



Appeal Decision

Hearing held on 31 March and 1 April 2026

Site visit made on 6 May 2026

by Phillip J G Ware BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th August 2026

Appeal Ref: APP/R0660/W/25/3374597

Land at Prestbury Road, Macclesfield

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Bloor Homes North West against the decision of Cheshire East Council.
 - The application Ref is 25/0210/OUT.
 - The development proposed is for outline planning permission (with all matters reserved except site access) for residential development (Use Class C3) comprising of new dwellings, public open space, hard and soft landscaping, and associated infrastructure and works.
-

Decision

1. The appeal is allowed and outline planning permission is granted (with all matters reserved except site access) for residential development (Use Class C3) comprising of new dwellings, public open space, hard and soft landscaping, and associated infrastructure and works on land at Prestbury Road, Macclesfield, in accordance with the terms of the application, Ref 25/0210/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of the proposed development, as set out above, does not include an upper limit to the number of dwellings. However all the material submitted with the application and the appeal indicated up to 200 dwellings, and the Hearing adopted that approach. The details of the numbers could be addressed at the reserved matters stage.

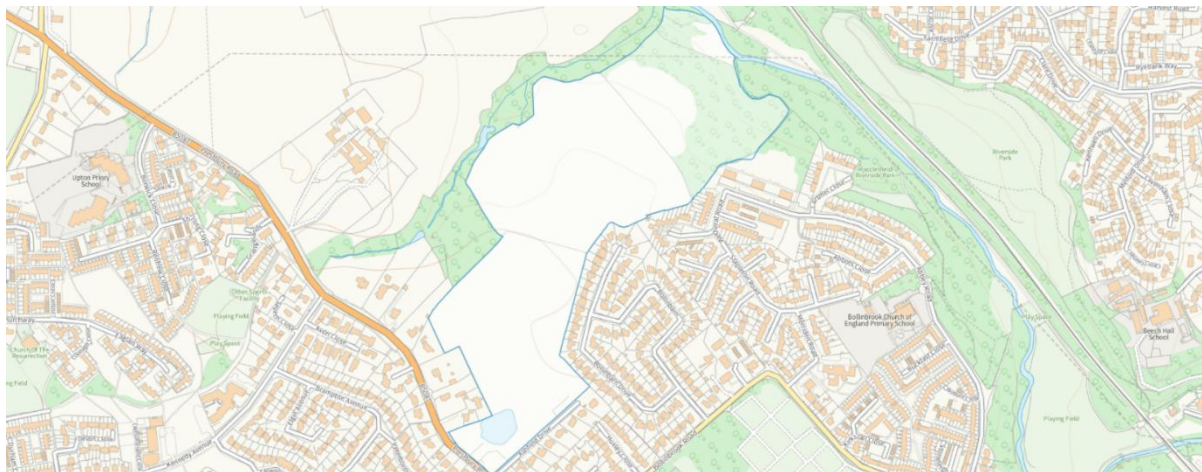
Main Issues

3. There are three main issues in this case:
 - The effect of the proposal on the character and appearance of the area, including the Bollin Valley Local Landscape designation.
 - The effect of the proposal on highway safety in relation to the proposed junction onto Prestbury Road.
 - Whether the proposal would represent inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework ('the Framework')
4. The highway safety issue was a matter raised by local residents, but not by the Council.

Reasons

The site and the proposal

5. The site is around 15.4 hectares in extent and is on the northern edge of Macclesfield. It comprises three fields edged by hedgerows, trees and field boundaries. It has an existing agricultural access onto Prestbury Road. The site is undulating with a pronounced fall to the river.



(Source LPA website)

6. There is a seasonal pond in the southern part (shown indicatively on the plan above), close to the existing access. This is of relevance to residents' concerns about flooding. The land where development is proposed is agreed to be species-poor improved grassland.
7. The site is bounded to the south and southeast by dwellings forming the Bollinbrook part of Macclesfield. There are more dwellings on either side of Prestbury Road. Most of this residential area was developed to accommodate the growing population of the town in the 19th/20th centuries. To the northeast the land falls down to the River Bollin valley and the Riverside Park, whilst there is a swathe of woodland (Upton Park) to the north – this is designated as ancient woodland.
8. To the northwest of the site, beyond the tree belt, is Upton Hall, a Grade II Listed Building. To the southwest of the site (and adjoining one corner) is the Prestbury Road Conservation Area.
9. The proposal is entirely in outline, aside from the point of access onto Prestbury Road. A feature of the illustrative plans is that housing is not proposed in the northeastern area, where the land slopes down to the river.

Policy context

10. The development plan includes the Cheshire East Local Plan Strategy (LPS) (adopted in 2017) and the Site Allocations and Development Policies Document (adopted in 2022) (SADPD). It is common ground between the main parties that the most important policies for determining the appeal are as set out below. I have no reason to disagree¹.

¹ There are other policies stated to be relevant in the Statement of Common Ground but these add little to the main policies.

11. The LPS is over five years old and was adopted before the current National Planning Policy Framework (the Framework) was published in 2024. It is common ground that the most important policies for the purpose of deciding the appeal are out of date and weight should be given to them according to their consistency with the Framework. It should be noted that there is no likelihood of a new plan in the short term. Those LPS policies are:

- LPS policy PG 3 deals with the Green Belt and with the aim of keeping the land permanently open. It is expressed in terms which are broadly in line with the then extant national policy – but this is inconsistent with the current Framework.
- LPS policy SE 4 deals with the conservation of landscape character and quality. This is very broadly in line with current policy.
- LPS policy PG 6 states that in the open countryside² only certain types of development will be permitted. The appeal proposal does not fall within any of these types of development. However this is out of date and was formulated on the basis of an outdated housing requirement. In any event the Council did not suggest any direct planning harm as a result of this matter.

12. Turning to the SADPD:

- SADPD policy ENV3 addresses landscape character and provides that proposals should reflect the distinctiveness of the local area. Reference has also been made to Policy ENV5, but this deals with landscaping within developments, which is not an issue in this appeal.
- Policy HER1 relates to the setting of heritage assets and the impact of proposals on their significance. In addition policy HER3 deals with proposals affecting the setting of Conservation Areas, and identifies a number of matters to be taken into account.
- Reference has been made to policy PG11, However this relates to the boundaries of the Green Belt but does not make any policy provision. It is therefore of very limited relevance to this appeal.
- Policy SAPD INF3 provides, amongst other matters, that proposals should comply with the relevant Highway Authority's and other highway design guidance, and provide safe access to and from the site for all highway users.

13. In addition, the Council accepts that it cannot demonstrate a 5 year housing land supply (a matter to which I return below) and accepts that the positive provisions of paragraph 11d) of the Framework are engaged

14. The fact that the site was previously considered and rejected though the local plan process is of no great relevance today as much has changed in policy terms and related to housing need since then.

² As the site is outside the settlement boundary it is therefore defined as open countryside

Landscape

15. The northeast of the appeal site slopes down to the Bollin Valley, which includes a Riverside Park, with recreational routes stretching a considerable distance. There is general agreement that the riverside path is 'peri-urban' for much of its length.
16. The appeal site does not possess any national or international designation, and is not suggested to be a 'valued landscape' in terms of NPPF paragraph 87(a).
17. It is located in Landscape Character Area 10b (Upper Bollin) in the Cheshire East Landscape Character Assessment. This is a general area noted as possessing a pastoral and wooded character with a strong semi-natural character with meadows and bands of woodland. The amenity value of the Riverside Park is referenced.
18. The appeal site, in part, reflects some of these qualities. However the undulating upper part of the site where housing would be constructed is at a higher level than the river, with a relatively steep slope down to the river itself. The upper part of the site is bounded by and influenced by urban development on at least two sides and possesses logical and defensible boundaries in the form of housing, an ancient woodland and the main road.
19. From the sloping part of the site, where no housing is proposed, there is a considerable degree of intervisibility with the riverside path. Overall the majority of the site therefore contributes little to the quality of the river valley landscape and this limited effect is heightened by the fact that there is no public access to the site itself - so there are only very limited places where the landscape setting of much of the site can be appreciated.
20. That said, housing development on this greenfield site would obviously change its character for those with the opportunity to observe it. This is clearly recognised in the Landscape and Visual Impact Appraisal, and is accepted by the appellant. I can well understand that the undulating fields which I saw on my site visit are a locally appreciated feature of the area towards the edge of the settlement, even though they cannot be accessed.
21. However I do not agree that the proposal would engulf the valley at a high level as was suggested at the Hearing. Rather I agree with the appellant that the landscape is of medium sensitivity, and that the site is, of medium susceptibility to change. Overall I consider that the proposal would harm the landscape character of the site, mainly at the upper level, but that the harm would be minor adverse – especially as the proposed planting matures.
22. Set against that harm there is the agreed position that high quality design and layout can be achieved through reserved matters. There would be enhancement to the public access to the Riverside Park and the proposal would reinforce existing landscape features and increase tree cover.
23. Before concluding on this issue there are two methodological matters I need to consider.
24. Firstly the position of the Council, which was maintained at the hearing, was that the River Bollin area is a high value landscape with high sensitivity. Whilst I

appreciate the Council's concern for the local landscape this level of sensitivity would equate the area with an Area of Outstanding Natural Beauty or a National Landscape. This cannot logically be the case, and to maintain that position added nothing to the Council's position.

25. Secondly there was criticism by the Council (and in part by the CPRE) that the illustrative material was insufficient to judge the scheme. I do not agree as there was ample material before me to enable a proper assessment of the proposal. In addition there was criticism that the appellant's Zone of Theoretical Visibility exercise was flawed as the site could be seen from other viewpoints and because the viewpoints had not been agreed with the Council. However these type of studies are, as their name suggests, theoretical – and are an aid to the decision maker not a 100% comprehensive exercise. It served as an aid to my site visit, during which I visited all the locations suggested by all parties. In any case I understand that the Council did not request any additional locations to be considered. Finally the fact that no visualisations were provided was the subject of criticism – however this is not surprising in an outline proposal, and visualisations would not have assisted me as I had more than enough material.
26. In conclusion, development of this site is not precluded as a principle in landscape terms. The former policy of protecting open countryside for its own sake has long been replaced by policies requiring respect for the landscape features of the area. I have considered the landscape features and the effect which would be occasioned by the proposal.
27. I conclude that the proposal would cause minor harm to the character and appearance of the area, including the Bollin Valley Local Landscape designation. It would therefore conflict with the landscape policies summarised above.

Highway safety

28. The proposed site access, the safety of which is an issue raised by local residents, would be in the form of a single T-junction access off Prestbury Road. The access would be 6.5m wide with a pedestrian footway on one side and a shared footway/cycleway on the other.
29. The Statement of Common Ground (SOCG) concluded between the Council and the appellant confirms that visibility splays of 2.4m x 45.8m can be achieved to the south of the proposed access, and 2.4m x 49.2m to the north. There would be new bus stops and improved crossing facilities at Ashfield Drive. The site access is agreed with the Council as the Local Highway Authority and the SOCG further provides that the proposal would not cause a severe impact to the local highway network.
30. Local residents are particularly concerned with the access because, other than the principle of the development, this is the only matter with is not reserved for further details. This concern is understood.
31. Residents' position is that the speed limits are regularly exceeded in this location. Although only a brief snapshot, during my site visit I observed several vehicles

travelling slightly in excess of the limit, as judged from the permanent speed warning display.

32. Residents had measured and marked out their interpretation of the visibility splays, from which they stated that the visibility to the north in particular would be inadequate.
33. The appellant and the Council's agreement as to the adequacy of the proposed splays is based on a detailed topographical survey. Residents stated that this method was potentially inadequate and prone to error. However, this is a method routinely employed on schemes such as this, and no detail of the suggested inaccuracies were put forward. In addition, as I saw on my site visits, the measurement point on the site is obstructed by a large hedge, and I do not consider that a measured survey from this position is likely to be accurate.
34. In any event, given residents' concern over this matter it would have been possible to undertake a joint survey – subject to the limitations above. It was accepted that residents had never suggested this.
35. In addition to the visibility matter, residents stated that a single point of emergency access to the development would be unsafe. Although I understand the concern nothing was put before me to indicate that dual access is a requirement or that emergency services are not satisfied with the proposal. Again, the Local Highway Authority is satisfied with this arrangement.
36. A further matter was referenced – proximity to the existing junction with Ashfield Drive. However the distance appears quite commonplace and nothing was put before me to suggest that any standards or guidance would be breached.
37. Overall the proposal would not harm highway safety in relation to the proposed junction onto Prestbury Road. It would not conflict with SAPD policy INF 3.

Whether the proposal is inappropriate development in the Green Belt

38. The appeal site is located in the North Cheshire Green Belt, and it is agreed by all parties that the proposal therefore conflicts with LPS policy PG3. However this policy – adopted in 2017 - predates the introduction of the concept of Grey Belt in the current version of the Framework. It is quite clear that this policy change was intended to increase the amount of development in such areas – in certain circumstances.
39. Grey Belt is defined as land which does not strongly contribute to any of purposes (a), (b), or (d) as set out at Framework paragraph 143. I will deal with each of these in turn.
40. Purpose (a) is to check the unrestricted sprawl of large built-up areas. The site is agreed to be open countryside and has built form on two or more sides, with urban infrastructure (in the form of a canal and the railway) to the north. It is agreed by the main parties that it does not make a strong contribution to this purpose, and I agree with that position.

41. Purpose (b) is to prevent neighbouring towns merging into one another. The Council, in the SOCG accepts that the appeal site does not strongly contribute towards this purpose. However some residents stated that this purpose of Green Belt would be harmed in relation to the gap between Macclesfield and Prestbury. However there would be a substantial gap remaining between the settlements and the ribbon of development which exists along Prestbury Road already extends Macclesfield beyond the appeal site. In any event I am mindful of the fact that Prestbury is identified as a Local Service Centre in the SAPD, rather than a town. At the request of residents I visited Prestbury and, although it does contain a reasonable range of facilities for a limited size of settlement, I am not persuaded that the SAPD definition is unreasonable. The site does not make a strong contribution to this purpose.
42. Finally purpose (d) deals with the preservation of the setting and special character of historic towns. This is the matter of dispute between the main parties. The Council's position is that the site makes a strong contribution to the preservation of the setting and special character of Macclesfield.
43. There is no definition of 'historic town' as referenced in this NPPF purpose, however national guidance provides a useful steer. For an area to make a strong contribution to this purpose, the guidance is that the land should be free of existing development (as is the case here) and is likely to include all of a range of features. Specifically it should form part of the setting of the historic town and should make a considerable contribution to the setting of the special character of the town. This could be as a result of being within or adjacent to, or of significant visual importance to the historic aspect of the town.
44. From the evidence there is no doubt that Macclesfield is a historic town, nor that this extends beyond the historic central core to encompass 18/19th century development – as suggested by the Council. However the Council has not indicated the extent of what it regards as the historic town, and this is a weakness in the Council's approach. In contrast the appellant's evidence analyses the position and persuasively concludes that the edge of the historic town in this area lies some 600metres south of the appeal site.
45. I agree with that analysis especially as the area between that location, at the cemetery entrance and the appeal site, is occupied by more modern development which does not add anything of significance to the story of the historic town.
46. I will return later to the issue as to whether the proposal harms the setting of the Prestbury Conservation Area, but note at this point that there is no suggestion that the Conservation Area equates to the historic town boundary. Nor am I persuaded that, as suggested by the Council, that the site is part of a historic gateway to the town.
47. For these reasons, I prefer the expert evidence of the appellant and conclude that the site does not strongly contribute to purpose (d) of paragraph 143.
48. Before moving on from paragraph 143, it is noted that paragraph (c) deals with encroachment into the countryside. There is clearly a difference between the parties on this matter, as discussed in relation to landscape effects above. But this

matter is specifically excluded from Grey Belt considerations. Nor is purpose (e) of paragraph 143, dealing with urban regeneration, engaged in this case.

49. There are no matters which raise a strong reason for refusal in terms of Framework Footnote 7 – which would otherwise remove the site from the Grey Belt. I deal with heritage matters below, but in summary it is clear that the effect on heritage assets, taken together, comes nowhere near to providing a strong reason for refusal.
50. Moving on to paragraph 155 of the Framework, this provides that the development of homes in the Green Belt should not be regarded as inappropriate where all of four criteria apply.
51. The first criterion is that the development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area. However the vast majority of Green Belt in the area would be unaffected, and its purposes would not be fundamentally undermined. This is a matter of judgement but there is nothing to demonstrate that the proposal would affect the ability of the remaining area to serve the purposes of the Green Belt in a meaningful way.
52. The second criterion is that there should be a demonstrable unmet need for the type of development proposed. There is a proven unmet need for housing development in the area. Additionally the scheme proposes 45% affordable housing - which is significantly above the 30% LPS policy SC5 requirement, and which accords with paragraph 157 of the Framework.
53. The third criterion is that the development should be in a sustainable location, with reference to paragraphs 110 and 115 of the Framework. It is common ground that the proposal would not generate significant traffic movements in highway terms, even during the construction phase, and is in a sustainable location.
54. Finally the proposal must meet the 'Golden Rules' (paragraph 156 of the Framework). I now turn to these before concluding on this issue. These relate to three matters, none of which are in contention between the main parties.
55. The first matter relates to the provision of affordable housing. As referenced above the scheme includes 45% affordable housing.
56. The second matter is the provision of necessary improvements to local or national infrastructure. The proposal includes surface water drainage measures, improved public transport infrastructure, with a new bus stop and a contribution to bus provision, and enhanced pedestrian crossing facilities on Ashfield Drive. In addition there would be enhanced footpath connections and financial contributions to educational, sports and health provision.
57. Finally the provision of new, or improvements to existing, green spaces that are accessible to the public. The scheme, whilst I recognise it is largely in outline, envisages the provision of publicly accessible green space and recreational facilities – all in currently inaccessible areas – along with new connections to the Riverside Park.

58. The proposal therefore complies with the Golden Rules. Under these circumstances the Framework (paragraph 158) provides that this should be given significant weight in favour of the grant of permission.
59. For all the above reasons I find that the appeal site is Grey Belt for the purpose of Framework policy and is not inappropriate development in the Green Belt.

Other Matters

Heritage issues

60. Two heritage assets have been referenced by the parties in evidence, although it is noted that heritage matters were not part of the Council's reason for refusal. The assets are Upton Hall and the Prestbury Road Conservation Area.
61. Upton Hall is a Grade II Listed Building, and s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be had to the desirability of preserving the setting of listed buildings. This means that considerable weight and importance must be given to any harm caused to designated assets in the planning balance.
62. The appeal site is around 150 metres to the southeast of the complex of buildings which form Upton Hall. The Hall itself appears to date from the early 19th century and has a very enclosed setting. There are no public rights of way affording a view of the property and only a glimpse from Prestbury Road. From the evidence before me it is clear that the significance of Upton Hall is largely derived from its architectural and historic interest associated with its character as a domestic house and farm.
63. Around the Hall are a series of open fields which appear to have been historically associated with the farmstead – some of which have since been developed for housing. These fields do not include the appeal site, which appears to have always been in separate ownership and there is no evidence of any former functional linkage. It is agreed that there is some very limited intervisibility with the Hall the Ancient Woodland to the northwest of the appeal site.
64. The appeal site makes a very limited contribution to the significance of Upton Hall. Self-evidently the proposal would change the character of the appeal site but, in that respect, this would replicate the modern suburban development which has grown up around the Hall especially to the west.
65. Taking all this into account, especially the very limited contribution which the appeal site makes to significance, it is clear that the degree of harm which would be caused to the setting of Upton Hall would be 'less than substantial' (in Framework terms) and at the low end of the scale. I return below to the weighing of this harm against the public benefits.
66. The Prestbury Road Conservation Area abuts the appeal site at its northernmost extent at the corner of Prestbury Road and Ashfield Drive. The majority of the Conservation Area runs away to the southeast towards the centre of the town. It is of note that there is no statutory protection for the setting of a conservation area although the Framework (paragraph 213) refers to the need to consider the negative impact of development within the setting of conservation areas

67. The Conservation Area appears to follow a historic route into/out to the town. There is no adopted Appraisal for the Conservation Area but, to judge from the house styles, the area appears to have begun to be developed in the early 19th century, with large villas being constructed close to West Park. The enclosed and verdant character of that area, along with properties generally set back from the road, adds to its character and significance. However at the northern end of the Conservation Area, as one approaches the appeal site, there are more 20th and even 21st century properties which do not exhibit such a sense of spaciousness.
68. The appeal site is outside the boundary of the Conservation Area and there is therefore no direct impact on the asset. The appeal site is only experienced at the northernmost end of the designated area, in which location the quality and consistency of the architecture and the sense of spaciousness is much reduced.
69. That said there does appear to have been a historic functional relationship between the agricultural use of the appeal site and converted agricultural buildings on Ashbury Road – but these buildings themselves are far from typical of the Conservation Area. The contribution made by this former linkage is very limited.
70. Overall, the current use of the appeal site does at least contribute a small part of the understanding of the way in which Macclesfield has developed over time. The contribution which the appeal site makes to the significance of the Conservation Area is very limited, and any harm to the significance of the asset would be at the low end of the ‘less than substantial’ range.
71. The Council has also identified low levels of less than substantial harm to both assets. As required by the Framework, I give great weight to this harm, although the harm identified is low within the less than substantial range. There is conflict with SADP policy HER1 and HER3.
72. However, the benefits (housing, affordable housing, infrastructure improvements, accessibility and economic benefits) discussed elsewhere in this decision, amount to public benefits in the heritage balance. I consider the totality of the public benefits to be more than sufficient to outweigh the harm to the heritage assets. The heritage harm does not provide a clear reason to refuse the development under Framework paragraph 11d)(i).

Housing need

73. The background to this issue is the urgent national imperative to provide both general need and affordable housing. This is accepted by the main parties.
74. The SOCG confirms that the Council is unable to demonstrate a deliverable 5 year housing land supply. At present this stands at 3.8 years supply – a shortfall of some 3,151 dwellings against the requirement. That is the most recently published position.
75. I was told that consultation has recently finished on a draft Housing Monitoring update and that, at the time of the Hearing, this showed a worsening position. A figure of 3.3 years was discussed. The appellant preferred a figure of 2.6 years, but this stems from evidence at a different appeal and was not available to be examined in this case, so I give it no weight.
76. A local resident put forward a detailed ‘oversupply case’. However this was not supported by policy or any other appeal decisions, and I cannot see how this

approach would work given that the standard method is the minimum to be exceeded in the context of national need. It was not supported by either of the main parties.

77. The two figures (3.8 and 3.3 years) are broadly similar and are in the middle of the range below the 5 year minimum. The precise figure would not materially change the amount of weight to be given to the issue of housing need and it is clear that paragraph 11(d) is engaged. This provides that, as the authority cannot demonstrate a 5 year supply of deliverable housing sites, permission should be granted. This is subject to caveats regarding the protection of assets of particular importance and any adverse impact which would significantly and demonstrably outweigh the benefits. Neither of these caveats apply in this case and this adds substantial weight to the appellant's position.

Flood risk

78. The majority of the appeal site is within Flood Zone 1 – with a small area (in which no housing is proposed) subject to occasional fluvial flooding.
79. However there is a seasonal pond close to the proposed entrance to the site which, it was explained, floods and causes problems for neighbouring residents. However the appellant's position, which was not substantially contested, is that this is caused by unattenuated surface water runoff and a blocked culvert. I agree with the position in the SOCG that ponding would be attenuated and that the water would be actively drained on the site.
80. Residents also expressed the view that, as this is an outline application, the proposed SUDS and other elements of the drainage system had not been tested. However this is far from unusual at this stage and can be controlled by conditions. I note that the statutory bodies have raised no objection to this aspect of the scheme.

Conditions and planning obligation

81. Draft conditions were circulated before and during the Hearing and all parties had the opportunity to comment on them. The pre-commencement conditions have been agreed by the parties. I have made only minor typographical changes. They all meet the Framework tests in that they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
82. The specific reasoning for each condition is to be found after each condition in the Schedule.
83. A s106 planning obligation has been entered into between the Council, the developer and the owner. It deals with a range of matters and is the subject of a comprehensive CIL Compliance Statement submitted by the Council. This latter document includes policy support for the elements in the s106.
84. In particular the obligation deals with:
- The provision of affordable housing at an overall level of 45%, including provisions related to tenure types.
 - Open space provision and reference to the need for a management scheme.

- Highways contribution including an element related to a new circular bus service,
- A proposed link to Abbey Road, which is a part of the sustainability credentials of the scheme, and the obligation provides for the link over third party land.
- A recreation/sports contribution specifically related to Macclesfield Leisure Centre
- An education contribution.
- A public rights of way contribution to assist with a footpath/cycleway between the site and the Riverside Park.
- An allotment contribution – either on or off -site.
- Healthcare provisions specifically related to Waters Green Medical Centre

85. Local residents have questioned the effect of the increased population and the lack of specificity in some elements of the obligation. However as an outline proposal, a number of the provisions are necessarily formula-based, to allow for variations in the number and size of units, amongst other matters. Similarly, the extent of future officer discretion provides a necessary flexibility. This is entirely normal.

86. The suggestion has been made by residents that various provisions in the s106 should account for other developments in the area. However the purpose of the s106 is to address the effects of the appeal scheme and it would be unreasonable to expect it to address other developments.

87. There is agreement between the main parties that the s106 meets the policy in paragraph 58 of the Framework and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010. I agree with all these matters on the basis of the evidence and the CIL Compliance Statement.

Planning balance and conclusion

88. As set out above, there would be minor harm to the character and appearance of the area, and low levels of less than substantial harm to two heritage assets. In relation to the latter I have already concluded that the public benefits are more than sufficient to outweigh that harm.

89. The Council's reason for refusal stated that the proposal represented inappropriate development in the Green Belt. However, as set out above I have concluded that this is not the case, and have referenced the Framework policy which attributes significant weight in favour of the appeal proposal.

90. I attribute substantial weight to the provision of general needs and affordable housing in the light of the shortfall in the housing land supply position

91. In addition I ascribe additional limited weight individually to various elements of the proposal – the provision of on site public open space; improved pedestrian routes; public transport provision; and the short/medium term growth in construction jobs

together with the long term improvement in local expenditure. Some of these matters will obviously benefit the future residents of the development, but they will also benefit those in the wider area.

92. Other matters, most notably the effect on highway safety, are essentially neutral in the balance.
93. As set out above, there are some conflicts with elements of the development plan, but those minor conflicts are clearly outweighed by the benefits of the scheme as set out above. The proposal also attracts the presumption in favour of sustainable development in paragraph 11(d) of the Framework.
94. For the reasons given above the appeal should be allowed.

Phillip J G Ware

INSPECTOR

Richborough

APPEARANCES

FOR THE APPELLANT:

Giles Cannock KC

Anna Relph
BA(Hons) MPlan MRTPI

Planning Director, Turley

Joanna Ede
MA DipLD CMLI

Turley

Kerrie Melrose
BSc(Hons) MSc IHBC MRTPI

Heritage Director, Turley

FOR THE LOCAL PLANNING AUTHORITY:

Nick Grant of Counsel

Robert Law
BA (Hons) DipTP

Planning Team leader

Richard Cowley
BA (Hons), GraDIP, MA

Principal Urban Design, Landscape and Green
Infrastructure Officer

Emma Fairhurst
BSc, BSc, MSc, MA, IHBC

Principal Heritage and Conservation Officer

INTERESTED PARTIES:

Lillian Burns

CPRE (Cheshire Branch)

Nick Cheetham

Local resident

Keith Smith

BA(Econ) DipTP DPA FRTPI (rtd)

Local resident

Catherine Cheetham

Local resident

David Nelson

Local resident

Madge Slater

Local resident

Steve Buckley

Local resident

Councillor Snowball

Local Councillor

DOCUMENTS

Doc 1

CPRE statement

Doc 2

Site visit area plan

Doc 3

Site visit residential plan

Docs 4/5/6	Visibility splay plans
Doc 7	Statement of Common Ground
Doc 8	Closing comments by the Council
Doc 9	Closing comments by residents - highways
Doc 10	Closing comments by residents - flooding
Doc 11	Closing comments by appellants
Doc 12	CIL Compliance Statement
Doc 13	Residents comments on Doc 12

Appeal documents can be inspected at

[Cheshire East | pa.cheshireeast.gov.uk | Application | 398509](https://pa.cheshireeast.gov.uk/Application/398509)

Richborough

SCHEDULE OF CONDITIONS

1. Approval of the details of the scale, layout, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved and in accordance with the approved plans.

Reason: To control the details of the development in line with Section 91 of the Town and Country Planning Act 1990 as amended.

2. Application(s) for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Development must be begun no later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To control the details of the development in line with Section 91 of the Town and Country Planning Act 1990 as amended.

3. The development hereby approved shall be carried out in accordance with the approved plans received by the Local Planning Authority referenced:

- Site Location Plan – Turley drawing no. 10_1 Rev A.
- Proposed Access Arrangements – i-Transport drawing no. ITM19638-GA-015 Rev D.
- Parameters Plan – Turley drawing no. 10_3 Rev E.

Reason: For the avoidance of doubt.

4. The approved development shall not be occupied until the approved access that is required for the development (as referenced at Condition 3) has been constructed in accordance with the approved plans and the required visibility splays have been provided, all to satisfaction in writing of the Local Planning Authority (LPA).

Reason: In the interests of highway safety.

5. Details of the alignment and construction of the pedestrian/cycle path providing connection with Abbey Road, including a timetable for its delivery shall be submitted at the reserved matters stage. The pedestrian/cycle path shall be implemented in accordance with the approved details.

Reason: To ensure connectivity and sustainable development.

6. Details of the alignment and construction of the pedestrian/cycle path providing connection with Macclesfield Riverside Park including a timetable for its delivery shall be submitted at the reserved matters stage. The pedestrian path shall be implemented in accordance with the approved details.

Reason: To ensure connectivity and sustainable development.

7. Any reserved matters application for approval of landscaping shall be supported by a Landscape and Ecological Management Plan. Development shall proceed in accordance with the approved Landscape and Ecological Management Plan.

Reason: In the interests of nature conservation.

8. Any reserved matters application relating to layout shall be informed by an Ancient Woodland Impact Assessment which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the adjoining adjoining Ancient Woodland.

9. Each of the dwellings with a private offroad parking space in the development hereby approved shall not be occupied until each of the proposed dwellings are provided with an Electric Vehicle charging point in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of sustainable transport.

10. Prior to the commencement of the development, a detailed Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- The construction programme and phasing.
- Hours of operation, delivery and storage of materials.
- Details of any highway works necessary to enable construction to take place including a timetable for the installation of utilities/services/sewers and details and timings of any road closures.
- Construction access arrangements, routing strategy for construction traffic and on-site staff / contractor parking and loading arrangements.
- Details of consultation and complaint management with neighbours including a named point of contact.
- Waste management proposals.

The approved CMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To reduce the impacts on the local highway network and the amenity of neighbours.

- 11.** Prior to the commencement of development hereby permitted a Dust Management Plan (DMP) shall be submitted to and approved in writing by the LPA. Development shall proceed in accordance with the approved DMP.

Reason: In the interests of residential amenity.

- 12.** Should there be a requirement to undertake piling works, a piling method statement, including hours of working, shall be submitted to and approved in writing by the Local Planning Authority prior to any such piling works being undertaken. The development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity.

- 13.** No development (other site clearance works) shall commence until:

- A Phase II ground investigation and risk assessment in accordance with the 'Desk Study Report for Prestbury Road, Macclesfield' prepared by 'Coopers' and referenced '8466dsr-Rev A' has been completed. A Phase II report shall be submitted to, and approved in writing by the LPA.
- If Phase II ground investigations indicate that remediation is necessary, a Remediation Strategy shall be submitted to, and approved in writing, by the LPA.

The remedial scheme shall be carried out in accordance with the approved Remediation Strategy unless otherwise agreed in writing by the LPA.

Reason: To avoid risks to site users or neighbours.

- 14.** A Verification Report, prepared in accordance with the approved Remediation Strategy, shall be submitted to, and approved in writing by, the LPA, prior to the occupation of the development.

Reason: To avoid risks to site users or neighbours.

- 15.** Any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping shall be tested for contamination and suitability for use prior to importation to site. Prior to occupation, evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the LPA.

Reason: To avoid risks to site users or neighbours

- 16.** The development hereby approved shall be carried out in accordance with the recommendations made within the submitted 'Flood Risk Assessment' carried out by 'Betts Hydro Consulting Engineers' and referenced 'HYD990_PRESTBURY.ROAD_FRA REV 2.0' and the 'Drainage Management Strategy prepared by 'Betts Hydro Consulting Engineers' and referenced 'HYD990_PRESTBURY.ROAD_DMS REV 2.0'.

Reason: To avoid flood risk and to provide sustainable drainage.

17. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365.
- A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations).
- Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD.
- Incorporate mitigation measures to manage the risk of sewer surcharge where applicable.
- Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To avoid flood risk and to provide sustainable drainage.

18. Any reserved matters application for approval of layout shall be supported by details of the existing ground levels, proposed ground levels and the level of proposed floor slabs. The development shall be carried out in accordance with the approved details of levels.

Reason: To ensure that any change in ground level is visually acceptable.

19. The development hereby approved shall proceed in accordance with the recommendations made in the submitted 'Ecological Impact Assessment' produced by 'United Environmental Services Ltd' and referenced 'UES04275/08 V3', unless varied by a European Protected Species license subsequently issued by Natural England. This shall include the provision of a minimum 10 metre undeveloped buffer being provided adjacent to watercourses (with the exception of localised works to construct a footbridge to be agreed as part of any reserved matters application relating to layout) and the Hedgehog reasonable avoidance measures detailed in section 7.10 of the submitted Ecological Impact Assessment.

Reason: To safeguard protected species.

- 20.** Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed, a 4 metre exclusion zone shall be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Local Planning Authority.

Reason: To safeguard habitats.

- 21.** Prior to the commencement of development involving the construction of the external walls of the dwellings hereby permitted, proposals for the incorporation of features into the scheme suitable for use by breeding birds including house sparrows and swifts, and roosting bats in accordance with the recommendations at Section 7.11 and 7.9, respectively, of the submitted 'Ecological Impact Assessment' produced by 'United Environmental Services Ltd' and referenced 'UES04275/08 V3' shall be submitted to and approved in writing by the Local Planning Authority. The approved features shall be installed prior to the first occupation of the dwellings which are the subject of the proposals and thereafter retained.

Reason: To provide suitable habitats.

- 22.** Each reserved matters application shall be supported by a strategy for the incorporation of features to enhance the biodiversity value of the consented development. The submitted strategy should include proposals for the provision of features for nesting birds including house sparrow and swifts and roosting bats, gaps in garden fences to facilitate the movement of hedgehogs and brash piles/hibernacula. The proposals shall be installed in accordance with the approved details and thereafter retained.

Reason: In the interests of nature conservation.

- 23.** Any reserved matters application for approval of layout shall be supported by details of external lighting. The lighting scheme shall reflect the Bat Conservation Trust Guidance Note 08/18 (Bats and Artificial Lighting in the UK) and should consider both illuminance (lux) and luminance (candelas/m²). It should include dark areas and avoid light spill upon bat roost features, bat commuting and foraging habitat (boundary hedgerows, trees, watercourses etc.) aiming for a maximum of 1lux light spill on those features. The scheme shall also include a modelled lux plan, and details of:

- Proposed lighting regime.
- Number and location of proposed luminaires.
- Luminaire light distribution type.
- Lamp type, lamp wattage and spectral distribution.

- Mounting height, orientation direction and beam angle.
- Type of control gear.

The approved lighting strategy shall be implemented and retained in accordance with the approved details.

Reason: To safeguard protected species.

24. Any reserved matters application for approval of layout shall be supported by a Method Statement for the safeguarding of the watercourse. The method statement shall include general pollution avoidance measures from risks including:

- Cement & concrete.
- Chemicals & solvents.
- Herbicides.
- Invasive non-native plant species.
- Waste materials.
- Timetable for implementation.

Measures to avoid silt pollution of the watercourse, addressing such factors as:

- Exposed ground and stockpiles.
- Plant and wheel washing.
- Site roads and river crossings.
- Measures to avoid disturbance of the watercourse bed if working in the channel is unavoidable.
- Measures to avoid silt pollution from the disposal of water from excavations, dewatering and pumping.

Reason: To safeguard biodiversity.

25. Any reserved matters application for layout shall be supported by a Method Statement for the control of any non-native invasive plant species which have been identified. Development shall be carried out in accordance with the approved details.

Reason: To control invasive species.

26. Measures for the safeguarding of retained grassland, swamp and marshy grassland habitats are to be submitted in support of any relevant reserved matters

application. Development shall be carried out in accordance with the approved details.

Reason: To safeguard wildlife.

- 27.** Any reserved matters application for layout shall be supported by an Arboricultural Impact Assessment in accordance with para 5.4 of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations which shall include a Tree Protection (TPP) and Arboricultural Method Statement (AMS).

The Method Statement shall include full details of the following:

- Location and installation of all services/ utilities/ drainage.
- Details of any construction including existing and proposed levels within the RPA or that may impact on the retained trees, and proposed mitigation for such impacts.
- A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification.
- Details of any remediation works within the RPA of retained trees related to site contamination.
- A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing on a Tree Protection Plan.
- Implementation, supervision and monitoring of the approved Tree Protection Scheme.
- Details of site access, temporary parking, on site facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
- A detailed tree felling / pruning specification in accordance with BS3998:2012 Tree Work (Recommendations).
- Arboricultural supervision, inspection and reporting by a suitably qualified tree specialist.

Reason: In the interests of the amenity of the locality.

- 28.** The reserved matters application(s) shall be supported by updated Badger and Otter surveys, impact assessments and mitigation strategy for both species. The development shall be carried out in accordance with the approved Badger and Otter surveys and mitigation strategies.

Reason: To safeguard wildlife

29. Prior to commencement of development a Biodiversity Gain Plan is to be submitted and approved by the planning authority. The Biodiversity Gain Plan shall include the following:

- Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat.
- The pre-development biodiversity value of the onsite habitat.
- The post-development biodiversity value of the onsite habitat.
- Any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development.
- Any biodiversity credits purchased for the development.
- A timetable for implementation.

The submitted Biodiversity Gain Plan shall demonstrate compliance with Part 1 of Schedule 7A of the Town and Country Planning Act.

Reason: In the interests of biodiversity.

30. No occupation of any approved dwellings shall take place until a detailed scheme of destination signage for cyclists and pedestrians, including a timetable for implementation has first been submitted to and agreed in writing by the Local Planning Authority. The approved signage shall be installed in accordance with the approved timetable.

Reason: To promote sustainable transport.