteration and advised that they had no objections, subject to a condition requiring the submission/approval of an overall detailed drainage strategy / design limiting surface water run-off. In addition, informatives were proposed. There appears no reason to arrive at an alternative conclusion as a result of the proposed recent changes.

In consideration of matters of drainage, United Utilities raise no objections, subject to the following conditions: the prior submission/approval of a surface water and foul drainage scheme, that foul and surface water should be drained on separate systems and the prior submission/approval of a sustainable drainage management and maintenance plan.

Subject to the originally suggested conditions, the application is considered to adhere with Policy SE13 of the CELPS and emerging SADPD Policy ENV16.

Affordable Housing

Policy SC5 of the CELPS refers to Affordable Housing. It states that in residential developments, 30% affordable housing will be provided in developments of 15 or more dwellings (or 0.4 hectares) in Principal Towns and Key Service Centres or in developments of 11 dwellings or more (or that have a combined gross floorspace of more than 1000sqm) in Local Service Centres and all other locations.

This is a proposed development including 14 dwellings in either a Local Service Centre or other location, therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 4.2 dwellings to be provided as affordable homes. This requirement would preferably be rounded-up to 5 on-site units. Alternatively, the applicant can provide 4 units on-site and provide a contribution towards the 0.2 provision to ensure the policy compliant 30% can be provided.

The normal required mix is a ratio of 65/35 between social rented and intermediate affordable housing. On this basis, 3 units should be provided as affordable rent and 2 units as intermediate tenure if all the required provision is on-site.

An Affordable Housing Statement was provided during the application process. This set out that the applicant's choice is to provide x4 on-site units and pay a contribution of 0.2 to ensure the

proposals adhere with Policy SC5 of the CELPS. The Council's Housing Officer advises that this approach would be acceptable.

The applicant has also indicated via subsequent correspondence a desire that x2 of these shall be social rent (1-bed) and x2 intermediate tenure (1 x1 bed and 1 x 3 bed). The Council's Housing Officer has advised that this split is acceptable.

The figure for the 0.2 has also been agreed between the applicant and the Council's Affordable Housing Officer as being £49,840.

Subject to the S106 Agreement to secure the above, the proposal is deemed acceptable with regards to Affordable Housing.

Education

The Council's Education Officer has advised that based on 11 dwellings (2bed+)

11 dwellings x 0.19 primary yield = 2 primary children

11 dwellings x 0.15 secondary yield = 2 secondary children

The development would not be expected to generate a SEN child.

The Council's Education Officer placed the forecast children expected from the proposed development against the most current forecasts and its showing that there would be an impact against secondary provision only.

Therefore, the education requirement would be $£17,959 \times 2 \times 0.91 = £32,685$

This would be secured via a Section 106 Agreement in the event of approval.

Open Space

The Council's ANSA Greenspace Officer has advised that the proposed open space appears for the use of future residents or commercial unit and no children's play is proposed. As such the development will be required to make commuted contributions as follows:

Public Open Space (POS) at a rate of £3,000 x 11 family dwelling = £33,000

This would be required prior to commencement of development.

The commuted sum would be used to make additions improvements and enhancements to the facilities within the Millenium Green including but not limited to the children's play area, access, landscaping, interpretation and public art.

A commuted sum for Recreation Open Space (ROC) will also be required at a rate of £1,000 per family dwelling = £11,000

Required on commencement of development

This commuted sum would be used in line with the councils adopted Playing Pitch Strategy for sports provision in the west of Macclesfield.

Total: £44,000

The Council's ANSA Greenspace Officer advises that commuted sums for allotments and Green Infrastructure are not sought in recognition of the various elements provided on site.

This would be secured via a Section 106 Agreement in the event of approval.

Heads of Terms

If the application is approved, a Section 106 Agreement will be required to secure the following:

- Commuted sum of £32,685 towards secondary education
- Secure the provision of x4 on-site affordable dwellings and a commuted sum towards of 0.2 of an affordable dwelling off-site
- Commuted sum of £44,000 towards off-site Open Space provision (£33,000 Public Open Space and £11,000 Recreational Open Space)
- Requirement to establish a private management company to manage on-site open space in perpetuity

Levy (CIL) Regulations

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

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

A financial contribution of £32,685 is necessary to ensure that any impact upon local secondary school provision is mitigated.

The financial contribution of £44,000 is deemed necessary to ensure that sufficient open space provision is provided to serve the future residents.

The on-site affordable housing provision and commuted sum to cover the difference is deemed necessary in order to provide a policy stipulated level of provision of affordable homes.

The requirement to establish a private management company to manage the on-site Open Space in perpetuity is required in order to ensure these parts of the site are suitably maintained in the interests of character and appearance.

The requirements are therefore considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

Conclusions

The application proposes the re-development of Previously Developed Land within the Green Belt containing a garden centre, tearoom / café and gift shop. The application seeks the demolition of the existing built form and the erection of x14 dwellings, including x4 affordable dwellings, and a small commercial unit that will consolidate much of the existing site's business in its place.

It is assessed that the scheme would not have a significant impact upon the Openness of the Green Belt and as such, is deemed to represent appropriate development in the Green Belt and is subsequently deemed to be acceptable in principle.

Although the sustainability of the location of the site is not a merit of the proposals, it does lie within reasonable distance from a moderate proportion of public services and importantly, lies within close proximity to a regular bus service which links the site to various larger urban centres.

The provision of the commercial unit on site is deemed acceptable in this rural fringe location as the commercial use is already established and the proposals simply seek to consolidate their existing operations.

The development would be of a design that mimics a farmstead arrangement in this rural fringe location which works well. The development results in no issues in relation to amenity, highway safety, landscape, tree, ecology or flood risk and drainage concerns, subject to conditions where applicable.

Contributions are required to offset the impact of the development upon education and open space and a combination of on-site affordable housing and a commuted sum towards off-site affordable housing is proposed. These elements will be secured via a S106 Agreement in the event of approval.

For the above reasons, the application is recommended for approval, subject to a S106 Agreement and conditions.

RECOMMENDATIONS

APPROVE subject to a S106 Agreement to secure the following:

| S106 | Amount | Trigger |
|--|--|-----------------------|
| Public Open Space & Recreation Open Space – Commuted Sum | £33,000 towards off-site POS improvements £11,000 towards off-site Recreation Open Space in West Macclesfield Total: £44,000 | Prior to commencement |

| | | |
|--|--|---|
| Education – Commuted Sum | £32,685 towards secondary education | Prior to occupation of first dwelling |
| Affordable Housing – On-site provision | On site provision of x4 affordable dwellings (x2 social rent x2 intermediate rent) | Provided no later than the occupation of 50% of the open market dwellings |
| Affordable Housing – Commuted Sum | Contribution of £49,840 towards off-site affordable housing provision | Provided no later than the occupation of 50% of the open market dwellings |
| Landscape/Open Space Management | Submission/approval of a management plan in perpetuity | Prior to occupation of any of the development hereby approved |

And the following conditions:

- 1. Time (3 years)**
- 2. Approved Plans**
- 3. Submission/approval of facing, roofing and hard surfacing materials**
- 4. Obscure glazing (*First-floor en-suite – Plot 14 & Bedroom 3 side elevation – Plot 8*)**
- 5. Removal of Permitted Development Rights - Classes A, B & E Part 1, schedule 2 for plots 9-14 and Classes A & E for plots 1-3**
- 6. Implementation of Access**
- 7. Provision of electric vehicle charging infrastructure**
- 8. Submission/approval of a Residents Sustainable Travel Information Pack**
- 9. Submission/approval of a Phase II contaminated land report**
- 10. Submission/approval of a verification report**
- 11. Submission/approval of a soil verification report**
- 12. Works should stop in the event that contamination is identified**
- 13. Submission/approval of a noise impact assessment/mitigation strategy for any plant and equipment (commercial unit)**
- 14. Restriction over hours of use (commercial unit)**
- 15. Restriction over the delivery hours (commercial unit)**
- 16. Restriction over the use of the commercial unit**
- 17. Submission/approval of an odour abatement/control/mitigation statement in the event that the commercial building changed to a business whereby odours arise**
- 18. Submission/approval of revised Landscaping Scheme**
- 19. Landscaping – Implementation**

- 20. Submission/approval of existing and proposed spot levels and FFL's**
- 21. Works to proceed in accordance with the submitted Arboricultural Statement, Tree Protection Scheme and Arboricultural Method Statement**
- 22. Submission/approval of external lighting scheme (Ecology)**
- 23. Submission/approval of a habitat creation method statement**
- 24. Submission/approval of a 30-year habitat management plan**
- 25. Submission/approval of Ecological Enhancement Strategy**
- 26. Nesting birds**
- 27. Submission/approval of an overall drainage strategy (incl Surface and Foul water)**
- 28. Foul and surface water be drained on separate systems**
- 29. Submission/approval of a sustainable drainage management and maintenance plan**

In order to give proper effect to the Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) 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



