

Application No: 20/4065M

Location: Land at MOSS LANE, MACCLESFIELD

Proposal: Erection of 18no.100% affordable apartments within 2no. blocks with associated access, parking, landscaping and other works

Applicant: Copperleaf /Jigsaw Homes

Expiry Date: 09-Dec-2022

### **Summary:**

The application site comprises a triangular shaped portion of the South Macclesfield Development Area (SMDA) which at present is not developed. The site is positioned within Macclesfield Principal Town settlement boundary between 2no. established residential areas on Moss Lane. The site is allocated as a Greenway/protected open space as part of the SMDA a long-standing allocation dating back to 1998 with emerging SADPD policies allocating it specifically for protected open space alongside the relevant supplementary planning guidance. The site is known to be within a surface water flood risk area with clay, sand and peat soils. The site also has Tree Preservation Orders including a major landscape tree, a Sycamore which is easily seen from Moss Lane. The site is positioned approximately 800m from Danes Moss LWS/SSSI located to the south. The proposals broadly comprise the erection of 18no. 100% affordable apartments over 2no. blocks with associated access, parking, landscaping and other works.

The principle of the development is not accepted as it is considered that it would completely preclude the ability to protect open space as part of emerging SADPD policies and provide a greenway with ecological network benefits relating to the overarching, longstanding SMDA LPS 13 allocation, where the provision of affordable housing beyond policy requirements is not considered to present material circumstances which outweigh the issue with the principle of the development.

In terms of design and local character it is considered that the proposals represent the overdevelopment of a confined and irregular shaped site and do not present a high-quality residential scheme that responds to local characteristics.

With regard to the consideration of the impact of the development on tree life including Tree Preservation Orders it is considered that at this time there is insufficient information to demonstrate that the layout, specifically regarding the rear block of apartments presents a sustainable relationship with a protected and high amenity tree, T6 Sycamore, a major landscape tree.

Due to the layout and scale of the buildings proposed it is considered that this would heavily restrict the open views towards the predominant Sycamore on site which is a key landscape characteristic of this site, alongside loss of its otherwise open and inclining nature (north east to south west). As such it is considered that appropriate landscaping could not be achieved in combination with the proposals to mitigate the harm caused by them.

In terms of flood risk and water management it is considered that there is insufficient information presented relating to the consideration of flood risk and water management for the site and impacts on the immediate surrounding area and watercourses as a result of the development, in an area with existing drainage, flooding and water management problems.

Taking into account these points it is recommended that the application is refused as it is not considered to be in compliance with, or there is insufficient information otherwise to confirm compliance with policies and guidance regarding the principle of the development, design and local character, tree protection, landscape character and flood risk/water management.

**Summary recommendation:**

The application is recommended for refusal.

**Reason for committee call-in:**

This item has been referred to the Northern Planning Committee at the discretion of the Head of Planning, as the proposal was originally submitted as a development of over 20 residential units, which would require a committee decision.

**Description of site and context:**

The site is located to the west of Moss Lane, Macclesfield comprising a triangular-shaped plot of around 0.4ha in size. The site is enclosed by a metal post and rail fence to its Moss Lane frontage and inclines from north-east to south-west. There is a prominent tree covered by Tree Preservation Order to the north-western boundary of the site G3 – a group comprising 3no. Sycamore and 2no. Alder (Macclesfield – Park End Farm, Moss Lane No1) Tree Preservation Order 1998 and T1 Sycamore to the south (Macclesfield – Weston Park Nursing Home/Moss Lane Farm, Moss Lane) Tree Preservation Order 1998, with other boundary trees and hedgerows and site trees present. The site has an open vegetated appearance when viewed from public vantage points on Moss Lane and from the informal pathway running to the northern boundary of the site which leads to a playground known as Franklin Close Play Area to the west. Beyond the site edged red to the east is Macclesfield FP15 public right of way. To the north, east and south of the site are predominantly residential areas of Macclesfield with most completed in the 1990s/2000s of mostly two-storey scale finished in semi-detached and detached styles with some flats made to appear as if semi-detached dwellinghouses. The predominant facing materials in the area are red facing brick walls, upvc fenestration and grey tiles roofs, thus typically domestic in profile. The site is noted to be within the South Macclesfield Development Area and as emerging Protected Open Space designations. Further beyond the site is Henshaw Recycling/Processing Centre and Weston Park Care Home. Around 800m to the south is the Danes Moss Local Wildlife Site and SSSI.

**Details of the Proposals:**

The original proposals were for the *‘erection of apartment block containing 12no. two-bedroom and 24no. one-bedroom apartments with associated external works, car parking and landscaping’*. Following extensive consultation the proposals were amended to *‘erection of 24no. 100% affordable apartments (16no. one bedroom apartments and 8no. two bedroom apartments)’* and then again to *‘erection of 18no. 100% affordable apartments within 2no. blocks with associated access, parking, landscaping and other works’*, the latter of which

represents the current set of proposals. The following assessment is based upon the revised scheme as per the documents listed in Letter ref:20-619 from Emery Planning dated 18<sup>th</sup> November 2022.

The proposals are brought forward, owned and managed by Adactus Housing Association with the Copperleaf Group Ltd, a registered provider and part of the Jigsaw Homes group. One block comprises 12no. two-bedroom apartments (45sqm each) and the other 6no. two-bedroom 'cottage' flats split between 3no. 57sqm and 3no. 63sqm flats. The two-bedroom apartments block is proposed as a gable and valley style design with communal hallways. The 'cottage' flats block is proposed in a gable style design with each unit having their own entrance. It is stated that all apartments meet Homes England funding requirements of 85% of Nationally Described Space Standards. The proposed tenure is affordable rent. Both blocks are proposed in a two-storey format and it is indicated proposed external facing materials are to be walls in brick and roof in tile.

A new vehicular and pedestrian access into the site from Moss Lane will be created which will lead to various areas of surface parking in the centre of the site for 25no. vehicles including 2no. disability spaces. The site access amendment secures visibility of 2.4m x 43m at a width of 5.5m with 2no. 2m footways provided either side for pedestrians. A new pedestrian link to the north of the site leading from the parking area is proposed to link with the existing public footpath running to the north-western boundary of the site. A pathway from the car parking area to the south-eastern boundary linking to Moss Lane is also proposed. To the entrance dropped kerbs for pedestrians are planned. 1no. bin store containing 8no. Eurobins is proposed to the west of the proposed site entrance off Moss Lane. 2no. cycle stores are proposed to the south of the rear block of apartments. 1no. bin store containing 4no. Eurobins and 1no. cycle store is proposed to the south-east of the block of 'cottage' flats blocks to the Moss Lane frontage. It is intended that bin collection take place from Moss Lane.

To the south-west of the site a wildflower meadow also suitable for surface water collection is proposed alongside private amenity areas for the development. Other aspects of private amenity areas and landscaping are proposed to the rear of the 'cottage' flats and to the frontage. In respect of drainage a SuDS basin to attenuate land drainage is proposed to the south-west of the site for some surface water. Surface water is also proposed to be handled via cellular storage crates connected via pipework to a permeable paving area. The surface water is proposed to be handled via hydro-brakes to then connect into an existing culverted watercourse beyond the site edged red. The foul drainage is proposed to be handled via a Foul Pumping Station stated to be 'Jupiter 2.5m or similar – design by others' to then connect into existing mains sewers beneath Moss Lane. A landscaping scheme supports the proposals showing around 40no. new trees to be planted amongst other hedgerow, wildflower and shrub planting.

#### **Relevant Planning History:**

21/6430M - Details of access, appearance, landscaping, layout and scale for Phase 10 - relocation of existing demolition / reclamation yard operational facilities (Use Class Sui Generis). The Outline Application was an EIA application and an ES was submitted at that time.  
– unregistered RM application

21/6429M - Details of access, appearance, landscaping, layout and scale for Phase 9 - relocation of existing demolition / reclamation yard operational facilities (Use Class Sui

Generis). The Outline Application was an EIA application and an ES was submitted at that time.  
- – unregistered RM application

21/6428M - Details of access, appearance, landscaping, layout and scale for Phase 6 - 146 dwellings (Use Class C3). The Outline Application was an EIA application and an ES was submitted at that time.- unregistered RM application

21/6427M - Details of access, appearance, landscaping, layout and scale for Phase 5 - a one form entry Primary School (1,300 sqm - Use Class D1). The Outline Application was an EIA application and an ES was submitted at that time. – unregistered RM

21/6422M - Details of access, appearance, landscaping, layout and scale for Phase 8 - 179 dwellings (Use Class C3). The Outline Application was an EIA application and an ES was submitted at that time. - unregistered RM

21/6421M - Details of access, appearance, landscaping, layout and scale for Phase 7 - 325 dwellings (Use Class C3). The Outline Application was an EIA application and an ES was submitted at that time. – unregistered RM

21/5940M - Non-material amendment on application condition 2 - 17/1874M - Demolition of existing structures and redevelopment of site including up to 950 homes; a one form entry primary school (use class D1), retail development (use class A1) of up to 4000sqm; employment floorspace comprising offices (use class B1a) of up to 500sqm and warehousing (use class B8) up to 10,000 sqm or relocation of existing demolition / reclamation yard operational facilities (sui generis); associated landscaping, roads and related works - outline application, all matters reserved except site accesses from Congleton Road, Moss Lane and Moss Lane/Star Lane. – approved with conditions – 15<sup>th</sup> December 2021

19/1796M - Phase 1 primary infrastructure works comprising of enabling works, new highways, footpaths/cycleways, public open spaces, ecology areas and associated hard and soft landscaping, drainage and servicing works pursuant to outline planning permission 17/1874M.  
– RM – awaiting determination

17/1874M - Demolition of existing structures and redevelopment of site including up to 950 homes; a one form entry primary school (use class D1), retail development (use class A1) of up to 4000sqm; employment floorspace comprising offices (use class B1a) of up to 500sqm and warehousing (use class B8) up to 10,000 sqm or relocation of existing demolition / reclamation yard operational facilities (sui generis); associated landscaping, roads and related works - outline application, all matters reserved except site accesses from Congleton Road, Moss Lane and Moss Lane/Star Lane. – approved with conditions and s106 – 15<sup>th</sup> January 2019

14/2588S – EIA Screening Request Opinion for Application 14/0282M - Demolition of existing structures and redevelopment of site including up to 325 residential units, Class A1 retail store max 7,432 square metres (80,000 sq ft) GIA, A Class A3-A5 unit, replacement sports pitches/facilities including a new clubhouse, with main vehicular access to be provided directly off Congleton Road, associated landscaping and other works - Outline application, all matters reserved. – not determined.

14/0282M – Demolition of existing structures and redevelopment of site including up to 220 residential units, Class A1 retail store max 7,432.sq.m (80,000 sq.ft) GIA, A class A3-A5 unit, replacement sports pitches/facilities including a new clubhouse, with main vehicular access to be provided directly off Congleton Road. Associated landscaping and other works - outline application, all matters reserved. (Voluntary Environmental Statement submitted) – approve subject to a section 106 agreement and conditions – 26<sup>th</sup> August 2014

09/1969T – prune two sycamores – decline to determine – 25<sup>th</sup> August 2009

### **Relevant Policies and Guidance:**

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

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer Contributions

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and Well-Being

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE8 Renewable and Low Carbon Energy

SE9 Energy Efficient Development

SE10 Sustainable Provision of Materials

SE12 Pollution, Land Contamination and Land Instability

SE13 Flood Risk and Water Management

CO1 Sustainable Travel and Transport

CO4 Travel Plans and Transport Assessments

Appendix C – Parking Standards

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legal local plans that still apply and have not yet been replaced. These policies are set out below.

#### **Macclesfield Borough Local Plan – saved policies (MBLP)**

NE11 Nature Conservation

NE12 SSSI's. SBI's and Nature Reserves

NE14 Nature Conservation Sites

NE15 Habitat Enhancement  
NE17 Nature Conservation on Major Developments  
NE18 Accessibility to Nature Conservation  
RT1 Protection of Open Spaces  
RT2 Incidental Open Spaces  
RT5 Open Space Standards  
RT6 Proposed Open Space  
RT7 Cycleways, Bridleways and Footpaths  
RT8 Access to Countryside  
DC3 Design – Amenity  
DC6 Design – Circulation and Access  
DC8 Design – Landscaping  
DC9 Design – Tree Protection  
DC15 and DC16 Provision of Facilities  
DC17, 19 and 20 – Design – Water Resources  
DC35 Residential development – Materials and Finishes  
DC36 Road Layouts and Circulation  
DC37 Landscaping  
DC38 Residential development – Space, light and privacy  
DC40 Childrens Play Provision and Amenity Space  
DC41 – Infill housing development or redevelopment  
DC63 Contaminated Land Including Landfill Gas

### **Other material policy considerations**

National Planning Policy Framework 2021 (NPPF)  
National Planning Practice Guidance  
Cheshire East Borough Design Guide 2017 SPD (CEDG)  
South Macclesfield Development Area December 1998 (SMDA 1998)  
Trees and Development SPD (TSPD)  
Designing Out Crime SPD (DOC)  
Section 106/ Planning Obligations (S106/PO SPD)  
Community Infrastructure Levy (CIL)  
Open Space Assessment (OSA) 2013  
Strategic Housing Market Assessment (SHMA) 2013  
Cheshire East Residential Mix Assessment (2021)  
Cheshire East Annual Monitoring Report 2020/21  
Housing Development Study 2015 (HDS)  
Housing completions and supply summary 2021/22 March 2022  
Housing Monitoring Update 2020/21 March 2022  
Cheshire East Green Space Strategy 2013  
Cheshire East Green Space Strategy Update 2018  
Cheshire East Green Space Strategy Update 2019  
Cheshire East Green Space Strategy Update 2020  
Cheshire East Green Infrastructure Plan 2019  
Green Infrastructure Assessment of Cheshire East 2018

### **Site Allocations and Development Policies Document**

The Site Allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Council received the Inspector's Report on 17th October 2022, completing the

examination stage of the Plan. The Report concludes that the SADPD provides an appropriate basis for the planning of the Borough, provided that a number of Main Modifications are made to it. The Council can now proceed and adopt the Plan, which is expected to be decided at the Full Council meeting on 14th December. Having regard to paragraph 48 of the National Planning Policy Framework, relevant policies, as amended by the Main Modifications, may be given substantial weight in determining planning applications.

Site Allocations and Development Policies Document September 2020 - Emerging Plan – substantial weight attached (SADPD)

PG9 Settlement Boundaries

GEN1 Design Principles

GEN7 Recovery of planning obligations reduced on viability grounds

ENV1 Ecological network

ENV2 Ecological implementation

ENV3 Landscape character

ENV5 Landscaping

ENV6 Trees, hedgerows and woodland implementation

ENV7 Climate change

ENV8 District heating network priority areas

ENV12 Air Quality

ENV14 Light pollution

ENV15 New development and existing uses

ENV16 Surface water management and flood risk

ENV17 Protecting water resources

HOU1 Housing mix

HOU2 Specialist housing provision

HOU3 Self and custom build dwellings

HOU6 Accessibility and wheelchair housing standards

HOU10 Amenity

HOU11 Residential standards

HOU12 Housing density

HOU13 Housing delivery

HOU14 Small and medium-sizes sites

INF1 Cycleways, bridleways and footpaths

INF3 Highways safety and access

INF6 Protection of existing and proposed infrastructure

INF9 Utilities

REC1 Green/open space protection

REC2 Indoor sport and recreation implementation

REC3 Green space implementation

REC5 Community facilities

## **CONSULTATIONS (EXTERNAL TO PLANNING)**

### **Revised plans September 2022:**

#### **LLFA**

23<sup>rd</sup> November 2022 – object to the proposals based on the wider planning constraints at the location and the localised concern regarding pluvial flooding. Recommend refusal on the

grounds of insufficient information as the following information to support a drainage strategy and water management for the site has not been provided:

- Site specific hydraulic catchment modelling up to 1 in 100 years +CC%% to challenge publicly available Environment Agency modelled flood maps.
- Seasonal groundwater monitoring, to reflect any fluctuation in groundwater during the winter periods (flood mitigation works (pond be level)).
- Proposed basin cross-sections for the compensatory pluvial flooding proposals.

2<sup>nd</sup> November 2022 - object to the proposals on the ground of insufficient information. Reviewed the Flood Risk Assessment and have reservations regarding the proposed flood mitigation works. Imperative to ensure the correct volumes of pluvial flooding have been modelled and included within mitigation works to avoid any flooding to existing or proposed development at this location.

30<sup>th</sup> July 2021 – object on grounds of surface water risk how it can be managed in the site boundary without causing flooding impacts.

27<sup>th</sup> October 2020 - object on grounds of surface water risk how it can be managed in the site boundary without causing flooding impacts. Recommended a Flood Risk Assessment be undertaken in order for the objection to be removed.

### **Environmental Protection**

4<sup>th</sup> October 2022 - no further comments to make from previous comments provided regarding Air Quality and Environmental Protection.

Environmental Health Officer – 18<sup>th</sup> November 2022 – no objections subject to the use of conditions to cover: piling (prior to commencement if applicable); site specific dust management plan prior to commencement; electric vehicle charging point provision on a 1no. per dwelling basis; ultra low emission boilers; prior to commencement risk assessment; prior to occupation verification report; soil importation onto site prior to importation testing and reporting of previously undiscovered land. Informatives also recommended to cover: Environmental Health Act 1990 and contaminated land.

13<sup>th</sup> May 2021 – no objection subject to conditions

17<sup>th</sup> December 2020 – object to the proposals on the grounds of insufficient information relating to contaminated land.

### **Education**

1<sup>st</sup> November 2022 – no comments or contributions requests to make as scheme is now mostly one-bedroom units.

14<sup>th</sup> May 2021 - no objection subject to securing financial contributions/planning obligations to mitigate for demands on education as a result of the proposed development - 12 x 2 bed units would need a £32,685 provision based on a need for 2no. secondary child places.

### **Strategic Housing**

12<sup>th</sup> September 2022 - no objections to the proposals.



7th December 2020 - No objection – provides 100% affordable scheme when policy seeks requirement of 11no. dwellings for 36no. proposed. Policy SC5 seeks that Council expects a 65/35 ratio of social rented and intermediate affordable housing as such 23no. units should be affordable rent and 13no. units as intermediate tenure. Applicant did not provide affordable housing scheme with the application and at that time the split would be unknown. Further to re-consideration they considered that they could not sustain an objection based on tenure as the proposals were proposed in the same block and having two types of tenures in one block can cause issues.

### **Public Rights of Way Unit**

28<sup>th</sup> September 2022 - no objections subject to use of informatives attached to any approval of the development to ensure ongoing protection and usage of the PROW during construction of the development.

19<sup>th</sup> October 2020 - no objections– subject to informatives attached to any approval to keep the PROW Macclesfield no. 15 unrestricted.

### **CEC Highways**

3<sup>rd</sup> October 2022 - no objections to the development.

13th May 2021 – object to the development on grounds of lack of parking and visibility

3rd November 2020 – object to the proposals on the grounds of insufficient information due to lack of suitable visibility splay drawings relating to the access as such unable to conclude the access is safe in highways terms.

### **ANSA**

Object to the proposals for the following summarised reasons – fully agree with the comments provided by the Spatial Planning/Planning Policy Officer – the proposal for the SMDA has included the site for many years as a number of greenways connecting SMDA to Moss Lane and surroundings and has always been seen as a crucial element. To function well as greenways, supporting and encouraging use by a wide range of the local community, year-round, sufficient space must be allocated to enable good, considerate and appropriate design. Whilst the site is not currently shown on the existing adopted policies map but until SADPD is adopted, RT2 of the MBC Local Plan also applies being a carried over policy. acknowledge the applicant has made some improvements to the design, reducing bulk and footprint of the development, visually opening up the scheme and removing the negative impact of buildings overpowering and dominating the first section of the greenway. No room for planting or landscaping along the proposed car park boundary which would be desirable in any scheme to provide buffers and helped green and visually widen and define the entrance to the existing walkway. The D&A reference the impact of development on the greenway, this is the most indicative of the failure of the applicant to understand the relationship between the two and opportunity to either positively or negatively impact upon it. The application does not contain any proposed POS, as required by SE6 of CELPS, along with ROS, GI connectivity and allotment provision. Com sums for off-site provision will be required for play and amenity at £3000 per family dwelling towards additions and enhancements on adjoining existing open space and play area known as Rotherhead Drive/Franklin Close. Public Open Space coms ums

would be £1000 per family dwelling and £500 per 2 bed space @ £3,000 total – directed towards Congleton Road Playing Field and supporting infrastructure in line with the PPS or PPOSS due for adopting in 2023 replacing the PPS. The overriding concern is the loss of open space, contrary to policy and the negative impact this will have on the adjacent open space and future ability to provide a much-needed greenway.

14th May 2021 – object to the proposals - The site would have to provide POS and ROS and is part of LPS13 SMDA as greenway and as such is contrary to open space, green infrastructure, outdoor recreation and the allocation policies.

### **United Utilities**

5<sup>th</sup> October 2022 - no objections to the development subject to the use of planning conditions to secure detailed drainage for the site on a prior to commencement basis and a prior to occupation drainage scheme implementation and maintenance for the lifetime of the development. The submitted drainage layout is acceptable in principle alongside the Flood Risk Assessment however insufficient detail on the drainage design. A proposed foul pumped rate needs inclusion on drainage plan and as it appears foul rising main is proposed to directly connect into UU existing combined network they require a break chamber and gravity connection into existing manhole as such levels of this are required on amended design.

29th April 2021 - no objection subject to conditions

27th October 2020 – no objection subject to conditions

### **NHS**

2<sup>nd</sup> November 2022 – no objections subject to an s106 to secure financial contributions/planning obligations to mitigate the impact of the development on existing services with a total contribution of £10,368 toward Waters Green Medical Centre improvements. The split is 12 x one-bedroom units @ £6,048 and 6 x two-bedroom units @ £4,320. Options for improvements as previously identified in the 10<sup>th</sup> January 2022 response.

10th January 2022 – no objections subject to securing financial contributions/planning obligations

12th May 2021 - no objections subject to securing financial contributions/planning obligations

### **Natural England**

7<sup>th</sup> October 2022 - No specific comments to make. 'the lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the proposals are not likely to result in significant impacts on statutory designated nature conservation sites or landscapes'.

### **Cheshire Wildlife Trust**

20<sup>th</sup> September 2022 - object to the proposals for the following reasons:

- Following publication of Government's Net Zero: Build Back Greener Strategy 2021 and the England Peat Action Plan 2021, it is indisputable that the loss and/or modification of peat deposits in any capacity should be avoided. The development of peat not only destroys existing biodiversity and releases significant quantities of greenhouse gases (GHGs), but it also undermines any future restoration potential for biodiversity or carbon

sequestration, resulting in the permanent loss of an important and finite natural capital resource (regardless of condition).

- CWT does not support the principle of developing on peat and (in line with recommendations from Natural England appended to this response, advise instead its importance instead be considered in the delivery of the Local Nature Recovery Strategy, ambitions around Net Zero and the Climate Emergency declared by Cheshire East Council.
- Peat extraction is not supported under CELPS policy SE10 Clause 9. Whilst a mineral policy, this clause was cited in a decision by CEC to refuse residential planning application ref:19/3098M due to the removal of peat and deterioration of air quality through the release of GHG's.

### **Cheshire Archaeology**

9<sup>th</sup> September 2022 - no objection to the proposals.

### **Cadent Gas**

13<sup>th</sup> October 2020 - no objections subject to informatives on their letter requiring input separate to planning.

### **Councillor Wilson and Macclesfield Town Council**

Object to the proposals for the following summarised reasons:

- Soil analysis shows there is from 0.4 – 1m thick peat present on the site, building on peat is not supported. Natural England do not support the development due to the building on peat and thus object.
- Under provision of parking compared with Appendix C of CELPS with lack of electric vehicle charging points.
- Development will lead to an increase in volume of traffic, contributing to an increase in pollution, traffic and parking issues in the area with no Transport Statement considering these elements.
- Development will result in loss of open space and wildlife habitat following removal of on-site vegetation and proposals for biodiversity net gain will need to be achieved off-site elsewhere in Cheshire which is not acceptable.
- Unclear whether development will have detrimental impacts on existing water supply, drainage, flood risk and insufficient water pressure issues experienced in the immediate area.
- Development will lead to detrimental impacts on residential amenity due to overlooking and loss of privacy to neighbouring properties.
- Proposed bin store locations are problematic next to footpath from Rotherhead Drive to the play area.
- Unclear about the site and its inclusion regarding provision of green infrastructure and landscaping with regards to proximity of Moss Lane development to public footpaths and the South Macclesfield Development Area.
- Positive that it is an affordable housing scheme with affordable rent provided of which keen to improve quality and quantity availability of affordable housing with no concern over the use of Jigsaw Homes.

### **Macclesfield Town Council**

4<sup>th</sup> May 2021 - object to the proposals for the following summarised reasons:

- Increase in volume of traffic and related pollution and parking issues already existent in the area, there is an insufficient provision of parking at the site in line with CELPS guidance.
- The proposals represent overdevelopment with design out of keeping with the properties in the area
- The development may increase issues relating to drainage, flood risk and insufficient water pressure already experienced in the area.
- The development would result in the overlooking of loss of privacy to neighbouring properties.
- The development would cause adverse impacts on nature conservation.
- The proposals do not adequately consider the impacts of development on tree life and as such there is insufficient information.
- The proposals do not adequately consider the impacts of development on landscape character and do not have a supporting landscaping scheme and as such there is insufficient information.
- The proposals are unclear as to the details on the types of affordable housing, tenure and management.
- The proposals are unclear in terms of need for providing green infrastructure, landscaping and improvements to the northern footpath and the sites relationship with the wider SMDA.
- The proposals do not adequately consider the impacts of development on the local highways network and are not supported by a Transport Statement and as such there is insufficient information.
- The contaminated land report is not accessible and content is unavailable and as such there is insufficient information to consider these impacts on existing neighbours and future occupants. In the 2020 version Environmental Health recommended refusal on contaminated land.
- Lack of electric vehicle charging points.
- Little change to the design apart from roof pitch, window design and inclusion of balconies.
- There are many objections from local people in respect of the proposals.
- There is not information relating to flood risk mitigation and already existing problems for homeowners neighbouring the development relating to water pressure.
- There is insufficient information in regards to biodiversity net gains and lack of survey work relating to ecology and protected species as per CELPS policies.

10<sup>th</sup> November 2020 – object to the proposals for the following summarised reasons:

- Increase in the volume of traffic, contributing to an increase in pollution and exacerbating parking issues in the area.
- Overdevelopment, with the design out of keeping with properties in the area.
- Concerns over drainage, flood risk and insufficient water pressure of the supply to the building and to nearby properties who are already experiencing poor water pressure.
- Loss of open space and wildlife habitat.
- Overlooking and loss of privacy to neighbouring properties.
- An adverse impact on nature conservation.
- Delays and inadequate provision of notice to neighbours of the planning application.
- Lack of clarity on how the affordable units would be achieved and what the split of tenure would be.

- Lack of clarity on the impact of the SMDA allocation across the site and the impact the development would have in terms of providing green infrastructure and landscaping.

20<sup>th</sup> October 2020 – raised no objections however noted concerns about flat roof design being out of keeping with the area; EV charging points should be included within the design and that a sprinkler system be included in the design.

### **Councillor Puddicombe**

Object to the proposals for the following summarised reasons:

- Whilst welcoming affordable housing provision and the amendments being an improvement on earlier designs there are too many concerns to support it.
- Two-bedroom properties described as ‘cottages’ are clearly apartments, though the overall reduction in the number of apartments is positive.
- Development will lead to detrimental impacts on residential amenity due to overlooking, loss of privacy and proximity to bin storage areas to neighbouring properties.
- Development proposes an insufficient level of car parking with regards to CEC parking standards.
- Development does not propose electric vehicle charging points.
- Development may lead to additional traffic generation where Moss Lane is already under pressure at peak times from heavy commercial traffic and additional traffic from close by new development, as well as being used as a route from London Road across to Congleton Road with proximity to the latter junction a concern. Longstanding issue experienced by existing homeowners.
- Development may worsen existing water pressure problems.
- Development would lead to biodiversity net loss where there is already loss in south Macclesfield notwithstanding mitigation proposed via legal agreement to secure off-site provision ‘within Cheshire’.
- Site adjacent to South Macclesfield Development Area and its environment sensitivities. Soil analysis confirms presence of peat on this site and Natural England have confirmed importance of that and it has been used by the LPA as a reason to refuse approval under ref: 19/3098M.

### **OTHER REPRESENTATIONS**

#### **Revised plans September 2022:**

**Macclesfield Civic Society** – made an observation as follows:

- Overcomes previous highways objections.
- Scale of development is appropriate, and layout integrates the scheme into established pattern of development in the locality.
- Increased number of affordable housing units in line with housing policy objectives.
- Subject to landscaping and appropriate materials scheme has merit.
- Ecological considerations may be related to concerns which have been expressed regarding the wider South Macclesfield Development Area – these should be viewed critically but also pay due regard to the nature of adjacent development.

32 no. letters of objections were received from the public summarised as follows:

#### Principle of the development:

- The site is greenfield and therefore should not be developed before brownfield and other sites within the town centre are as per priority in local plan.
- The site is allocated for open space and greenway as part of the wider South Macclesfield Development Area (SMDA).
- The development is not required as nearly 1000 homes are being built as part of the SMDA which has extant approval.
- Insufficient information on the type, management and intended occupants of the affordable housing.

#### Design and character:

- The development is not in keeping with the character of the immediate area.
- Apartments are not a characteristic feature of residential development on Moss Lane, which is currently family housing of two-storey semi-detached and detached nature.
- The size and scale of the development represents overdevelopment on a small, triangular piece of land and in comparison to neighbouring development.
- Bin storage location next to building entrances and immediate neighbouring development is out of keeping with character of the area including that on the site entrance.

#### Highways and parking:

- The development will create too much traffic on an already busy highway of Moss Lane as a result of recent residential developments elsewhere on Moss Lane.
- The intensification of the site will worsen existing surfacing issues on Moss Lane due to additional usage as a result of this development and others recently completed.
- The location of the access on a bend on Moss Lane is dangerous due to visibility for vehicles and pedestrian users.
- The development would add pressure onto this tributary road that leads to Congleton Road roundabout where traffic problems are already experienced.
- The development is not in a sustainable location due to lack of public transport options for the site such as adequate bus services.
- The development would be inappropriate unless traffic calming mitigation measures can be secured by s106 etc.
- The development proposes an insufficient parking provision compared with Appendix C of the CELPS.

#### Residential amenity and pollution:

- The development will add to noise, vibration, fumes and air quality disturbances which are already an issue from ongoing housing construction nearby (Barratt and Eccleston Homes sites) and the activities of Henshaws.
- Bin storage location next to building entrances and immediate neighbouring development is contrary to policies as if not maintained they could be detrimental to residential amenity standards due to smells, vermin etc.
- The layout, scale and orientation of the development will lead to overlooking, privacy impacts and overshadowing and as such represents inappropriate development.
- The site is liable to subsidence and is unstable as such is unsuitable for development.
- The development does not propose any EV charging points as such cannot be considered to be sustainable.

#### Flood risk and water management:

- The development will exacerbate existing water pressure issues experienced by existing residential neighbours with United Utilities unable to fix ongoing issues.
- The development will worsen existing foul sewer problems on Moss Lane where the existing sewer leaks and creates a foul stench when East Park pump via Craig Road.
- The development is proposed on a site known to flood due to surface waters collecting on it, with peat known to exist below the surface as such further development may worsen an existing poor situation.
- The indicated attenuation basin/wildflower meadow is of an insufficient size to attenuate surface water for the development.

#### Nature conservation, biodiversity and geodiversity:

- The development will irreparably damage wildlife and a green space in a built-up area without sufficient mitigation proposed.
- The development will result in a loss of habitat which links with Danes Moss SSSI and result in loss of irreplaceable peat habitats of which Natural England are against building on peat.
- Cheshire Wildlife Trust note the findings of peat on the site and that its extraction is not supported under CELPS SE10 Clause 9.

#### Trees and Landscaping:

- The proposed trees will cause more car accidents as they block visibility splays when exiting onto the highway and be detrimental to neighbouring properties due to growing branches and root impacts.
- The development will encroach onto the root protection area of a TPO tree which may result in harm to it and as such is contrary to local policies.

#### Outdoor sport and recreation:

- The development would result in a loss of existing green space for dog walkers and other activities and would also impact mental health.

#### Other considerations:

- Work is being undertaken without the benefit of planning permission.
- The development is unsuitable as there is not adequate services in place such as schools, supermarkets, doctors, dentists, playgrounds etc. to support it.
- Tenants of the properties may cause anti-social behaviour and increase in criminal activities.
- The development will detrimentally impact house prices in the area and lead it to become undesirable.

#### **2021 consultation on revised plans:**

42no. letters objecting to the development were received from the public summarised as follows:

#### Principle of the development:

- The development is proposed on greenfield land whereas brownfield land should be targeted for this type of development closer to the town.

- The SMDA is already providing 950 homes as such further development on this site is not required.
- The development is proposed on Green Belt land where no very special or exceptional circumstances exist to permit the development.
- The development would prevent the intended creation of green infrastructure, pathways, POS and LEAP for the SMDA. Also noting approval of SMDA under 17/1874M.

#### Housing types:

- Concern over affordable rent housing causing a transient population due to lack of mix of tenures.
- Area is mostly family housing with old persons homes and as such apartments are not a typical type.

#### Design and Character:

- The development is too dense and represents overdevelopment.
- The proposals will create 48no. bedrooms for 96no. people on to small a site at around 37sqm per person which results in inadequate internal layouts and open space.
- The proposals do not reflect the character of the immediate area and is not in keeping with local themes in terms of architectural style and scale.
- Three storey development is not the typical scale for the area of which local themes are two-storey detached and semi-detached houses. Apartments are not typical in this area and are too urban looking for a sub-urban location.
- Large car parking area would detrimentally impact local character and provide poor outlook for occupants and neighbouring form. Future residents would unlikely want an open space backing onto car parking due to security and any fence would not be in keeping with the immediate area.
- Bin storage areas are located poorly and unlikely to be used properly due to distance from properties and may be unsightly. Amount of bin storage is insufficient as in Macclesfield there are 3no. bins per property. Location of bin store is unacceptable and needs to border the new buildings and not existing properties.

#### Residential amenity and pollution control:

- The development will cause loss of light to external amenity areas of neighbouring development and cause overshadowing to external amenity areas and habitable rooms alongside loss of privacy particularly to Whitfield Drive, Langley Drive, Moss Lane and Rotherhead Drive.
- Construction of the Henshaws sites is already disruptive from noise, fumes, dust and vibration and further development at this site will worsen this as a result of additional vehicle usage.
- There is no provision for EV charging point provision as such the development cannot be considered to be sustainable.

#### Highways and parking:

- The development will result in additional vehicles usage in the area on an already congested and heavily used highway of Moss Lane which is a cut through for all types of traffic such as construction/schools between Congleton Road and London Road.
- Moss Lane is problematic for speeding drivers which is particularly bad at this stretch of road.



- This development will add to queueing on Moss Lane leading to the Congleton Road junction and Flying Fields Drive roundabout, which locals already consider inadequate and dangerous.
- Moss Lane is in disrepair with pot-holes, ditches and sunken grids and needs updating and the development will worsen this as a result of intensification.
- Insufficient visibility and turning at the site entrance planned on a bend in the road of Moss Lane will lead to dangerous traffic conditions for drivers and pedestrians.
- Lack of public transport options in the area means it is not a good location for affordable or social housing and is thus not sustainable.

#### Trees and Landscaping:

- Loss of amenity grassland, greenspace and open space on Moss Lane which is otherwise built up, the site provides green visual relief.
- The proposals show that some protected trees are to be removed as part of the development contrary to policy seeking to retain them and noting the application is not supported by a tree survey as such there is insufficient information regarding the impacts of the development on tree life.
- The application is not supported by a landscaping scheme as such there is insufficient information regarding the impacts of the development on overall landscape character.

#### Outdoor sport and leisure:

- The loss of the site would be to the detriment dog walkers and children/families who use it for leisure and on the way to playing grounds to the west.
- The site is meant to be for public open space as part of South Macclesfield Development Area.
- The development would result in the loss of footpaths near and within the site.

#### Nature conservation, biodiversity and geodiversity:

- The proposals would detrimentally impact local wildlife such as foxes, hedgehogs, birds, bats, insects, newts, voles, dormice, frogs, dragonflies, birdlife, badgers, grassland habitat, flora and fauna.
- The development will detrimentally impact Danes Moss which is still recovering from previous landfilling of which further development at this site will impede recovery.
- The land comprises an area of lowland bog and marshland which is prone to flooding and a habitat for wildlife and protected species. Considered as a protected extension of Danes Moss Nature Reserve which has been a local wildlife site and SSSI since 1992.
- Ecological Survey confirms trees on northern boundary have the potential to host bats and as such case law confirms that the application cannot be determined until these trees have been adequately surveyed and any impacts mitigated.
- A scheme for biodiversity enhancement is required to demonstrate the application can achieve the overall 'net gain' for ecology and biodiversity as per national and local planning policies.
- The Ecological Survey states the development would result in a 92.38% loss in habitat units contrary to local and national policy.

#### Flood risk and drainage:

- The properties in this immediate Moss Lane area already experience bad water pressure and this development may worsen that. United Utilities already do not provide adequate support for this.
- Site is in a surface water flood risk area made worse by highways and due to this land levels will need raising and this may impact amenity. Full drainage scheme should support the application and as such there is presently insufficient information.

Other comments:

- Tenants of the properties may cause anti-social behaviour and increase in criminal activities.
- The development will detrimentally impact house prices in the area and lead it to become undesirable.
- The application should be aligned with modern legislation such as Clean Neighbourhoods, Environment Act, Bribery Act and International Law.

Planning obligations:

- What obligations/financial contributions will be in place to mitigate for the needs generated by the development regarding education, healthcare, play spaces etc. as schools and health care is already oversubscribed/over-populated.

**Responses from the 2020 consultation:**

161no. Letters objecting to the development were received from the public summarised as follows:

Principle of the development:

- The development is proposed on greenfield land whereas brownfield land should be targeted for this type of development closer to the town.
- The SMDA is already providing 950 homes as such further development on this site is not required.
- The development is proposed on Green Belt land where no very special or exceptional circumstances exist to permit the development.
- The development would prevent the intended creation of green infrastructure, pathways, POS and LEAP for the SMDA. Also noting approval of SMDA under 17/1874M.

Housing types:

- Concern over affordable rent housing causing a transient population due to lack of mix of tenures.
- Area is mostly family housing with old persons homes and as such apartments are not a typical type.

Design and Character:

- The development is too dense and represents overdevelopment.
- The site shape is not characteristic of immediate neighbouring plot forms.
- The proposals do not reflect the character of the immediate area and is not in keeping with local themes such as the inclusion of large windows, only amendment appears to be regarding the roof.
- Three storey development is not the typical scale for the area of which local themes are two-storey detached and semi-detached houses. Apartments are not typical in this area.

- Large car parking area would detrimentally impact local character and provide poor outlook for occupants and neighbouring form.

#### Residential amenity and pollution control:

- The additional vehicles will cause detrimental impacts on noise and air pollution.
- The development will cause loss of light and privacy to external amenity areas of neighbouring development and cause overshadowing to external amenity areas and habitable rooms. Particularly to Whitfield Drive, Langley Drive, Moss Lane and Rotherhead Drive.
- Construction of the Henshaws site is already disruptive from noise, fumes, dust and vibration and further development at this site will worsen this.
- Positioning of waste/bin collection areas may cause bad smells and vermin if not properly maintained.
- No information on how construction will be managed and contractors vehicles will park etc.
- The front of the site used to be an old dump/pit for medical waste associated with an old fever hospital that existed on part of the wider site which may still present hazards to human health if the site is developed, a toxic waste survey should be undertaken.
- Insufficient information on how waste/recycling will be serviced/managed for the development.

#### Highways and parking:

- The development will add another 40no. vehicles to the area on an already congested and heavily used highway of Moss Lane which is a cut through for all types of traffic such as construction/schools between Congleton Road and London Road.
- Moss Lane is problematic for speeding drivers which is particularly bad at this stretch of road.
- This development will add to queueing on Moss Lane leading to the Congleton Road junction and Flying Fields Drive roundabout, which locals already consider inadequate and dangerous.
- Moss Lane is in disrepair with pot-holes, ditches and sunken grids and needs updating and the intensified development will make this worse alongside HGV movements from Henshaws etc.
- Insufficient visibility and turning at the site entrance planned on a bend in the road of Moss Lane will lead to dangerous traffic conditions for drivers and pedestrians.
- Lack of public transport options in the area means it is not a good location for affordable or social housing.

#### Trees and Landscaping:

- The proposals show that some protected trees are to be removed as part of the development contrary to policy.
- The development will result in the loss of amenity grassland, greenspace and open space on Moss Lane which is otherwise built up, the site provides green visual relief.
- The feature Sycamore tree in this site is likely to be 100 years old as such it needs to be protected for the future and no trees or shrubs felled on site to make way for the development.

- The development would detrimentally impact the visuals and route of the PROW to the north/north west edge of the land which enjoys open views across this site and allows users to feel safe/secure which would be lost as a result of the development.
- The land forms part of a Woodland Priority Habitat Network and should be protected from development.
- Full Biodiversity Surveys and Ecological Impact Assessments need to support the application and without this the application should be refused on the grounds of insufficient information.
- The impact of the loss of trees and landscaping will detrimentally impact mental and physical health.

#### Outdoor sport and leisure:

- The loss of the site would be detrimental dog walkers and children/families who use it for leisure and on the way to playing grounds to the west.
- The site is meant to be for public open space as part of South Macclesfield Development Area.
- Concern about loss of footpaths near and within the site.

#### Nature conservation, biodiversity and geodiversity:

- The proposals would detrimentally impact local wildlife such as foxes, hedgehogs, birds, bats, insects, newts, voles, dormice, frogs, dragonflies, birdlife, badgers, grassland habitat and flora and fauna.
- Development will impede and detrimentally impact Danes Moss.
- The land comprises an area of lowland bog and marshland which is prone to flooding and a habitat for wildlife and protected species and should be considered as a protected extension of Danes Moss Nature Reserve which has been a local wildlife site and SSSI since 1992.
- Unsure how foundations and levels will be created noting soil types.
- Development contrary to policy SE3 of the CELPS.

#### Flood risk and drainage:

- The site and Moss Lane generally has bad drainage and grass lands on this bend are already very boggy and easily gets saturated with water after rain.
- The properties in this immediate Moss Lane area already experience bad water pressure and this development may worsen that. United Utilities already do not provide adequate support for this.
- The area often smells due to issues with insufficient sewerage removals from new surrounding estates and this development will only worsen this.

#### Other comments:

- Internet service to the development requires improvement as it is an existing issue in the area with regards to the provision of adequate infrastructure.
- Tenants of the properties may cause anti-social behaviour and increase in criminal activities.
- The development will detrimentally impact house prices in the area and lead it to become undesirable.
- The development would detrimentally impact outlooks and views from immediate neighbouring properties.

- Sufficient public notification and publication of the application has not been undertaken.
- What measures will be taken in respect of subsidence as a result of the development and mitigation/financial for neighbouring properties if this occurs.
- The application should be aligned with modern legislation such as Clean Neighbourhoods, Environment Act, Bribery Act and International Law.

#### Planning obligations:

- What obligations/financial contributions will be in place to mitigate for the needs generated by the development regarding education, healthcare, play spaces etc. as schools and health care is already oversubscribed/over-populated.

Macclesfield Civic Society – made an observation – mixed character to recent development on the south side of Moss Lane though it is largely reflect in developments of two storey houses with pitched roofs. It is not considered that the three storey flat roof apartments respect the prevailing character of adjacent development and would appear as an unacceptable visual discontinuity. The elevations also come across as bland and uninteresting.

### **OFFICER APPRAISAL**

The following Officer Appraisal is based upon the revised submission dated August 2022, September 2022 and October 2022 as per the Letter Schedule of Documents list ref:20-619 prepared by Emery Planning dated 18<sup>th</sup> November 2022.

#### **Principle of the development**

The development proposal comprises the erection of 18no. 100% affordable dwellings in the form of one and two-bedroom apartments/flats. The site is located in Macclesfield.

The policies map supporting the CELPS and MBLP indicates the site to be within the LPS 13 (CELPS) the South Macclesfield Development Area (SMDA). The areas immediately north, east and south of the site are predominantly residential areas with other areas to the north-east of Moss Lane noted as Existing Open Space as per MBLP policy constraints.

The LPS 13 wording in the CELPS the development principles for the SMDA include:

- The provision of green infrastructure and open space to offer multi sports and recreation opportunities.
- Incorporation of green infrastructure.
- Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities.
- Greenways which are safe and attractive and comfortable for users.
- Existing trees, water courses and natural habitat to be retained and enhanced as appropriate.
- Necessary infrastructure, open space and structural planting to include additional tree planting must be provided.

Further to these comments in LPS 13 justification paragraph 15.193 it states *‘due to the scale of the development and its location on the urban fringe the retention of large areas of open space and play facilities across the site will be considered important for recreation purposes.’*

As noted in justification paragraph 15.194 of LPS 13 in the CELPS, the site has been subject to a long-standing allocation for development since the Macclesfield Borough Local Plan 1997,

carried forward in the MBLP 2004, then into CELPS with the SMDA 1998 supplementary planning document/guidance underpinning this. It is in the SMDA 1998 where the foundation for the site in question allocation for protected open space as part of the overall aims to create protected open space and greenways for the SMDA wider site comes from, in Plan 4 of the supporting SPD. The SMDA 1998 has the site as part of a proposed greenway, strategic footpath and cycle networks in Macclesfield, part of which runs through the site to connect to the existing Moss Lane/Ash Grove greenway on Plan 6 Strategic Footpaths and Cycleways Networks in the SMDA 1998. The aim of this is to connect the urban parts of Macclesfield with surrounding countryside including up to Danes Moss as per paragraph 6.8 of the SMDA 1998 *'Congleton Road Linear Park Extension running from Moss Lane in a southward direction alongside the western boundary of Weston Park Close Care Centre to connect with the existing east-west greenway.'* It is proposed that the greenway would link with the footpaths and cycle ways planned beyond the site edged red but forming part of the east/west greenway extension to ensure proper width, landscaping and natural open feel as indicated within the SMDA 1998.

Whilst this site is allocated under the SMDA LPS13 (or SMDA 1998) it is not directly targeted for residential or other built development, it is worth noting that the wider SMDA allocation sought to provide 1050 dwellings over the Local Plan Strategy Period 2017-2030. The LPS 13 goes on to mention at point (e) that the site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 Affordable Homes. Policy SC5 Affordable Homes of the CELPS states *'In residential developments affordable housing will be provided as follows:*

*i.in development of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable.'*

In related housing policies within the CELPS, Macclesfield is highlighted as a Principal Town settlement in policy PG2 Settlement Hierarchy where *'significant development will be encouraged to support their revitalisation, recognising their roles as the most important settlements in the borough. Development will maximise the use of existing infrastructure and resources to allow jobs, homes and other facilities to be located close to each other and accessible by public transport.'* Policy PG7 of the CELPS highlights Macclesfield is expected to accommodate 4250 new homes.

At this time the Council has a supply of deliverable housing land in excess of the minimum of 5 years required under national planning policy. As a consequence of the decision by the Environment and Communities Committee on 1 July 2022, to carry out an update of the Local Plan Strategy (LPS), from 27 July (the fifth anniversary of its adoption), the borough's deliverable housing land supply is now calculated using the Council's Local Housing Need figure of 1,070 homes/year, instead of the LPS annual housing requirement of 1,800 homes. The 2020 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities on the 14 January 2022 and this confirmed a Housing Delivery Test Result of 300% for Cheshire East. Under-performance against either of these can result in relevant policies concerning the supply of housing being considered out-of-date with the consequence that the 'tilted balance' at paragraph 11 of the NPPF is engaged. However, because of the Council's housing supply and delivery performance, the 'tilted balance' is not engaged by reference to either of these matters.

Turning to the MBLP relevant policies and the Cheshire East Open Space Assessment the development site is immediately south of an area of Amenity Greenspace known as Rotherhead

Drive/Franklin Close noted as being 'amenity area comprising trees/shrubs, footpaths and children's play area' of 1.17ha size, overall quality rating of good with comments on its status as of June 2018 being 'ageing site, full refurb and expansion required'. Its secondary typology is noted for the provision of amenity space for children and teenagers.

In respect of emerging policies the SADPD is now in final stages following the Inspectors final comments on the main modification and as such substantial weight is afforded to the relevant emerging policies and constraints. The site's allocation with regards to SADPD policies indicating it as within the Macclesfield settlement boundary policy PG9, LPS13 allocation South Macclesfield Development Area, Protected Open Space policy REC1 Green/open space protection and Ecological Network Restoration Area/Ecological Network Core Area policy ENV1 Ecological network.

REC 1 states '*1. Development proposals that involve loss of open space, as defined in Criterion 2 below, will not be permitted unless:*

*i.an assessment has been undertaken that has clearly shown the open space is surplus to requirements; or*  
*ii. it would be replaced by equivalent or better open space in terms of quantity and quality and it is in a suitable location; or*  
*iii. the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss.*

*2.The types of open space to which this policy applies includes: existing areas of open space shown on the adopted policies map, such as formal town parks, playing fields, pitches and courts, play areas, allotments and amenity open space; other incidental open spaces, which are too small to be shown on the adopted policies map, but which are of public value for informal recreation or visual amenity; and open spaces provided through new development yet to be shown on the adopted policies map.'*

Taking into account the allocation, policies and guidance it appears clear that the principle of the development conflicts with the overarching SMDA allocation to provide open space/greenways in this location, unless material considerations indicated otherwise.

In the applicants supporting Planning Statement (PS) part of their case to approve the application is that the development would make an important contribution to addressing the substantial shortfall in affordable housing secured by the Council for ref: 17/1874M (circa 200no. affordable dwellings) and as such these proposals should attract significant positive weight in the decision-making process. They state that under 17/1874M which covers the majority of the SMDA allocation that the permission only secured approval for 950no. dwellings with only 11% or 105no. brought forward as affordable units due to viability constraints, as such the current proposals are attractive. They note that LPS13 seeks provision of affordable housing as per policy SC5 of the CELPS of 30% provision which would equate to 285no. affordable dwellings for 17/1874M, thus the approval has a shortfall of 175no. affordable dwellings across the overall SMDA allocation. They also note that from approval 15/2010M Barratts housing scheme off Moss Lane that approval approved only 15no. affordable units out of 150no. dwellings which is a shortfall of 30no. affordable units against affordable housing policy standards. In the PS it is stated that the proposals would help addressing the identified needs within the CEC SHMA (2013) key points made of which were: 1,242 households in need in Macclesfield; annual affordable housing requirement of 1,401 per annum across the borough; net annual affordable housing requirement for 80no. one bedroom older person apartments

and 103no. two bedroom apartments in Macclesfield; overall need of 31.8% to be one bedroom and 39.6% to be two bedroom for all affordable units. The applicants also note that the Cheshire East AMR 2019/20 showed annual average affordable housing delivery of 582no. affordable per annum, which has fallen below identified needs, with the SADPD not identifying new site allocations for Macclesfield. The applicants also note that as Adactus have already exchanged contracts for the site, construction could begin quickly upon any grant of planning permission ensuring front loading of affordable housing units relating to the wider SMDA. For all of these combined reasons the applicants consider present heavy weighting in favour of granting planning permission.

Within the PS it is also stated that in terms of open space they consider that a more than sufficient amount has already been provided for allocation/policy LPS13 through the approved sections of the SMDA. The applicants also state in the PS that they do not consider that the site's allocation as open space accords with the definition of open space in the glossary of the NPPF and even if it was considered to be open space that there is a surplus for the purposes of paragraph 99 of the NPPF. Further to this they consider that the benefits associated with the 100% affordable housing scheme outweigh any alleged harm as a result of the loss of the site for open/green space which is not accessible to the public and enjoys limited visual value being an infill site enclosed by existing housing developments to the north and south. The applicants state in paragraph 6.9 of the PS that *'the site is not accessible to the public and there is not evidence that the land is of any community or public value of open space. There is no obligation on the landowner to manage the land in any particular way in planning terms or allow public access and recreational opportunities, The site does not conform to the definition of open space at Annex 2 of the Framework, which states the following: "all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity"'*. In paragraph 6.14 of the PS the applicants state that the *'site forms part of a much larger area of 'open space' that reflect the parameters set out through planning permission 17/1874M for the SMDA. It is assumed that our client's site has been included in this much larger area of open space in error given that our client's site does not form part of the green infrastructure parameters for planning permission 17/1874M (the boundary should have been drawn to reflect the boundary of the approved scheme rather than encroaching into our client's site)'*.

Further to this the applicants consider that even if the site were to be considered as open space, they consider sufficient provision of open space has been provided within the wider 17/1874M approval @17.6ha comprising 5.6ha of sports area, 0.63ha of equipped play and 11.37ha of structural landscaping all subject to management and maintenance such that it is secured as 'open space' in perpetuity. They also note 5no. equipped play areas with 4no. LEAPs and 1no. NEAP and MUGA are proposed, 1no. of the LEAPS proposed less than 200m from the proposed site. The applicants state that the provision of open space on the wider SMDA exceeds the amenity greenspace, natural greenspace and semi-natural green space provision more than double the requirement under the Cheshire East Green Space Strategy. They also argue there are several other natural/semi-natural/amenity greenspace areas within walking distance of the site including Congleton Road Linear Park (75m away), South Park (650m away) and Land off Ridge View (400m away). To this end they consider there is a surplus of open space with regards to paragraph 99 of the Framework.

The applicants consider that permission should be granted in accordance with paragraph 11(c) of the NPPF with regards to the affordable housing and open space arguments presented.



The proposals are noted to exceed the on-site affordable housing provision expected for a residential development of its size, providing 100% affordable housing provision instead of 30% on site provision when read against policy SC5 of the CELPS and would be within a Principal Town location where residential development is targeted for provision with regards to PG2 and PG7 of the CELPS. It is noted that the Strategic Housing officers support the proposals due to their tenure, size and type meeting the direct needs for one and two-bedroom apartment units required for Macclesfield. In addition, it can be said there has been an under-delivery of affordable housing both generally and specifically in terms of the type of dwellings proposed for Macclesfield and Cheshire East more widely on an annual basis. These points attract positive weight in favour of the proposals.

Notwithstanding the applicant's commentary, whilst the site is beyond the site edged red of approved Outline application ref: 17/1874M and that of the more recently submitted, awaiting determination Reserved Matters applications following on from that, the site is still encompassed with the LPS13 allocation area. As noted by the Planning Policy Officer Reserved Matters application ref:19/1796M highlights the area immediately south-west of this proposed site to form the ecological and landscaping buffer area forming part of the 'access gateway' for the overall SMDA from Moss Lane which encompasses this site. The site has been included as part of the SMDA and protected open space with regards to LPS 13 of the CELPS and REC1 of the SADPD, with both of these plans and that of both iterations of the MBLP (1997 and 2004) worked, revised and consulted on extensively with land owners, public, members and consultees subject of rigorous testing and evaluation prior to their inclusion within the plans of which the CELPS is part of the adopted plan and emerging SADPD. The CELPS strategy period is from 2010-2030 as such the approval 17/1874M with smaller red edge not including this site but the majority of the remaining SMDA allocation, was approved in early 2019, almost two years after the formal adoption of the plan, of which many years of modifications following Inspectorate review had been undertaken prior to adoption. This indicates no error was made in including the development site within the overall marked allocation area boundary.

Whilst the applicants argue that with regard to open space provision for the borough that the site is not required as sufficient open space is already afforded for elsewhere in the SMDA, the site forms part of an important and intrinsic access regarding the provision of a green infrastructure gateway to the allocation from the east off Moss Lane to connect with the wider urban settlement to the east and countryside to the west/south of Macclesfield (including access to Danes Moss SSSI), also being an important green, vegetated and natural buffer between existing residential development and that of the SMDA. To this end to approve this development would preclude this key component of the SMDA from occurring altogether. Given the very recently assessed emerging plan it cannot be said at this time, despite the applicant's argument, therefore, that the site is surplus to open space requirements either. The existing site may also be considered as perhaps existing incidental open space/amenity area with regards to policy RT2 of the MBLP, of which protection is offered to its retention as noted by ANSA who agreed with the comments made by the Planning Policy Officer. Whilst the affordable housing under-delivery both in respect of the SMDA and wider borough calculations do bare positive weight in considerations, it is worth noting that for the SMDA wider approvals this had undergone viability testing and as such development of this site will as with all applications, be assessed under its own merits. At this time the Council can otherwise demonstrate a five-year housing land supply and as such it is considered that the proposals would be contrary to the aspirations of this long-standing strategic allocation for Macclesfield

and therefore the principle of development is not accepted. It is therefore considered that the proposals are contrary to policies MP1, SD1, SD2, SC1, SC3, SE1, SE6 and allocation LPS 13 of the CELPS, NE18, RT2, RT5, RT7 and RT8 of the MBLP, INF1 and REC1 of the emerging SADPD, the SMDA 1998 and paragraph 99 of the NPPF.

**Impact of the development on housing mix, design and local character:**

Between them the listed policies and guidance seek that new development is of an appropriate size, scale and design that is commensurate to the character of the area in which it would be situated, whilst championing higher quality design to enhance and improve the wider borough. In addition these policies seek an appropriate mixture of dwellings in terms of their types, facilities and tenure so that new development may contribute to the creation of sustainable and mixed communities in line with the specific needs for that settlement or location.

During the course of the application concern was raised during the public consultation periods at the provision of affordable rent tenure units in a private market residential area, the provision of apartment style dwellings in an area of house style dwellings of semi-detached and detached nature and how the site will be managed.

With regards to policies SC4 and SC5 of the CELPS and HOU1, HOU2, HOU6, HOU11 and HOU12 of the emerging SADPD and the housing needs evidence base as aforelisted, the proposals present a 100% affordable rent tenure which exceeds the 30% provision expected for a Principal Town location such as Macclesfield. As per the consultation response from Strategic Housing they note that one and two-bedroom dwellings from latest data from Cheshire Homechoice is the predominant need for Macclesfield at this time. Whilst policy SC5 seeks a balance of tenures for affordable housing provision of 65% affordable or social rent and 35% intermediate affordable housing, the Strategic Housing officer considers at this time that it would be unreasonable to seek the split of tenures in blocks of apartments with regard to the effective management of these and as such raises no objections to the types, mix, tenures and sizes of the units proposed.

Turning to the overall design of the development, looking at the proposals dated August 2022 whilst there are significant reductions in the number of dwellings proposed at the site, amount of hardstanding vs. landscaping and the reduction in scale, number of storeys and massing of the blocks to two storeys which are welcome improvements, the scheme as a whole is considered to represent the overdevelopment of a confined, irregular shaped site. It is not clear where the 'cottage' flats to the frontage in a staggered terrace formation is derived from and does not appear akin to anything within the immediate area which is predominantly semi-detached and detached houses of two storey form. The development of flats to the north was considered to be more successful as it appears as semi-detached houses with ground and first floor entranceways. The individual entrances and landscaping relationship of these units is beneficial; however their placement and width would be too predominant with regards to the scale/massing themes of development in the immediate area, this goes too far for the rear block. The Design Officer also considered that the rear apartment block presents too large a mass and is thus disproportionate in scale when considering the context. Whilst the 2no. blocks read together would have consistency in terms of materials choices it is considered that they fundamentally lack any ornamentation, materials or feature narratives taken from immediate local style and are not distinctive enough to create a sense of identity both read together and with the wider area so as to contribute to local distinctiveness. This is considered to present a lack of cohesion across the site. The proposed recessed brick detailing while offering some

visual relief is a dated feature and is not considered to have grounding in traditional context or contribute to local distinctiveness.

Further to this the Design Officer considered that the staggered formation and orientation of the cottage flats, which appears to be laid out this way to prevent amenity impacts, unfortunately results in the building line being forwards of that set by development either side and the side elevation when seen travelling from the east and west would be overly prominent and jarring in the streetscene. In addition, when comparing the existing land levels with the proposed finished floor levels/external ground levels indicated on supporting drainage documents it would appear significant amendments to levels would be required going for instance for the 'cottage flats' area from around 157m to 158.9m. No other supporting sections are provided. The overdevelopment of the site can also be seen from attempts to squeeze in the necessary supporting infrastructure. This can be seen from the awkwardly placed bin and cycle stores at prominent positions close to the street frontage or immediately adjacent to neighbouring properties boundaries/ entrances to the blocks themselves and the large area of parking courtyard with some parking directly on the entrance. The design of the bin and cycle stores whilst of suitable single storey nature are displeasing visually offering blank elevations with no ornamentation and of little architectural merit.

Whilst there is a large area of parking to an existing neighbouring residential development of flats to the north, this is not a positive or successful example of urban design and something not encouraged in recent design guidance both locally and nationally, the only benefit of it being passive surveillance, however otherwise presenting an unsightly heavy form or hard landscaping and parking vehicles offering poor outlook for future occupants. Poor outlook would also be relevant to the units facing directly onto bin and cycle stores. The betterment in connectivity with the surrounding SMDA and existing residential areas in terms of footpath connections to existing and proposed footway/cycleway networks is welcomed, though as some of the pathways extends beyond the site red edge (application area) this would require careful securement through relevant legal agreement for planning obligations to secure the connection and long-term management.

Following this feedback, the applicants provided a slightly amended scheme (though not requested by officers) dated 31<sup>st</sup> October 2022 presenting minor amendments to fenestration and detailing of the blocks, the placement of the rear block regarding the TPO Sycamore and enhancements to the bin/cycle stores. This was reviewed again by the Design Officer and they still object to the proposals as they noted that whilst the minor changes are positive, they do not substantially change the scheme in a manner which would result in design support.

Taking these points into consideration it is considered that the proposals represent overdevelopment of a confined and irregular shaped site and do not present a high-quality residential scheme that responds to local characteristics. The development is therefore considered to be contrary to policies and guidance SD1, SD2 and SE1 of the CELPS, DC35, DC36 and DC41 of the MBLP, GEN1 of the emerging SADPD and the CEDG.

**Impact of the development on residential amenity, contaminated land and pollution control:**

Between them the listed policies and guidance seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally

affect amenity or cause harm. Developers will be expected to minimise and mitigate the effects of possible pollution arising from the development itself, or as a result of the development (including additional traffic) during both the construction and the life of the development. Where adequate mitigation cannot be provided, development will not normally be permitted.

During the public consultation concerns were raised as to significant impacts on existing neighbouring residential amenity regarding overlooking, privacy loss, overshadowing, noise, dust, vibration, fumes, air quality and odours as a result of the construction of the development and the development in general. Concern was also raised at the lack of electric vehicle charging point provision shown on the proposed drawings.

In respect of contaminated land and pollution the application is supported by a relevant Phase I assessment which has been reviewed by the Environmental Health team who raise no objection to the proposals subject to the use of conditions to secure further assessments, remediation and mitigation methodologies on a prior to commencement basis and further to this verification of any recommended mitigation measures (if applicable) on a prior to occupation basis, noting the sensitive residential end use. In regards to amenity impacts during the construction of the development which are a material consideration for planning, the Environmental Health Officer also recommended prior to commencement conditions for piling method statement submission and for construction management so as to ensure neighbouring residential amenity is protected for the duration of the construction period of the development.

Further to this with regards to air quality improvements and moving to sustainable transport methods, whilst electric vehicle charging points are requested for inclusion via planning conditions given sufficient detail is not included within the submission, the inclusion of this for new dwellings is now covered under Building Regulations and therefore the use of planning condition to secure this no longer meets the tests for the use of conditions as it is not necessary to use it to secure this detail. This is the same circumstance for the Ultra-low boilers requested for securement by condition, which would otherwise not be reasonably enforceable and as such these will also not form a condition of any approval of the development.

Turning to the consideration of spatial distancing, orientation and scale of the development with regards to overlooking, privacy, overbearing nature and light/shadowing, it is considered that the development would not result in detrimental impacts on these grounds both with regards to immediate existing neighbouring properties and the two blocks themselves. It is also considered that subject to suitable conditions for bin/recycling management that the placement of bin stores regarding proximity to existing neighbouring form boundaries would be acceptable relating to odours considerations and noting that the storage proposed is of sealed nature, i.e. a fully enclosed building. It is considered that subject to the use of conditions that the proposals are in compliance with relevant residential amenity, contaminated land and pollution control policies and guidance.

#### **Impact of the development on highways safety and parking:**

Between them the listed policies and guidance seek that new development deliver safe, sustainable, high quality, integrated transport systems that encourage a modal shift away from car travel to public transport, cycling and walking; supportive of the needs of residents and businesses and preparing for carbon free modes of transport. In this Principal Town location of Macclesfield for one-bedroom dwellings 1no. vehicular space and for two-bedroom dwellings 2no. vehicular spaces for parking are expected as per Appendix C of the CELPS. Each surface

parking bay as a minimum is expected to have dimensions 4.8 x 2.5m with relevant aisle widths of 6.9m for two-way routes and 6m to single-way route. In addition 1no. space of 3m x 1.5m dedicated for a powered two wheeler would be expected as there the development would generate a vehicular parking requirement of in excess of 20no. with regards to Appendix C of CELPS.

During the course of the application comments objecting to the development on highways grounds were received relating to: the placement of the access to the site on a bend; insufficient visibility of the site access; placement of parking on the entrance to the site; insufficient provision of car parking for the development; lack of EV charging, highways safety issues relating to the location of the access and pedestrian users of the pedestrian refuge island and intensification on the highway network which is already in poor repair and has heavy traffic as a result of the development.

The proposals now include 25no. vehicular parking spaces and 2no. disabled spaces, 3no. cycle parking sheds, 2m pavements either side of the access and a 5.5m access with 2.4m x 43m visibility splays. As per the CELPS Parking Standards the development should include 12no. parking spaces for the one-bedroom units and 12no. spaces for the two-bedroom units, as such the proposals comply with the CELPS. The dimensions of the spaces also meet CELPS standards. The Highways Officer has reviewed the proposals and raises no objections. They consider the revised access and visibility suitable for the development and safety of the immediate highway on Moss Lane and that the refuse collection arrangements are satisfactory close to the highway. They note that the provided vehicle tracking diagrams highlight that the existing pedestrian refuge on Moss Lane does not affect the swept paths of vehicles exiting the site. The Highways Officer also notes that in respect of the traffic impacts of the proposal that the 18no. units now proposed fall well below the threshold that would normally require a Transport Statement to be submitted. They go on to say that the peak hours trip generations will be less than 8 two-way trips and can quite easily be accommodated on the local road network without causing capacity problems. Conditions would be recommended to secure: the parking provision (including cycle parking), access and pedestrian infrastructure as shown on the submitted drawings on a prior to occupation basis and maintenance for the lifetime of the development thereafter; provision of 1no. electric vehicle charging point per dwelling equating to 18no with submission of specification/location of this and implementation as such on a prior to first occupation basis and the prior to occupation submission/provision of 1no. two wheeled parking space in line with approved details. Subject to the use of conditions it is considered the proposals are in compliance with highways safety and parking standards policies and guidance.

**Impact of the development on biodiversity and geodiversity:**

Between them the listed policies and guidance seek that all development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. Where appropriate, conditions will be put in place to make sure appropriate monitoring is undertaken and to ensure mitigation, compensation and offsetting is effective. Biodiversity net gains are expected from major development such as this. SADPD Emerging Plan Policies Map has the site as Green/Open Space protection under REC 1 – Green/open space protection, Ecological Network ENV1 as an Ecological network restoration area and Ecological network core area April 2019 edition alongside its allocation as LPS13.

Specific to this site LPS 13 of the CELPS states '*1. The site will be developed only where it can be demonstrated that there is no significant harm on the Danes Moss SSSI, particularly in relation to changes in water levels and quality, species populations and recreational pressures. This should include a full assessment of direct and indirect impacts of the development on features of special interest. Where impacts after mitigation cannot be avoided, development proposals will not be permitted.*'

LPS 13 justification paragraphs also state 15.199 '*The site is in close proximity to the Danes Moss SSSI and any new development will need to be respectful of this fact. The council will expect all existing landscape features to be retained, where possible, as well as the retention of any trees subject of a Tree Preservation Order unless there are exceptional circumstances for their removal. An extensive network of green infrastructure will be required on site, particularly to the south in order to integrate the site successfully into the area and to help mitigate any impacts on the SSSI. A comprehensive landscaping scheme will be required to soften the urban edge and ensure the site responds positively to the character and appearance of this area as well as providing an appropriate buffer between the built form and the SSSI. Dependant on the layout of the site a structural landscape buffer with appropriate planting may also be considered necessary adjacent to the railway line in order to assist mitigation of noise.* 15.200 *The site has also been identified as a site having ecological potential. A more detailed consideration should be given to this through the submission of an ecological survey and incorporation of mitigation measures.*

15.205 *The council expects that the following are considered in the context of the ecological value of the site due to its proximity to the Danes Moss SSSI:*

- *Impact on natural hydrological function, pathways, groundwater and surface water*
- *Impact on recharge to groundwater and consequent impact on site*
- *Impact on water resources*
- *Impact on water chemistry*
- *Impacts on nutrient status*
- *Risks from pollution during construction (e.g. spillages or minor pollution incidents and the storage*
- *of oils and fuels)*
- *Impacts from changes to air quality from construction and 'end use' traffic emissions resulting*
- *in potential for increased nitrogen deposition*
- *Impacts from dust generated during the construction work*
- *Impact of increased foot traffic on the sensitive fen meadow vegetation'*

During the course of the application concern was raised from the public, local groups and consultees such as the Cheshire Wildlife Trust that the development of this site would detrimentally impact nature conservation, biodiversity and geodiversity both with regards to the site's individual properties of bog characteristics and unmanaged shrubs and grasses with regards to species habitats and foraging but also regarding the potential impacts of the development on Danes Moss SSSI and also the impact any extraction of peat as a result of the development may have on this and climate change with regards to the release of greenhouse gases.

The application is supported by: Biodiversity Impact Assessment Revision C by Rachel Hacking Ecology dated November 2022; Soil Analysis (Worms Eye) – Report ref: Moss Lane/SK11 7GR/2021 and letter dated 27<sup>th</sup> September 2022; Ecological Assessment Report (March 2021)

by Kingdom Ecology; Biodiversity Net Gain Note Rachel Hacking Ecology Ltd – Report ref:Rev B and Worms Eye Ltd Contaminated Land Report.

The Ecological Assessment Report (March 2021) (EAR) notes the site comprises continuous bramble scrub which has developed on a patch of derelict grassland. The site boundaries are noted as hedgerow with a mixture of young/semi-mature/mature trees. There is mown amenity grass land forming a pathway to a play space to the west and other trees beyond the red edge within other areas of the SMDA. Danes Moss Local Wildlife Site is noted as being approximately 800m to the south of the site. The EAR notes that within the recommendations section that the development should seek to enhance existing areas of hedgerow with planting to fill gaps along the hedge line with native species and that landscaping proposals provide new trees/planting/shrubbery to enhance foraging opportunities for birds and invertebrates. The EAR recommends conditioning when works can take place to clear vegetation/work on trees and hedgerows or to maintain them to certain times of year or with specialist supervision agreed upon on a prior to commencement of works basis. The EAR also recommends the retention of trees identified as having bat habitat/roosting potential as otherwise indicated, with suitable bat and bird box enhancements incorporated into a scheme for biodiversity enhancement. Regarding hedgehogs it is also recommended that bramble scrub be checked for their presence before clearance and any encountered moved to another area prior to works to remove them. Whilst badgers were not recorded on the site recommendations are also made if they were to be encountered during construction. It is also recommended that external lighting proposals are sought via condition to ensure that they do not contradict biodiversity enhancements such as bat box inclusion.

The supporting Soil Analysis report noted the limited presence of below ground peat ranging from 0.4m to 1m thick in some of the areas surveyed. The Soil Analysis report notes that at the northeast and southwest, shallow soils comprised organic topsoil and further to this at the centre of the site there was about 0.5m of topsoil overlying obvious peat strata which extends up to about 1.0m to 1.5m deep (0.4m to 1.0m thick) and where peat was encountered, clay was seen below the peat. The Soil Analysis report concludes that although peat was encountered, there were no significantly thick layers and only a limited amount was seen in the trial holes across the centre of the development area with no notable peat strata seen at the northeast and southwest of the development area.

With regards to concerns regarding the extraction/removal of peat from the site with regards to the emission of greenhouse gases and impacts on Danes Moss LWS/SSSI the recent allowed appeal APP/R0660/W/21/3282191 following LPA ref:19/3098M refusal at committee for the development of Land between Chelford Road and Whirley Road, Macclesfield is very relevant to this site. That site, as with this, was allocated for residential development within the Local Plan and also contained elements of below ground peat. There were 2no. reasons for refusal relating to peat as follows on the Decision Notice for ref:19/3098M:

*'2. The proposed development would require the extraction of peat deposits from the site which would have unacceptable adverse impacts on the environment contrary to Policy SE10 of the Cheshire East Local Plan Strategy and the National Planning Policy Framework.'*

*'3. The proposal would result in increased levels of air pollution through the release greenhouse gasses contrary to Policy SE12 of the Cheshire East Local Plan Strategy and the National Planning Policy Framework'.*

In the Inspectors decision they consider that for that site there would be no conflict with policy SE10 of the CELPS or paragraph 211(d) of the NPPF, which do not support proposals for peat

extraction from new or extended sites, as the application comprises a housing scheme and was not a proposal for mineral extraction. They noted that any peat disturbance or removal would be limited to facilitate the safe and stable development of the site and not form peat extraction. It is considered this same principle can be applied for the site in question and as such it is not considered that the proposals would conflict with policy SE10 of the CELPS or paragraph 211(d) of the NPPF either for the same reasons. Further to this, in respect of the disturbance and removal of peat to facilitate housing development and release of greenhouse gases (GGE's), the Inspector considered in paragraph 20 of their decision '*GGE's as a result of the impact of the development on peat deposits would be extremely limited when considered against the emissions associated with the development as a whole. I cannot therefore conclude that the affect of the proposal on peat deposits at the site would result in a harmful or cumulative impact on air quality or represent any other pollution which would unacceptably effect the natural or built environment or detrimentally affect amenity or cause harm as a result of GGE's.*' It is again considered that this is relevant to this smaller site and limited peat presence, and that as a result, the development would be considered to be in compliance with policy SE12 of the CELPS and other related climate change policies as listed. In this instance given the precedent set by a recent appeal on a similar site it is not considered that a refusal could be substantiated with regards to policies SE10 and SE12 and related paragraphs of the NPPF.

The Nature Conservation Officer has reviewed the revised submission and biodiversity impact assessments and metrics and does not object to the proposals subject to the use of planning conditions for nesting birds protection and biodiversity enhancements and the securing of financial contributions/planning obligations to secure off-site biodiversity gains for habitat units. The Nature Conservation Officer noted that in respect to the habitats on site that a survey was undertaken by an ecologist in 2021 and an assessment of habitats submitted. Further to this data was collected by a second ecologist to produce the Biodiversity Net Gain assessment. The Nature Conservation Officer noted that soil samples identified the presence of peat deposits however, significant evidence has not been identified to suggest that the site qualified as raised bog habitat. Further to this they noted that the supporting Biodiversity Impact Assessment Report by Rachel Hacking Ecology, Rev C, November 2022 outlining the results of an assessment undertaken in accordance with the DEFRA Biodiversity 'Metric' version 3, which predicts a loss of biodiversity units of 0.65 habitat units. The Nature Conservation Officer considers that this can be addressed by way of a commuted sum secured by an S106 agreement to fund off-site habitat creation/enhancement within Cheshire East. As agreed with the applicant's ecologist, to achieve a 10% net gain for biodiversity the commuted sum would be for 0.7 units. Under current habitat unit cost calculations of £16,980 per unit, and the council's £1,200 administration fee, the commuted sum would be for: £11,886 (units) + £840 (admin fee) = £12,726 (total). The s106 will breakdown the units and admin fees if consent is granted.

Subject to conditions and a contribution towards BNG it is considered that the development would be in compliance with the listed policies and guidance for biodiversity and geodiversity.

#### **Impact of the development on trees, hedgerows and landscape character:**

Between them the listed policies and guidance seek to protect the continued health and life expectancy of trees, hedgerows or woodlands and where loss of or threat to them is proposed development will not normally be permitted unless there are clear overriding reasons for allowing development and that there are no suitable alternatives. Where such impacts are



unavoidable, development proposals must satisfactorily demonstrate a new environmental gain by appropriate mitigation, compensation or offsetting.

During the consultation period concern was raised at the impacts of the development on landscape character, loss of trees, hedgerows and vegetation and the impact of the development on tree preservation orders within and on the boundaries of the site.

The site is enclosed by a metal post and rail fence to its Moss Lane frontage and inclines from north-east to south-west. There is a prominent tree covered by Tree Preservation Order to the north-western boundary of the site G3 – a group comprising 3no. Sycamore and 2no. Alder (Macclesfield – Park End Farm, Moss Lane No1) Tree Preservation Order 1998 and T1 Sycamore to the south (Macclesfield – Weston Park Nursing Home/Moss Lane Farm, Moss Lane) Tree Preservation Order 1998, with other boundary trees and hedgerows and site trees present. The site has an open vegetated appearance when viewed from public vantage points on Moss Lane and from the informal pathway running to the northern boundary of the site which leads to a playground known as Franklin Close Play Area to the west.

The application is supported by: Planning Statement, Design and Access Statement, Arboricultural Report by Murray Tree Consultancy (PM/FULL/19/08/22) dated August 2022 and Landscape Proposals. The Tree Survey identifies 1 individual high quality A Category tree (protected by the TPO), 2 individual moderate quality B Category trees, 5 individual and 3 groups of low-quality C Category trees and 3 individual poor quality U Category trees which are unsuitable for development irrespective of the development proposal. Of these, 4 low quality trees are proposed for removal to accommodate the development. The Forestry Officer notes that *'Tree T7 Alder of the survey is protected by the Order and while its removal is accepted based on its condition it is noted that provision has not been made to replace this tree with an Alder to maintain the integrity of the Order in the latest Landscape Proposals.'* It is further noted from the survey that the most important tree on the site, the A Cat protected Sycamore (T6) will be retained but sited approximately 12.5 meters from the construction area. This tree is the largest, tallest and most prominent tree on the site easily seen from wider vantage points on Moss Lane and the pathway leading to the north/west of the site towards Franklin Close play area and the wider SMDA. The Arboricultural Report states that incursion to this tree is minor and unlikely to be detrimental to the rooting area and that no remedial pruning of the canopy will be required to accommodate the proposals.

The Forestry Officer has reviewed this information and considered that *'a 17 meter Sycamore located at a slightly raised level above the existing ground levels, less than 14 metres from the closest rear elevation of the proposal presents above ground conflicts which have not been appraised within the report. There are concerns given the existing canopy spread and considering that the eastern most crown extents will be less than 3.5 meters from the west facing elevation. The placement of the building has now resulted in the apartments being dominated by the protected tree resulting in an unsustainable relationship likely to result in issues in terms of social proximity and light attenuation to the rear habitable rooms. BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations at section 5.2 - Constraints posed by existing trees, and 5.3 - Proximity of structures to trees, acknowledges the importance of design and the relationship of trees with new development. The standard places importance on buildings and structures being positioned in such a way that they will not dominate a property or its outdoor space in such a way as to cause*

*apprehension which could result in pressure to prune or remove trees in the future, and these issues need to be designed out.*

*No information such as a shading and sunlight assessment has been provided to demonstrate that the development will accord with BRE 209 and as submitted, it is considered that the proposed layout is poor in terms of the relationship with protected tree T6 and that opportunities exist to provide greater separation between any residential development and the Sycamore.’ It is for these reasons that the Forestry Officer considered they could not support the proposals and therefore objected to them.*

Following on from this, later in October, a further revised site plan showing the building distance from rear elevation of apartment block relative to the T6 RPA and crown being positioned further from one another. The Tree Officer has also reviewed this information and considers that notwithstanding the minor increase in separation between the tree and proposed apartments, tree T6 will still be dominant to the apartments by virtue of its height, spread and elevated position, and in the absence of the request BRE assessment, it is considered that insufficient information has been submitted to demonstrate that the layout and relationship with the tree would be sustainable and not arise in significant shading and dominance to west facing internal living spaces in the apartments. The Tree Officer notes that further increased separation is required and therefore they are presently unable to support the application based on insufficient information to demonstrate that the layout presents a sustainable relationship with a protected and high amenity tree. It is considered that there are no clear overriding reasons for allowing the development noting issues with the principle of the development and there are suitable alternatives to the development with regards to the impact of the development on this protected tree.

In the applicant’s supporting Planning Statement they argue that the revised scheme now proposed a balanced and optimal landscaping scheme that responds to the character and appearance of the area showing integration with the wider approved SMDA scheme. Notwithstanding the overarching issue with the principle of the development regarding greenway and protected open space of the SMDA, whilst a mixture of private and communal open space is planned for occupants, due to the layout and scale of the buildings this would heavily restrict the open views towards the predominant Sycamore on site which is a key landscape characteristic of this site, defined as a ‘major landscape tree’ in the Tree Survey, alongside its otherwise open and inclining nature (north east to south west) as such it is considered that appropriate landscaping could not be achieved in combination with the proposals to mitigate the harm caused by them. These comments take into account that the Landscaping Plan listed in the Letter from Emery Planning dated 18<sup>th</sup> November 2022 does not immediately reflect the Site Plan due to amended distance from the TPO as shown on plans received 31<sup>st</sup> October 2022.

Taking into account these points it is considered the development is contrary to policies and guidance SD1, SD2, SE1, SE4 and SE5 of the CELPS, DC8, DC9, DC37 and DC41 of the MBLP, ENV5 and ENV6 of the emerging SADPD and the Trees and Development SPD regarding trees and landscape character.

**Impact of the development on flood risk and water management:**

Between them the listed policies and guidance seek that new developments must integrate measures for sustainable water management to reduce flood risk, avoid an impact on water

quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation. New development must be designed to be safe, taking into account the lifetime of the development and the need to adapt to climate change, seeking improvements to current surface water drainage network and be designed to manage surface water noting it is not sustainable to drain surface water to public sewers. New development should incorporate water efficiency measures.

During the consultation period concern was raised with regard to the existing flooding issues at the site which is said to be boggy and hold water beyond periods of heavy rain with known peat soils which retain high levels of water. Concern was also raised as to how the development would connect into ordinary watercourses and how drainage would be handled to this regard and how these elements may impact drainage for neighbouring developments. Concern was also raised that further residential development of the site may detrimentally impact a reported poor situation with water pressure to existing residential properties in this area.

The application is supported by a Planning Statement, Flood Risk Assessment (FRA) and Drainage Strategy Report (7621 FRA), Drainage Strategy Plan (7621/02D), Soil Analysis (Worms Eye Moss Lane/SK11 7GR/2021) and Worms Eye Ltd Contaminated Land Report, which provides context as to the flood risk, drainage and soils situation at the site and immediately surrounding it. It is noted that as a result of the minor amendment to the Proposed Site Plan from the TPO Sycamore is not reflected on the Drainage Strategy Plan.

The site is located in a known area of flood risk for surface water. The FRA notes the site as low lying greenfield and it being situated approximately 1km away from the River Bollin to the north east and River Dane to the south east and that it does not appear to be in an area for rivers/sea flooding. The FRA makes reference to the low to high risk for Surface Water flooding with potential depths of between 0.3m and 0.9m. In the FRA it is considered that the existing site has a very small external area contributing to the potential fluvial overland flows other than a small portion of undeveloped land to the west of the site and the anticipated flooding is a result of water collecting at the low spot and not draining away fast enough from the lowland bog/marshland. The FRA states the volume of flood water has been calculated from a model taken from the supporting topographical survey (existing site plan) with a top water level of 158m with a maximum water depth based on this of 400mm less than the potential 900mm on the EA maps. They calculate flood water volumes likely to be 350cu.m with a portion of this from rainfall on the site. They calculate the greenfield volume of run-off to have a theoretical volume of 280cu.m of overland flows into the site. The FRA proposes this to be mitigated by introducing a shallow SuDS basin (also shown as a wildflower area) to the south-west of the site to retain a shallow depth of water relying on slow infiltration and evapotranspiration to dispose of the water. A high-level overflow is proposed to be provided from the basin to discharge into a flow control chamber restricting flows to 2l/s., to allow flows during intense storm event to be passed forward via a piped network and combine with the site drainage network. A land drain is also proposed to intercept any flows not captured in the SuDS basin, all as shown on the supporting drainage drawing. Part of this strategy relies on increasing the ground levels.

In the FRA it is also stated that *'there is currently no site investigation for this site, so the ground conditions of the underlying strata are unknown. This will need reviewing prior to detailed design stage to assess how any surface water flooding and overland flows can be mitigated and whether there are any opportunities to use infiltration.'*

This is perplexing considering there are detailed site investigations from Worm Eye Ltd. supporting the application and very important for this to be embodied and considered therefore in any FRA and Drainage Strategy noting the high risk of surface water flooding that exists. The Soil Assessment Report notes the site has clay, peat and topsoil layers with orange/brown sand below this to 2.4m deep with an underlying solid rock of sandstone (pebbly/gravelly). At this time, it appears that the FRA and resultant necessary calculations, investigations and methodology in which to design the submitted drainage strategy has not yet been undertaken. The LLFA have reviewed the proposals and object to the proposals based on the wider planning constraints at the location and the localised concern regarding pluvial flooding. They recommend refusal on the grounds of insufficient information as the following information to support a drainage strategy and water management for the site has not been provided:

- Site specific hydraulic catchment modelling up to 1 in 100 years +CC%% to challenge publicly available Environment Agency modelled flood maps.
- Seasonal groundwater monitoring, to reflect any fluctuation in groundwater during the winter periods (flood mitigation works (pond be level)).
- Proposed basin cross-sections for the compensatory pluvial flooding proposals.

As it stands it is considered that there is insufficient information presented with regards to the consideration of flood risk and water management for the site and impacts on the immediate surrounding area and watercourses as a result of the development, in an area with existing drainage, flooding and water management problems and to this regard at present the development would be contrary to policies SD1, SD2, SE1, LPS13 and SE13 of the CELPS, DC15, DC16 and DC17 of the MBLP and ENV7, ENV16, ENV17 and INF9 of the SADPD.

#### **Public Open Space requirements:**

As per DC40 of the MBLP and S106 SPD due to the number of units proposed informal play provision, formal play provision and amenity space is required to support the development. At present this is balanced against 'family dwellings' which are dwellings with two or more bedrooms. To this end for 6no. two-bedroom units 75sqm of informal play provision is required (12.5sqm x 6), 45sqm of formal play provision is required (7.5sqm x 6) and 120sqm (20sqm x 6) of amenity space is required to be provided for the development. The site has private amenity space indicated however does not provide any formal on-site play equipment or POS. ANSA has requested that financial contributions towards off-site projects are required to be secured for play and amenity at £3,000 per family dwelling towards additions and enhancements on adjoining existing open space and play area known as Rotherhead Drive/Franklin Close – totalling £18,000. Recreation and outdoor sport commuted sums would be £500 per 2 bed space or £3,000 total – directed towards Congleton Road Playing Field and supporting infrastructure in line with the PPS or PPOSS due for adopting in 2023 replacing the PPS.

#### **Developer contributions/Planning Obligations:**

In respect of financial contributions and planning obligations due to the amendments to the scheme now at 18no. units the education officer now confirms no monies are required to mitigate for the development with regards to demand on education services as a result of it. The NHS officer has confirmed they have no objections subject to an s106 to sit alongside any approval to secure financial contributions/planning obligations to mitigate the impact of the development on existing services with a total contribution of £10,368 toward Waters Green Medical Centre improvements. The split of this contribution is based on 12 x one-bedroom units @ £6,048 and 6 x two-bedroom units @ £4,320. As part of any s106 management and

connection for the pedestrian link to public footpath/rest of SMDA greenway will be required to be embodied in the report. Commuted sums for off-site provision will be required for play and amenity at £3,000 per family dwelling towards additions and enhancements on adjoining existing open space and play area known as Rotherhead Drive/Franklin Close – totalling £18,000. Public Open Space commuted sums would be £1000 per family dwelling and £500 per 2 bed space @ £3,000 total – directed towards Congleton Road Playing Field and supporting infrastructure in line with the PPS or PPOSS due for adopting in 2023 replacing the PPS. To achieve a 10% net gain for biodiversity the commuted sum would be for 0.7 units. Under current habitat unit cost calculations of £16,980 per unit, and the council's £1,200 administration fee, the commuted sum would be for: £11,886 (units) + £840 (admin fee) = £12,726 (total). The s106 will breakdown the habitat units and admin fees if consent is granted.

### **Community Infrastructure Levy (CIL) Regulations**

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

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

It is considered that the contributions required as part of the application are justified meet the Council's requirement for policy compliance, the financial contributions as set out are based on formulae within the Macclesfield Borough Council – Supplementary Planning Guidance on s106 (Planning) Agreements. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

The applicants have confirmed their acceptance of these figures and directions of spend. Subject to these elements being secured via s106 agreement or otherwise it is considered the development is in compliance with the listed infrastructure, planning obligations and developer contributions policies and guidance.

### **Other considerations:**

In respect of Archaeological Potential this has been reviewed by the Cheshire Archaeology team who do not seek the submission of any further information due to limited potential for remains in this area.

Whilst public comments were received raising concern that the affordable housing development would lead to anti-social behaviour, increase in criminal activities, loss of views/outlook and impact house prices these are not elements that can be afforded consideration as part of the determination of planning applications.

### **Conclusion:**

The principle of the development is not accepted as it would completely preclude the ability to protect open space as part of emerging SADPD policies and provide a greenway with ecological network benefits relating to the overarching, longstanding SMDA LPS 13 allocation, where the provision of affordable housing beyond policy requirements is not considered to present

material circumstances which outweigh the issue with the principle of the development. It is therefore considered that the principle of the development is contrary to policies MP1, SD1, SD2, SC1, SC3, SE1, SE6 and allocation LPS 13 of the CELPS, NE18, RT2, RT5, RT7 and RT8 of the MBLP, INF1 and REC1 of the emerging SADPD, the SMDA 1998 and paragraph 99 of the NPPF.

In terms of design and local character it is considered that the proposals represent the overdevelopment of a confined and irregular shaped site and do not present a high-quality residential scheme that responds to local characteristics. The development is therefore considered to be contrary to policies and guidance SD1, SD2 and SE1 of the CELPS, DC35, DC36 and DC41 of the MBLP, GEN1 of the emerging SADPD and the CEDG.

In regards to the consideration of the impact of the development on tree life including Tree Preservation Orders it is considered that at this time there is insufficient information to demonstrate that the layout, specifically regarding the rear block of apartments presents a sustainable relationship with a protected and high amenity tree, T6 Sycamore, a major landscape tree. It is considered that there are no clear overriding reasons for allowing the development noting issues with the principle of the development and there are suitable alternatives to the development with regards to the impact of the development on this protected tree. In addition whilst a mixture of private and communal open space is planned for occupants, due to the layout and scale of the buildings this would heavily restrict the open views towards the predominant Sycamore on site which is a key landscape characteristic of this site, defined as a 'major landscape tree' in the Tree Survey, alongside its otherwise open and inclining nature (north east to south west) as such it is considered that appropriate landscaping could not be achieved in combination with the proposals to mitigate the harm caused by them. It is therefore also considered that the proposals would have a detrimental impact on landscape character. Taking into account these points it is considered the development is contrary to policies and guidance SD1, SD2, SE1, SE4 and SE5 of the CELPS, DC8, DC9, DC37 and DC41 of the MBLP, ENV5 and ENV6 of the emerging SADPD and the Trees and Development SPD regarding trees and landscape character.

In regards to flood risk and water management it is considered that there is insufficient information presented with regards to the consideration of flood risk and water management for the site and impacts on the immediate surrounding area and watercourses as a result of the development, in an area with existing drainage, flooding and water management problems and to this regard at present the development would be contrary to policies SD1, SD2, SE1, LPS13 and SE13 of the CELPS, DC15, DC16 and DC17 of the MBLP and ENV7, ENV16, ENV17 and INF9 of the SADPD.

Taking into account these points, the application is recommended for refusal for the following reasons:

- 1. The principle of the development is not accepted as it would completely preclude the ability to provide protected open space as part of emerging SADPD policies and provide a greenway with ecological network benefits relating to the overarching, longstanding SMDA LPS 13 allocation, where the provision of affordable housing beyond policy requirements argument presented is not considered to provide material circumstances which outweigh the issue with the principle of the development. It is therefore considered that the principle of the development is contrary to policies MP1, SD1, SD2, SC1, SC3, SE1, SE6 and**

**allocation LPS 13 of the CELPS, NE18, RT2, RT5, RT7 and RT8 of the MBLP, INF1 and REC1 of the emerging SADPD, the SMDA 1998 and paragraph 99 of the NPPF.**

- 2. The proposed development represents the overdevelopment of a confined and irregular shaped site which does not present a high-quality residential scheme that responds to local characteristics. The development is therefore considered to be contrary to policies and guidance SD1, SD2 and SE1 of the CELPS, DC35, DC36 and DC41 of the MBLP, GEN1 of the emerging SADPD and the CEDG.**
- 3. There is insufficient information to demonstrate that the layout, specifically regarding the rear block of apartments presents a sustainable relationship with a protected and high amenity tree, T6 Sycamore, a major landscape tree. It is considered that there are no clear overriding reasons for allowing the development noting issues with the principle of the development and there are suitable alternatives to the development with regards to the impact of the development on this protected tree. Due to the open and inclining nature (north east to south west) it is considered that appropriate landscaping could not be achieved in combination with the proposals to mitigate the harm caused by them on the landscape of the site and the major landscape tree. Taking into account these points it is considered the development is contrary to policies and guidance SD1, SD2, SE1, SE4 and SE5 of the CELPS, DC8, DC9, DC37 and DC41 of the MBLP, ENV5 and ENV6 of the emerging SADPD and the Trees and Development SPD.**
- 4. There is insufficient information presented within the application with regards to the consideration of flood risk and water management for the site and impacts on the immediate surrounding area and watercourses as a result of the development, in an area with existing drainage, flooding and water management problems and to this regard at present the development would be contrary to policies SD1, SD2, SE1, LPS13 and SE13 of the CELPS, DC15, DC16 and DC17 of the MBLP and ENV7, ENV16, ENV17 and INF9 of the SADPD.**

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



