

Application No: 13/0735M

Location: Land South Of, COPPICE WAY, HANDFORTH, WILMSLOW, CHESHIRE

Proposal: Outline application for erection of up to 175 residential dwellings and associated highway and landscaping

Applicant: P.E. Jones (Contractors) Limited

Expiry Date: 06-Jun-2013

SUMMARY RECOMMENDATION

Approve subject to s106 agreement and conditions

MAIN ISSUES

- Safeguarded land
- Affordable Housing
- Highway Safety and Traffic Generation.
- Noise Impact
- Air quality
- Landscape Impact
- Hedge and Tree Matters
- Ecology
- Amenity
- Sustainability
- Impact on Public Right of Way

REASON FOR REPORT

The application has been referred to Strategic Planning Committee because it is a major development and a departure from the Development Plan.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an area of open fields currently in agricultural use, and is located to the east of residential properties on Hill Drive and Cherrington Close. A public right of way (Footpath 89) runs along the western boundary of the site, and footpath 127 runs along the northern boundary. The site is identified in the Macclesfield Borough Local Plan 2004 as Safeguarded Land.

DETAILS OF PROPOSAL

The application seeks outline planning permission, with all matters reserved except for access. It is for a residential development comprising of up to 175 dwellings.

RELEVANT HISTORY

Application Refused 16th November 2012. Appeal allowed 30th May 2013

12/1627M – New vehicular access with means of access, layout and associated engineering works for consideration, with landscaping reserved for subsequent approval.

POLICIES

Macclesfield Borough Local Plan 2004

NE11 and NE17 relating to nature conservation;

BE1 Design Guidance;

GC7 Safeguarded Land;

H2 Environmental Quality in Housing Developments;

H9 Affordable Housing;

H13 Protecting Residential Areas;

DC1 and DC5 Design;

DC3 Residential Amenity;

DC6 Circulation and Access;

DC8 Landscaping;

DC9 Tree Protection;

DC17 and DC18 Water Resources;

DC35, DC36, DC37, DC38 relating to the layout of residential development;

DC40 Children's Play Provision and Amenity Space

T3 Pedestrians;

T4 Access for people with restricted mobility;

T5 Provision for Cyclists.

National Planning Policy

National Planning Policy Framework (The Framework)

Other Material Policy Considerations

Interim Planning Policy: Release of Housing Land (Feb 2011)

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

CONSULTATIONS (External to Planning)

United Utilities – No objection subject to the site being drained on a separate system

Environment Agency – No objections subject to conditions relating to FRA and drainage

Manchester Airport – No objection subject to condition relating to the airport's obstacle limitation surfaces

Public Rights of Way – No objections

Environmental Health – No objections subject to conditions relating to hours of construction, noise mitigation, air quality and contaminated land.

Strategic Highways Manager – No objections to the scheme are raised subject to the proposed junction improvement being delivered by a S278 Agreement

Education – Primary and secondary schools are forecast to be oversubscribed. Financial contributions towards additional school places will therefore be required.

Archaeology – No objection subject to condition requiring a programme of archaeological work.

Greenspace – No objections

Housing Strategy & Needs Manager – No objections

Stockport MBC – Adverse impact upon adjoining highway network needs to be mitigated through financial contribution for junction improvements and sustainable transport options.

VIEWS OF THE PARISH / TOWN COUNCIL

Handforth Parish Council – Object on the following grounds:

- This greenfield site is currently safeguarded land. According to the NPPF, planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review that proposes the development. The Local Plan review is still an ongoing process.
- HPC have requested that, in the new Local Plan, this site forms part of a Local Green Space as defined in the NPPF
- The Draft Handforth Town Strategy Consultation Report showed that 72% of respondents did not want this site to be developed.
- Development of the site would have an adverse effect of the flora and fauna of Hall Wood - a neighbouring site of special biological importance.
- Should permission be given to Greystone UK to build a care village on land to the north of the site, the access road for the Jones Homes development would pass right through the heart of the care village.

OTHER REPRESENTATIONS

Approximately 40 letters of representation have been received from local residents objecting to the proposal on the following grounds:

- Land is subject to countryside policies where built development is not permitted.
- Site is contrary to NPPF as a Greenfield site well away from local services.
- Contrary to policy GC7 of the Local Plan.
- Allowing the proposal would be premature and contrary to policies in the emerging plan.

- Impact on wildlife and adjacent SBI
- Increased congestion on Coppice Way / A34
- Occupants will be dependent on private car.
- Impact upon the amenity of neighbouring properties.
- No need for these homes if development on other side of bypass goes ahead
- Increased noise and pollution.
- Lack of school places.
- Field is liable to flooding
- Site is a valuable open space in an otherwise built up area.
- Handforth needs at most 138 dwellings to year 2030.
- Real need in Handforth is for social housing.
- Brownfield sites could accommodate requirements.
- The Handforth Open Spaces report, notes that there is a shortage of open space in this south-eastern area of Handforth.
- The requirement for this development is not justified.
- Land currently forms a natural buffer between the A34 and residential properties.
- Flood risk assessment is incorrect and flawed.
- Loss of agricultural land.
- Handforth should not be expected to take on a disproportionate burden of CEC's housing needs.
- Handforth is already one of the most densely populated wards in Cheshire East.
- Local residents are asking that this land be given country park status.
- Medical services will struggle to support so many houses.
- No provision for social and affordable homes.
- HOHGB group have submitted a petition bearing 1500+ signatures requesting that no development should occur on this and other greenfield sites within the parish.
- If CEC plans to build 2,300 homes in Handforth on the eastern of the A34, there would be no need for a new housing development on this site.

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a site investigation report, design and access statement, noise assessment, landscape and visual impact assessment, an Historic Environment Desk-based Assessment, a hedgerow survey report, GCN mitigation strategy, draft heads of terms, consultation report, affordable housing statement, planning statement, waste plan, sustainability statement, flood risk assessment, transport assessment, phase 1 ecology survey, tree survey, agricultural land statement and an air quality assessment. The planning statement concludes that:

- The application would assist in bringing forward, at an early date, a contribution to resolving deficiencies in terms of housing supply, choice and affordable housing in Handforth.
- There is no National Planning Policy Framework protection for safeguarded land as such and where appropriate such land should be brought forward for development.
- The Handforth Town Strategy has identified the application site as a potential residential option and notwithstanding that more respondents objected to its development than supported it, the site was, nonetheless, considered sustainable.

- This site is, however, available for development and is developable commencing in late 2013/early 2014 and is the only substantial site within Handforth that would be immediately suitable and available for development. Other potential option sites in the Town Strategy were located in the Green Belt.

OFFICER APPRAISAL

HOUSING LAND SUPPLY BACKGROUND

The 2013 SHLAA

On 1 March 2013, the Council published a revised SHLAA with base date of 31 March 2012. This demonstrated a 5 year deliverable supply of housing based on identified land with potential for 9771 homes set against a housing requirement of 6835.5 homes.

The housing requirement figure was derived from the emerging Cheshire East Local Plan. Given that the SHLAA included emerging sites from this document it was considered consistent to use the housing figures associated with it. The basic requirement was 6,050 homes 2013 – 2018, with an allowance of 460 for backlog since 2010 and a 5 % buffer making up the remainder of the housing target.

The identified supply of 9,771 homes was derived from a combination of sites with planning permission, sites under construction, sites awaiting planning obligations, strategic sites in the merging Local Plan and large & small sites without planning permission.

Since March, the publication of fresh ONS household projections and a series of appeal decisions placed the reliance on emerging housing figures in doubt, even though they are higher than previous development plan targets. Accordingly, in recent months the Council has relied on a housing requirement of 6,776 homes, based on the basic housing provision figure of 5,750 homes over five years set out in the North West Regional Spatial Strategy. It is this figure that has been used in a series of appeals through the summer of 2013.

Both the SHLAA and the updated figure relied on the residual or “Liverpool” method of factoring in the backlog of housing not built during the recession. This has previously been the standard means of accounting for variations in supply – and seeks to spread any shortfall over the remainder of the relevant plan period. This is on the basis that housing requirements in Local Plans are established over many years (usually 15-20) rather than being annualised targets. At the time the SHLAA was published this method was supported by the Home Builder’s Federation.

In addition, the housing requirement also took account of the standard 5% buffer to allow for choice and competition in the housing market. The NPPF advises that where there is “a record of persistent under delivery of housing” a greater 20% buffer should be applied, in order that to provide a realistic prospect of achieving the planned supply. The Framework does not elaborate further on the definition of persistent under delivery – and appeal decisions take a different view on the subject. The Planning Advisory Service guidance of July 2013 suggested a whole economic cycle of at least ten years should be considered; other decisions take a shorter period of time. The Council’s approach has been to take a longer view of delivery – and also to assess delivery against the development target as a whole

rather than taking a year on year view (as the RSS does not have annual targets). On this basis, a 5% buffer was applied in the SHLAA

Appeal Decisions October 2013

Following the publication of the SHLAA a series of planning appeal inquiries were held through the summer of 2013, alongside a long running planning appeal remitted to the Secretary of State.

On 18 October two appeal decisions were issued (at Congleton Road, Sandbach and Sandbach Road North, Alsager) along with the Secretary of State's decision at Abbeyfields in Sandbach. The Secretary of State and the Inspector both found that the Council could not demonstrate a five year supply of deliverable housing land. Both Sandbach appeals were allowed, but the Alsager appeal was dismissed on grounds of impact on the countryside

The Secretary of State's letter is based on written representations rather than evidence presented at an Inquiry. It seeks to address broad principles in terms of housing supply rather than detailed figures. The Secretary of State concluded that the 5 year housing requirement was "between 7366 to 9070 dwellings"

The Secretary of State considered that there was "justifiable doubt" about the assumed build rates on sites. He also highlighted the high proportion of supply that related to strategic sites in the emerging plan, where delivery appeared less assured – and the correspondingly modest proportion of sites with planning permission. Concern is also expressed over the involvement of the Housing Market Partnership which further undermined confidence in the SHLAA. In conclusion, the view was taken that the Council had:

"not demonstrated a 5 year supply of deliverable housing sites against even the most favourable assessment of the 5 year housing requirement."

The Inspector in the Congleton Road and Sandbach Road North cases heard detailed evidence at Inquiry – and accordingly provided more specific analysis of the sites and housing numbers. He took the view that it would not be appropriate to take too relaxed a view on catching up the backlog and so preferred the Sedgefield methodology to Liverpool. He also looked at the preceding five years (2008-2013) where it had been acknowledged that annual average figures had not been met. Notwithstanding oversupply in earlier years, this run of half a decade was tantamount in his eyes to persistent under delivery – and so considered a 20% buffer should be applied. This raises the housing requirement by well over 2,000 units to around 9,000 homes.

At the same time, the Inspector also had misgivings over the delivery and yield predicted from certain sites – most notably those in the Development Strategy. Whilst acknowledging that delivery would take place, a variety of factors lead to the conclusion that the Council's assumed yield within the five years was too optimistic. When similar concerns over other sites was factored in, he down graded the likely deliverable supply by around 1500-2000 units – to around 7,000 - 7,500 homes.

Accordingly, he concluded that the Council could not demonstrate a five year supply of deliverable homes against a requirement of some 9,000 units.

Consequences

The Appeal decisions raise a number of issues – most notably over the calculation of the housing requirement. Without a clear target, the Council cannot be sure of meeting the housing requirement. In this case both decisions highlight different perspectives on the calculation of the backlog and the buffer.

Both the Inspector and the Secretary of State adopt the “Sedgefield” methodology for tackling backlog – namely to include the whole of the backlog within the five year requirement. This is considered to better match the NPPF aspiration to “significantly boost housing supply”. It is entirely admirable to seek to recover housing supply as quickly as possible – but we would question whether it is realistic to think that the impacts of the worst recession for many years can genuinely be caught up in just five years. It is somewhat ironic that, when the Council has been criticised for a “rose tinted” view in its approach to supply, an even greater optimism is now considered *de rigeur* in the setting of housing targets.

Nevertheless, these decisions follow the pattern of many recent decisions – and indeed the recent NPPG also supports the Sedgefield methodology. Accordingly, this has increasingly become the new orthodoxy and the Council must take account of this trend.

With regard to the buffer the picture is less clear cut – the Secretary of State appearing to concede that a 5% buffer might be appropriate as a minimum. The Inspector’s reasoning relies heavily on assessing completions against the annualised average in any individual year – as opposed to the delivery against the Development Plan target. This difference of view underlines the need for clear guidance as to the parameters of persistent under delivery.

In considering the supply of housing, both decisions recognise that sites in the draft Local Plan can properly contribute to housing supply – but that their emerging status lends doubt to delivery and yield in some cases. This is an important principle as many have argued that no or little reliance should be placed on such sites.

In considering the anticipated yield from sites, this is an area which is invariably subject to debate and conjecture. However, both decisions suggest that the Council has over estimated the likely contribution that strategic sites are likely to make in the next five years. This underlines the need for solid evidence to underpin whatever estimate is applied on likely completions in future years.

The consequence of these views of the calculation of the housing requirement is to expand the housing requirement considerably – either to the 9000 homes advocated by the Inspector or to the range of 7366-9070 promoted by the Secretary of State. When this elevation is combined with the tempering of the supply deliverable sites, the consequence is to undermine the Council’s ability to demonstrate a five year supply. It is interesting to note that the Inspector found that the Council’s original target of 6776 homes had been met – and also that the Secretary of State’s minimum requirement sits within the range of supply endorsed by the Inspector. This is especially so as at first glance the Inspector appears to have misapplied the Council’s supply figures – using a base of 9000 homes rather than the figure of 9399 quoted at the inquiry.

However, none of that diminishes the overall conclusion - that either a five year supply cannot be demonstrated or that the evidence for doing so is inconclusive.

Accordingly unless or until these decisions are challenged or a new SHLAA prepared, the Council is unable to conclusively demonstrate a five year supply of deliverable housing land. Accordingly Policies for the Supply of housing will not be considered up to date (see further below) and enhanced weight should be given to the provision of housing in decision making

COUNTRYSIDE POLICIES

As well as assessing housing supply, the decisions at Sandbach Road North and Congleton Road Sandbach are also significant for clarifying the status and intent of settlement zone line and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was:

“not sufficient directly related to housing land supply that it can be considered time expired for that purpose.”

Instead the Policy is *“primarily aimed at countryside & green belt protection”*. These objectives are largely in conformity with the NPPF and attract *“significant weight”*. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

PLANNING POLICY

The application site is designated as Safeguarded Land under Macclesfield Borough Local Plan policy GC7. The purpose of the safeguarded land is to serve development needs in the longer term (i.e. well beyond the plan period). It is not allocated for development at the present time and may only be allocated in the future within the strategic planning context. It should also be noted that the emerging local plan identifies this site as part of the new village at Handforth East, comprising 50 dwellings, with the remainder of the new settlement on the eastern side of the A34 providing 1750 dwellings. Given the stage of this emerging plan, it is considered that only limited weight can be afforded to it at this time. However, it is clear that the site will make a valuable contribution to housing supply in the Borough.

As members will be aware, the care village development on the adjacent site was allowed on appeal earlier this year. The Inspector examined the safeguarded land issue in some detail. In summary he identified that the local plan period ran for 7 years between January 2004 and 2011, that we are now 2 years past the end of this period (now almost 3 years). The Council is therefore well beyond the plan period. He also noted the development pressure on the Green Belt land to the east of the A34, as identified in the emerging local plan documents. The Inspector stated:

“It therefore now appears that planning to protect the integrity of the boundary of the Green Belt in this area is not working. The safeguarded land, rather than providing sequential land release for future development needs, is throttling development. This is leading to the consideration of options where Green Belt land would be removed from the designation and immediately allocated for early development.”

As a result, the Inspector concluded that the safeguarding of site, between the settlement and the Green Belt, under policy GC7 has:

“already fulfilled its purpose since its first designation in 1988 and has been overtaken by events...It also appears, in conflict with the National planning Policy Framework, the Green Belt boundaries will need to be altered at the end of the LP period. LP Saved Policy GC7, as it relates to the appeal site, therefore shows little consistency with the Framework and is thus out of date.”

Similarly, the Inspector in the recent decisions relating to housing land supply concluded that the development plan is out of date in terms of the provision of housing.

Consequently, paragraph 14 of the Framework applies where it states that planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole.

SUSTAINABILITY

With regard to sustainability, another Inspector on the adjacent site noted in her decision in 2010, that the site is a greenfield site and therefore not the first priority for development. However, she also acknowledges that in local plan policy GC7 and the SHLAA that there is recognition that the land is capable of development for housing. The site was also considered to be adequately proximate to Handforth district centre and its transport links, and that it seemed unlikely that the topography of the land would deter residents from walking to the local facilities. The site is therefore considered to be in a relatively sustainable location.

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from decentralised and renewable or low carbon sources. This can be dealt with by condition in the interests of sustainable development.

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Handforth, and other local centres, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

The final dimension to sustainable development is its social role. In this regard, the proposal will provide up to 175 new family homes (including up to 53 affordable homes), a children's play area, on site public open space, and financial contributions towards education provision.

Overall, the proposal is considered to be a sustainable form of development, for which there is a presumption in favour within the Framework. The development of the site is therefore considered to be acceptable in principle.

AFFORDABLE HOUSING

The site is located in the Wilmslow and Alderley Edge sub-area for the Strategic Housing Market Assessment 2010, which identified a need for 51 new affordable homes each year made up of a net requirement for 2 x 1 beds, 17 x 2 beds, 17 x 3 beds, 9 x 4/5 beds and 6 x 1/2 bed older persons units.

In addition to the information taken from the SHMA 2010, there are currently 254 applicants on the housing register who require social or affordable rented housing in Handforth. These applicants require 74 x 1 beds, 117 x 2 beds, 43 x 3 beds and 6 x 4 beds (13 did not specify bedroom numbers)

In line with the Interim Planning Statement: Affordable Housing there should be provision of 30% of the total dwellings as affordable, with 65% provided as social rent (affordable rent is also acceptable at this site) and 35% intermediate. This is the preferred tenure split identified in the SHMA 2010 and highlighted in the Interim Planning Statement on Affordable Housing

(IPS). This equates to a requirement for up to 53 affordable dwellings, with up to 35 provided as social or affordable rented dwellings and 18 provided as intermediate tenure.

An appropriate mix of affordable dwellings to meet the need identified in the SHMA 2010 and also taking account of the requirements of applicants on the Cheshire Homechoice would be a mix of 1, 2 and 3 bed affordable homes including flats and house and some 1 or 2 bed properties suitable for older persons.

The Affordable Housing Interim Planning Statement requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting (in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%). The Draft Heads of Terms states that the affordable housing will be provided no later than the sale or let of 80% of the open market property. This is acceptable as long as there is a high degree of pepper-potting.

All the affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and be tenure blind and also not be segregated in discrete or peripheral areas.

HIGHWAY SAFETY AND TRAFFIC GENERATION

The proposed access is the same as that approved as part of the care village proposals. Therefore, no highway safety issues are raised in this regard.

The submitted Transport Assessment states that the traffic associated with the care village has been included as committed development and also the proposed Next store development which has yet to gain formal approval has also been included as a sensitivity test.

The applicants have assessed the capacity of junctions close to the site, notably the roundabout on Coppice Way where the access is taken from and the existing roundabout on the A34 Wilmslow-Handforth By-Pass although an assessment has not been undertaken at the major junction at the A555 and Stanley Road.

With regard to the site access junction roundabout and the A34 roundabout there is no capacity issue in the morning peak 08.00 – 09.00 as the nearby retail park is not a peak hour generator. The base traffic situation (opening year 2018) at the A34 roundabout is operating over capacity in the weekday Friday peak 17.00 -1800 without development and this is projected to increase with development, the main concern being the queuing on the A34 South which is forecast to increase from 50 to 78 passenger car units. The Saturday afternoon peak is also operating over capacity but traffic queues are not as extensive.

In summary, even though in percentage terms the additional traffic generation is small compared with the existing flows on the A34 there are currently excessive queues southbound at the A34 / Coppice Way roundabout and these will be increased by this development. As a result, it is considered to be reasonable to expect the development to

mitigate its own impact and in this regard the applicants have submitted an improvement scheme to deal with its own traffic impact on the A34 / Coppice Way roundabout.

The improvements involve providing an additional flared lane on the south arm of the roundabout. The capacity tests undertaken for the junction show that the queue lengths on the problematical southern arm will reduce with the development in place, compared with the existing situation. The Strategic Highways Manager therefore raises no objections to the proposal subject to the improvement scheme being delivered by a S278 Agreement, and the works being completed prior to occupation of the development.

Stockport MBC Highways

There are existing congestion issues concerning the queues backing up from the A555 junction on the A34 and this queue affects vehicles accessing the A34 from the retail park along the Long Marl Drive on-slip. The responsibility for the A555 junction falls within Stockport MBC.

Stockport MBC has highlighted that there is no comprehensive assessment of the impact of development on the A34/A555 and A34/Stanley Road junctions other than a comment that the impact is not considered material when considering background traffic levels along the corridor. They maintain that this corridor and junctions are demonstrably operating at or in excess of capacity and suffer from extremes of traffic congestion and delay during peak traffic periods and on a Saturday afternoon. The proposed development generates numbers of vehicle trips and Stockport MBC suggest that mitigation is provided in a sustainable manner to sufficiently deal with this impact by way of a financial contribution of £700,000. This would allow for junction improvement works at the Stanley Road roundabout junction and the Earl Road/Stanley Road priority junction which will assist highway operation for traffic travelling to and from the North, and those which are likely to choose to travel through the Stanley Green Business Park Estate to avoid the A34 corridor. In addition, there are a number of walking and cycling routes around the Stanley Green Area which would benefit from improvement and would enhance the accessibility of the development site and potentially contribute towards a reduction in the number of car borne trips associated with the site. Stockport Council also considers that the introduction of new and/or improved frequency of bus services running in the area would afford significant benefits and is worthy of investigation and delivery.

Having regard to the issues raised by Stockport MBC, as noted further below there is some potential for improvements to existing rights of way for pedestrians and cyclists in the local area. In terms of public transport, the site is less than 500 metres from the nearest bus stop which provides regular services to Macclesfield, Wilmslow, Stockport and Manchester. Handforth train station is also approximately 600 metres from the site. The site is reasonably well served by public transport. As such, improvements in this area are not considered to be necessary to make the development acceptable in planning terms.

The applicants have also responded to Stockport MBC comments by noting that Stockport do not acknowledge that junction improvements have already been identified for both the A34 / A555 and the A34 / Stanley Road junctions as part of the SEMMMS proposals, for which funding has been fully secured, and construction is expected to start in Winter 2014 with completion in 2017. These improvements will comfortably accommodate the additional traffic

from the proposed residential development and therefore negate the need for further junction improvements.

Having regard to the CIL regulations, further information has been requested from Stockport in terms of details / drawings / broken down costings for the proposed junction works and how the specific impact of this development translates into £700,000. Any additional information received will be reported in an update.

PUBLIC RIGHTS OF WAY

The development will affect Public Footpath No. 127 Wilmslow, as the proposed access road cuts right through it, and may have some impact upon Public Footpath No. 89 Wilmslow as recorded on the Definitive Map of Public Rights of Way, once the final layout of the scheme comes forward as a reserved matter.

Rights of Way Circular 1/09 states that most outline planning applications do not contain sufficient information to enable the effect on any right of way to be assessed (and are not required to do so). Consequently, such matters are usually dealt with during consideration of the matters reserved for subsequent approval.

The two public rights of way within and adjacent to the site are presently public footpaths. However, a proposal to upgrade these into shared use facilities may be more useful as a resource to residents of the proposed development and wider local community and provide appropriate alternatives to the use of the private car, in line with the Framework. Indeed, a suggestion registered under the Council's statutory Rights of Way Improvement Plan seeks the upgrade of public footpath No. 127 along the northern edge of the application site to a cycle facility in order to provide a link from Hall Road to the northeast of the A34. However, this path appears to be outside of the application site on third party land (clarification is being sought on this issue). Further details as to the permeability of the site for pedestrians and cyclists will be required at the reserved matters stage.

CONTAMINATED LAND

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The report submitted in support of the outline application recommends that further investigations are required to fully profile any potential contamination at the site. A condition requiring further Phase II investigations is therefore necessary.

AIR QUALITY

An Air Quality Impact Assessment has been submitted with the application. The report methodology and conclusions are accepted by Environmental Health and it is concluded that there will not be a significant impact on local air quality.

However, given that the cumulative impact of developments in the area may lead to a steady decline in air quality, conditions are recommended aimed at encouraging a modal shift to low carbon transport modes. A Travel Plan can outline measures aimed at encouraging and incentivising Low Carbon Travel Options, which will help to offset any impact. Environmental

Health recommends an appropriate condition relating to this in the event the application is approved.

In addition, the Air Quality Report outlines a number of control measures aimed at reducing the off site impact of dust during the construction phase, the implementation of which is recommended as a condition.

NOISE IMPACT

The applicant has submitted a noise assessment, which recommends mitigation designed to ensure that occupants of the proposed properties are not adversely affected by road traffic noise from the A34 by-pass. It is therefore recommended that a condition is attached to any approval to ensure that noise mitigation recommendations contained in this report to ensure compliance with the 'good' standard of BS8233 1999 shall be implemented as part of the construction of the dwellings. No significant noise impacts are therefore identified.

LANDSCAPE AND TREES

Policies DC8 and DC9 of the local plan require schemes to have appropriate landscaping and ensure the retention of trees of amenity value. The application site currently consists of a parcel of arable farmland and rough grassland bounded by the Wilmslow to Handforth Bypass (A34) to the east and adjoined to the west by residential development at the eastern edge of Handforth. Hall Wood aligns the southern site boundary with a tract of scrubby vegetation, hedgerow and tree planting along the site's northern edge.

The main landscape features of the site are along its boundaries, which provide the opportunity for much of it to be retained. The development of an open greenfield site will inevitably have a significant visual impact. However, as this is an outline application, it is difficult to comment on the illustrative layout in any detail. Nevertheless, it is not considered that the proposals as shown will have a significantly adverse landscape or visual impact. Consequently, a refusal of on landscape or visual grounds is not justified. However, the reserved matters should:

- Seek to conserve and enhance the majority of the existing trees and hedgerows as an integral and structuring part of the Landscape Framework,
- Create a high quality and robust new Landscape Framework, including public open space, new trees, structure planting, hedgerows and other mixed habitats and open spaces,
- Adopt an appropriate landscape management and maintenance regime to ensure the successful establishment of the existing and new planting and landscape areas.

A number of individual tree specimens are prominent features adjacent to the northern public footpath and hedge H1. Four trees (Sycamore T1; Lime T2; Oak T3 and Sycamore T6) are considered to be significant features and should be considered for long term retention. The Illustrative Master Plan identifies a potential conflict with trees Sycamore T1 and LimeT2 where there is an access and proposed footpath link. However, there should be enough flexibility in the scheme to allow for required Root Protection Areas to be designed to allow for the long term retention of these trees.

The inclusion of the remaining A and B category trees within the public open space/pond areas should ensure their long term safe well being.

The Arboricultural Survey Schedule refers to three hedgerows, (H1, H2 and H3), and are also referred to in the Hedgerow Regulations Survey Report. Of these H1 and H2 are located to the northern boundary situated either side of footpath (FP127). H1 is not considered to be important under the Hedgerow Regulations 1997, but is recognised as having important conservation value. Hedgerow H3 is to the west of FP89 and forms the rear garden boundaries of residential properties on Woodlands Road and Cherrington Close and therefore is not deemed important under the Hedgerow Regulations.

Hedgerow H2 on the south side of the footpath has been deemed important by virtue of the known presence of Great Crested Newts (para 6 of the Regulations). Sections of both Hedgerow H1 and H2 would need to be removed in order to facilitate the proposed main site access as shown on the Illustrative Site Master Plan.

The retention of A, B and C category trees are a material consideration and, whilst most appear to be unaffected, the constraints identified above should be incorporated into the final design at full application stage. Any such application will require a supporting Arboricultural Impact Assessment and Tree Protection Plan.

ECOLOGY

The Nature Conservation Officer has stated that the application is supported by an acceptable ecological assessment and makes the following comments.

Great Crested Newts

A small population of great crested newts is present at a pond to the south of the proposed development site and at ponds some distance to the north. In the absence of mitigation, the proposed development is likely to have a moderate impact on this species through the loss of terrestrial habitat and the risk of individual animals being killed or injured during the construction process.

To mitigate the risk of animals being killed/injured the applicant's ecologist is proposing to remove and exclude amphibians from the footprint of the development by means of the use of amphibian fencing in accordance with standard best practise. The loss of terrestrial habitat will be compensated for by the construction of three new ponds within a newt 'receptor area' to the south of the proposed development.

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must

consider two of the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative and (ii) that the development is of overriding public interest. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

Current case law instructs that, if it is considered clear or very likely, the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable “other imperative reasons of overriding public interest” then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Alternatives

The application site is allocated for development in the emerging local plan and forms part of the Council’s housing supply. Other sites in the locality are either allocated for alternative uses or protected by Green Belt. Given that newts are present on the site and a significant buffer will be required to avoid any impact whatsoever it is unlikely that housing could be provided without having an impact on the GCN habitat. Taking these factors into account it would be reasonable to conclude that there are no satisfactory alternatives.

Overriding public Interest

The proposal is contributing to housing supply in the local area including a significant proportion of affordable homes. As such, the proposal is helping to address an important social need.

Mitigation

The nature conservation officer advises that the proposed great crested newt mitigation/compensation is broadly acceptable. However, the retained pond to the south of the site should be excluded from any area of public open space. This is to reduce the risk of invasive species or fish being introduced to the pond which would be to the detriment of the newt population. The development should also be kept away from this pond. This will allow for the retention of 30 metres of core terrestrial habitat immediately to the north of the retained pond, which together with the new ponds to the south will be an acceptable mitigation strategy that will maintain the favourable conservation status of the species.

On the basis of the above, it is considered reasonably likely that the requirements of the Habitats Directive would be met.

Common Toad

This species is a Biodiversity Action Plan priority species and a material consideration. The above mitigation strategy for great crested newts would also be acceptable to address the potential impacts of the development upon common toad.

Bats

Only one tree on site has been identified as having reasonable potential to support roosting bats. This tree should be retained as part of the proposed development, which can be dealt with by condition. If this tree is retained the proposed development is unlikely to have a significant adverse impact upon bats.

Breeding Birds

The proposed development site is likely to support breeding birds potentially including Biodiversity Action Plan priority species, such as lapwing, which are a material consideration for planning. In respect of lapwings it is likely that only single or small numbers of birds are present. A survey for nesting birds and incorporation of features for use by breeding birds will therefore be required by condition.

Hedgerows

Hedgerows are a biodiversity action plan priority habitat and hence a material consideration. All the existing hedgerows on site should be retained and enhanced as part of the proposed development. The hedgerow along the western boundary of the site is particularly species rich. This matter may be dealt with by means of a boundary treatment condition if consent is granted.

A condition requiring the submission of a 10 year ecological management plan is also recommended.

LAYOUT & DESIGN

With all matters reserved for subsequent approval, only an illustrative layout has been submitted. The submitted indicative layout seeks to provide a generous offering of open space, attractive green spine corridor leading from the entrance and smaller green streets leading from this, shared surface squares providing focal points and tree planning is used to soften boundaries. These principles are considered to represent an acceptable outline for the submission of reserved matters at a later date.

The density of the development has been closely examined due to the existing development around Hill Drive being at a density of approximately 12 dwellings per hectare. The proposed maximum of 175 dwellings would be provided at a density of 24 dwellings per hectare. An additional consideration is the approved care village which was allowed at a much higher density. The proposed development sits between these two developments both physically and in terms of its density. As such, the density is considered to be acceptable in this case.

The application indicates that the dwellings will be 2 to 2.5 storeys in scale. The majority of properties within the immediate area are two-storey and the approved care village comprises a mix of single and two storey properties, together with the 2.5 / 3 storey care home. In terms of scale, a wide variety of buildings either exist or have been approved in the local area. Whilst, they cannot be ruled out at this stage, given the varied character of surrounding residential areas, the introduction of buildings greater than two-storeys will have to be carefully considered and much will depend on the specific form and design put forward in the reserved matters.

AMENITY

Policy DC38 of the Macclesfield Borough Local Plan states that new residential developments should generally achieve a distance of between 21m (front to front) and 25m ([back](#) to back) between habitable windows and 14m between a habitable window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties.

The indicative site layout does show some distances between dwellings being below these distances. However, the layout and design of the site are reserved matters and it is considered that there is some flexibility within the layout to accommodate the dwellings, whilst retaining acceptable relationships between them. It is also considered that the same standards can be achieved between proposed dwellings within the new estate and the existing dwellings that border the site. No further significant amenity issues are raised at this stage.

FLOODING

The Environment Agency has no objection in principle to the proposed development but requests that planning conditions relating to surface water and overland flood flow routing are attached to any planning approval. The proposed development will only meet the requirements of the National Planning Policy Framework if the mitigation measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition.

OPEN SPACE

Formal comments from the greenspaces officer are awaited. However, policy DC40 of the Macclesfield Borough Local Plan requires the provision of 40 square metres of open space per family dwelling (more than two bedrooms). Therefore, for a development of 175 dwellings, 7000 square metres of open space will be required. In addition, a new LEAP play area will need to be provided on site, set within a community park with good access and circular routes, landscaping, free play and amenity areas for all.

EDUCATION

A development of 175 (assuming all have 2 or more bedrooms) dwellings will generate 32 primary aged pupils and 23 secondary aged pupils applying the pupil yields 0.18 for primary pupils and 0.13 for secondary.

Primary Schools within 2 miles and secondary schools within 3 miles of the development have been considered for capacity.

The 4 primary schools (Dean Oaks, Wilmslow Grange, Lacey Green & St. Benedicts) are forecast to be oversubscribed from 2013 and for the duration of the forecasts. The Council is currently consulting on expanding 3 of these schools (one of which is an academy) in order to meet its basic need requirement. The developer will therefore be required to pay their proportionate share of the build cost for the pupils that it will generate.

$32 \times 11919 \times 0.91 = £347,081$ for primary accommodation

The secondary school (Wilmslow High School) is forecast to be oversubscribed and a contribution will be required to accommodate the pupils generated of this age. $23 \times 17959 \times 0.91 = £375,882$ for secondary accommodation.

ARCHAEOLOGY

The application is supported by an archaeological desk based assessment, which considers the archaeological potential of the site in the light of data held in the Cheshire Historic Environment Record and an examination of the historic mapping and aerial photographic evidence. Only two features of interest have been identified and comprise a possible Second

World War air raid shelter in the north-west part of the site and a crop mark in the north east part of the site, which may indicate an enclosure of unknown date.

The archaeological interest of these features is not sufficient to generate an objection to the development on archaeological grounds or to require any further pre-determination work. However, it is advised that in the event that planning permission is granted, the site should be subject to a programme of archaeological work in order to investigate these features further. Briefly, this programme should consist of initial trenching of the enclosure and air raid shelter, followed by more extensive investigation if significant remains prove to be present. A report on the work will need to be produced and the mitigation may be secured by condition.

AGRICULTURAL LAND

The Framework states that:

“Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.”

The applicant has submitted an agricultural land classification study which concludes that the land quality on this site is mainly Grade 4 and sub-grade 3b. As noted above this land has been safeguarded for development since 1988 and is identified as part of proposals for the new settlement at Handforth East in the emerging local plan. Having regard to this and the Inspector's comments on the adjacent site, the development of this site is considered to be necessary to meet the development requirements of Cheshire East into the future.

These land quality grades are at the lower end of the land quality spectrum. Therefore, it will not result in a loss of the best and most versatile agricultural land. The site is small and there will be negligible effect on agriculture from the loss of this isolated piece of lower quality agricultural land.

Surplus soil could be used to restore other sites which are short of soil, to preserve the soil and retain soil functions such as water and carbon storage. For these reasons the loss of agricultural land is considered to be acceptable in this case.

HEADS OF TERMS

If the application is approved a Section 106 Agreement will be required, and should include:

- Education contributions of up to £347,081 (32 places) towards primary accommodation and £375,882 (23 places) towards secondary.
- The provision of a LEAP facility and management details for the maintenance of all amenity greenspace / public open space, public footpaths and greenways within the site, play areas, and other areas of incidental open space not forming private gardens or part of the adopted highway in perpetuity.
- Provision of 30% affordable housing with 65% to be provided as social/affordable rent and 35% provided as intermediate tenure
- Phasing of affordable housing
- Affordable units to be constructed to achieve at least Level 3 of the Code for Sustainable Homes (2007), and be integrated with the open market homes.

Community Infrastructure Levy (CIL) Regulations

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

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

The provision of affordable housing and public open space provision is necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The development would result in increased demand for school places at the primary schools within the catchment area which have no spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary and secondary school education is required based upon the maximum units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

CONCLUSIONS AND REASON(S) FOR THE DECISION

The site is located within an area identified as safeguarded land in the Local Plan. However, the safeguarded land policy (GC7) was considered by the Inspector at the care village appeal on the adjacent site who found the policy to be inconsistent with the Framework and was out of date. Similarly, this has been the case with the Council's housing land supply. Therefore, paragraph 14 of the Framework applies where it states that planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole.

The Government has made it clear in the Framework that there is a presumption in favour of new development, except where this would compromise key sustainability principles.

The proposed development would make an important contribution in terms of affordable housing provision and this would be a significant benefit. Matters relating to the detailed design, amenity, the public right of way, trees, air quality and noise impact can be adequately addressed through the use of conditions or at the reserved matters stage. Although there would be some visual impact resulting from the loss of a greenfield site, it is considered that due to the relationship with existing urban form, this would not be so significantly adverse to justify a refusal of planning permission. With regard to ecological impacts, provision of mitigation to offset the impact upon the local newt population is considered to be acceptable. It is also acknowledged that there will be some additional impact upon the local Highway network which can be adequately mitigated with the identified improvement works.

The proposal is a sustainable form of development. In the absence of any identified significant adverse impacts, a recommendation of approval is made, subject to the heads of terms identified above plus the following conditions and subject to the receipt of outstanding consultee responses.

Application for Outline Planning

RECOMMENDATION:

1. A01OP - Submission of reserved matters
2. A02OP - Implementation of reserved matters
3. A03OP - Time limit for submission of reserved matters
4. A06OP - Commencement of development
5. A01AP - Development in accord with approved plans
6. A22GR - Protection from noise during construction (hours of construction)
7. A23GR - Details of any required pile driving to be submitted
8. A19MC - Refuse storage facilities to be approved
9. A08OP - Ground levels to be submitted with reserved matters application
10. A32HA - Submission of construction method statement
11. Ecological buffer zone to pond
12. Surface water drainage scheme to be submitted
13. Development to be carried out in accordance with Flood Risk Assessment
14. Scheme to control over land flood flow routing to be submitted
15. Hedgerow retention and enhancement
16. Retention of tree(s) with bat roosting potential
17. Safeguarding breeding birds
18. Provision for breeding birds and roosting bats
19. Implementation of Great Crested Newt mitigation strategy
20. Submission of landscape and habitat management plan
21. Provision for pedestrians and cyclists
22. Written scheme of archaeological investigation to be submitted
23. Development to be carried out in accordance with recommendations in submitted noise assessment
24. Noise mitigation scheme to be submitted
25. Submission of a travel plan
26. Development shall be carried out in accordance with the mitigation outlined in the submitted Air Quality Impact Assessment report
27. Supplementary Phase II investigation to be submitted

28. Drainage details

29. Energy from decentralised and renewable or low-carbon energy sources

30. Submission of arboricultural details

31. No infringement of Manchester Airport's protected obstacle limitation surfaces

32. Roundabout improvement works to be carried out

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