

Application No: 14/3338M

Location: Welton Oaks Site Off, WELTON DRIVE, WILMSLOW

Proposal: Outline application for erection of up to 81 dwellings (57 market homes and 24 affordable homes) accessed via Welton Drive and Stockton Road including formal and informal open space, ecological buffer zones and landscaping

Applicant: TESNI PROPERTIES LTD

Expiry Date: 09-Oct-2014

Date Report Prepared: 22nd September 2014

SUMMARY RECOMMENDATION Refuse

MAIN ISSUES:

- Green Belt – Appropriate or inappropriate development in GB? Any additional harm to the GB? Any very special circumstances presented that clearly outweigh the harm identified?
- Housing land supply
- Sustainability
- Development Plan, Policies & Other Material Considerations
- Highway safety
- Forestry, landscape, open space & ecology issues
- Impact on the amenity of neighbouring properties
- Design/impact on the character and appearance of the area
- Other matters (Inc. Heads of terms)

REASON FOR REPORT

The application is a major application and a departure from the Development Plan (new buildings in the Green Belt) and under the Council's scheme of delegation is required to be determined by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

Within the wider context, the site is located approx. 2km south-west of Wilmslow town centre. More specifically, the site occupies agricultural land to the east of knutsford Road (immediately east of Chesham Road) and to the west of the A34 Alderley Road. The site covers an area of approx. 4.2 ha and is surrounded by residential properties to the north-

west, Stockton Farm and farmland to the north-east, mature woodland to the south-east and an informal play area/community field to the south-west with Alderley Edge Golf Club beyond. The site comprises 2 No. fields, one of which is arable (0.95 ha) and the other is pasture (2.95 ha). The field boundaries have hedgerows, some trees and fences with mature woodland to the southern boundary. There is an area of mature oak trees within the southern half of the site. The topography is a little varied with the ground surface being generally level within the north-eastern area of the site and falling away along the southern boundary towards the south-eastern corner. Footpath FP43 runs past the south-eastern boundary of the site and FP44 is a little further to the south-east of FP43.

DESCRIPTION OF PROPOSAL

The proposed seeks outline planning permission for the erection of up to 81 No. dwellings (57 No. market homes and 24 No. affordable homes) accessed via Welton Drive and Stockton Road, formal and informal open space, buffer zones and landscaping. All matters are reserved for later consideration.

RELEVANT PLANNING HISTORY

PRE/072/14 – Erection of 87 Houses, Letter issued June 2014.

POLICIES

Macclesfield Borough Local Plan – saved policies

NE2 & NE3 (Protect & enhance landscape character)
NE7 (Retain & enhance woodland)
NE11 (Protection and enhancement of nature conservation interests)
NE15 (Create or enhance habitats)
NE18 (Accessible areas of nature conservation)
BE1 (Design principles for new developments)
GC1 (New buildings in the Green Belt)
RT5 (Minimum standards for open space)
H2 (Environmental quality in housing developments)
H5 (Windfall housing sites)
H8 (Affordable housing)
H13 (Protecting residential areas)
DC1 (High quality design for new build)
DC3 (Protection of the amenities of nearby residential properties)
DC5 (Natural surveillance & designing out crime)
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
DC8 & DC37 (Landscaping)
DC9 (Tree protection)
DC35 (materials & finishes)
DC36 (Road layouts and circulation)
DC38 (Guidelines for space, light and privacy for housing development)
DC40 (Children's play provision & amenity space)
DC41 (Infill housing development or redevelopment)

Policies BE1, H2, H13, DC1 & DC35 seek to ensure a high standard of design (and quality of living environment) for new development and to ensure that new development is compatible with the character of the immediate locality of the site. Policies H13, DC3, DC38 and DC41 seek to protect the residential amenities of adjoining properties and ensure adequate space, light and privacy between buildings. Policy DC6 seeks to ensure appropriate access for vehicles and pedestrians, appropriate levels of parking and suitable turning areas. Policies DC8 & DC37 seek appropriate landscaping of new development and policy DC9 seeks to ensure the long-term welfare of trees of amenity value. Policy GC1 seeks to prevent any inappropriate development in the Green Belt. Policies NE2, NE3, NE7, NE11 & NE18 seek to conserve and enhance nature conservation interests and provide access to such facilities. Policy H8 notes that the Council will seek to negotiate the provision of affordable housing. Policies RT5 & DC40 seek to secure appropriate levels of space for outdoor play and recreation.

Other material considerations

National Planning Policy Framework
National Planning Practice Guidance
Designing Out Crime (SPG – 2006)
Nature Conservation (SPD – 2006)
Section 106/Planning Obligations (SPG – 2004)
Interim Planning Statement & Affordable Housing (Feb 2011)
Annual Monitoring Report
CE SHLAA (2012)
CE SHMA (2013)
CE SHLAA Update (Feb 2013)
Determining the Settlement Hierarchy: LDF Background Report (Nov 2010)
Green Belt Assessment (Sept 2013)
Wilmslow Town Strategy (2012)

CE Local Plan Strategy – Submission Version (May 2014)

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28 February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The following policies are relevant:

SP2, SP3, SP4, MP1, PG1, PG2, PG3, PG4, PG6, SD1, SD2, IN1, IN2, SC1, SC2, SC3, SC4, SC5, SE1, SE2, SE3, SE4, SE5, SE6, SE7, SE8, SE9, SE12, SE13, CO1, CO4, Chapter 15 and appropriate appendices

CONSULTATIONS

Strategic Highways Manager:

No objections, subject to conditions and an informative and recommend some amendments. Amendments: 1) Recommend revising the Stockton Road access to be one way **out of the site** instead of one way in. Conditions: a) provision of visibility splays of 2.4m x 33m at the Stockton Road access; b) assessment of need for traffic regulation orders at Stockton Road; c) approved accesses to be constructed prior to commencement of development. Informative: i) S278 Agreement required for formation of site accesses and footway links.

Environment Agency:

No objection in principle, but make a number of observations and recommend a condition if approved. Observations: a) low risk to controlled waters; b) waste to be dealt with appropriately. Condition: 1) if any unidentified contamination found a remediation strategy regarding how it is to be dealt with should to be submitted to the Council.

Leisure Services (Greenspace):

No objections, in principle, subject to amendments to the illustrative layout, improved links to surrounding open space facilities, provision of on-site amenity space that is suitable and clearly publicly accessible to a wide range of future residents of all abilities and commuted sums for Recreation and Outdoor Sport.

Housing:

No objections, subject to a) a detailed affordable housing scheme to be submitted as part of any forthcoming reserved matters application and b) any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended).

Environmental Health:

No objections, subject to conditions related to: 1) hours of operation, 2) pile driving, floor floating, 3) dust control, 4) travel plan, 5) electric vehicle charge point and 6) a Phase II contaminated land investigation.

Public Rights Of Way:

No objections, subject to conditions and/or informatives: 1) No building materials to be stored on the right of way; 2) vehicle movements must be arranged so as not to interfere with the public's use of the way; 3) the safety of members of the public using the right of way must be ensured at all times; 4) no additional barriers (e.g. gates) are to be placed across the right of way; 5) there must be no diminution in the width of the right of way available for use by members of the public; 6) no damage or alteration must be caused to the surface of the right of way; 7) wildlife mitigation fencing must not be placed across the right of way.

The Countryside Access Officer for PROW recommends a contribution be sought from the applicant to improve cycling facilities between the site and key destinations.

Heritage & Design – Nature Conservation:

No objections, subject to conditions: 1) Details of proposed lighting; 2) any loss of hedgerow to be replaced with native species planting (as part of landscape plan); 3) submission of updated badger survey; 4) provision of ecological buffers as per submitted indicative master plan, submission of proposals for their safeguarding during the construction phase and proposal for their long term management; 5) submission of a precautionary Great Crested Newt method statement; 6) submission of detailed proposals for the provision of an additional wildlife pond; 7) detailed survey for nesting birds if development occurring between 1st March and 31st August in any year; 8) details of features to be incorporated into the scheme for bats and breeding birds.

Natural England:

No objections

Heritage & Design – Landscape:

No objections, subject to conditions. Conditions: 1) Existing and proposed site levels, contours and cross sections; 2) Retention and protection of existing trees and hedges; 3) A detailed landscape scheme, to inc. full hard and soft landscape details and boundary treatments; 4) Landscape implementation and 5 year replacement; 5) A Landscape and Habitat Management Plan for all open space areas that are not within private gardens. It is recommended the Landscape and Habitat Management Plan should form part of a s106 agreement in order to secure appropriate on-going landscape management and public access in perpetuity.

Heritage & Design – Forestry:

No objections, subject to conditions: 1) tree protection; 2) method statement/construction specification for proposed works within the Root Protection Area (RPA).

Heritage & Design - Design

No comments received (as of 22.09.2014)

Archaeological Services:

No objections

United Utilities:

No objections, subject to informatives related to: a) drainage of foul and surface water; b) meter supply and c) connection to water mains/public sewers.

Education:

No objections, subject to relevant contributions. The proposed development is expected to generate 15 Primary and 11 Secondary aged pupils and therefore a contribution will be required for 15 primary pupils, equating to £162,694, and 11 secondary aged pupils, which equates to £179,770. Total therefore is £342,000. (NB. It is noted that the figures are based on the current forecast being that secondary school places will be oversubscribed and due to other planning permissions being granted no primary school places will be available either).

Campaign for Protection of Rural England - Cheshire:

Recommend refusal. Application is contrary to the NPPF and Cheshire East's housing proposals. No very special circumstances.

Sustrans

No objections, but make the following recommendations: 1) access onto Stockton Road should be for pedestrians, cyclists and emergency vehicles only; 2) request a direct connection eastward from the site for pedestrians/cyclists to the toucan crossing on the Alderley Edge bypass/Alderley Road junction; 3) vehicle speeds within the site should be no greater than 20mph; 4) appropriate cycle parking facilities should be provided for residents in the smaller properties which don't have garages; 5) a travel plan for the site with targets, monitoring and a sense of purpose should be drawn up.

VIEWS OF THE PARISH / TOWN COUNCIL**Wilmslow Town Council:**

Recommend refusal: Green Belt site which does not form part of the existing Macclesfield Local Plan or the emerging Cheshire East Local Plan and was rejected as a suitable development site by local people as part of the Wilmslow Town Strategy public consultation process in 2012. The application fails to demonstrate any exceptional circumstances as to why this Green Belt site should be developed.

REPRESENTATIONS

Approximately 334 No. representations have been received (including a couple of letters submitted on behalf of groups of local residents), details of which can be read on file (4 No. in support and 330 No. objecting). A summary of the issues raised is provided below:

Support

- Would increase options for first time buyers and buyers struggling to buy in an already struggling housing market
- Would provide an excellent opportunity for local schools to expand
- Layout for housing is appropriate
- Provides a variety of sizes of houses (but may be need more 1 bed properties for first-time buyers)
- 2 No. access points to reduce congestion
- Appropriate parking levels provided
- Knutsford road is being re-surfaced; new road should be suitable condition for increased traffic
- Sufficient Green Belt will remain (to avoid Wilmslow and Alderley Edge merging)

Objections

- Land is Green Belt (GB) and should remain so
- Inappropriate development in the GB
- With ref to paras 79, 83, 87 & 88 of the NPPF it is clear the application should be refused. Inappropriate development in the Green Belt, which is harmful by definition. Need very special circumstances to outweigh the harm. Not just a matter (as might be the case on non Green Belt sites) of weighing a range of more or less equal planning material planning considerations in the balance. It is a requirement of local and national planning policy that the site's location within the GB must be given "substantial" weight and any harm "clearly outweighed" by other considerations (para 88)
- None of the aspects presented as being in favour of the development are of significant weight to overcome the identified harm to the GB; they are subservient to the matter of principle
- The very special circumstances presented do not constitute very special circumstances
- Certain matters presented in support of the proposal need to ultimately be addressed via the Local Plan, i.e. housing land supply, GB site selection and Wilmslow/Handforth growth strategy
- Housing appeals referred to are not analogous as none of them have been in the Green Belt
- There are hundreds of similar sites
- Cumulative impact is a material consideration
- Key attribute of GB, i.e. openness, would be lost
- The land does check urban sprawl, does prevent towns merging and does safeguard the GB from encroachment (purposes of including land in GB)
- Applicant not demonstrated very special circumstances to release GB land
- Would lead to urban sprawl
- The inclusion of affordable homes is not a sufficient reason to allow the development on GB land
- Land has landscape value
- Land is good quality agricultural land

- Land has ecological value
- Detrimental impact on trees
- Detrimental impact on wildlife
- Suffocation of abutting fields
- Will erode the countryside between Wilmslow and Alderley Edge
- Would reduce the distinct identities of Wilmslow and Alderley Edge
- Site provides a buffer between Wilmslow and Alderley Edge
- Would reduce investment in developing brownfield sites
- Would create chaos on the roads; increased traffic a danger to children
- Concerns that traffic from within the site will not be allowed to egress onto Stockton Road, thereby funnelling all traffic onto Welton Drive
- Access arrangements are inadequate
- The site isn't in the Local Plan – it was considered during consultation and rejected; CEC has identified the number of houses required and the sites
- Would ignore views of local community
- Not in line with strategic plan
- Wilmslow's local plan has already identified land to build sufficient homes to 2030
- Housing should be built in the areas where people work, to reduce commuting
- CE local plan identifies 400 houses to be built in Wilmslow between 2010 and 2030 – this figure has nearly been reached
- Cannot be a need for the houses with 204 approved at Adlington Road site, 195 approved at Coppice Way, 920 planned for the Woodford Aerodrome site and 2300 planned for the 'North Cheshire Growth Village'
- Fails to meet planning policies – Local and National
- Increased noise and pollution from increased vehicles
- Access onto Knutsford Road not adequate
- No thought been given to vehicle access
- Will put a strain on local services (Health, Education, etc.)
- Will cause flooding at Alderley Edge Golf Club
- Flood risk to neighbouring properties
- Increased tarmac and impermeable surfaces will affect the natural drainage patterns
- Density of housing inappropriate/inconsistent with the area
- Layout is inappropriate
- Too close to existing properties
- Too dense for the area
- No apparent information about affordable homes
- Detrimental impact on the local community and some residents with disabilities and mobility issues that have to park on the road at present and won't be able to in the future
- Will erode the overall character of Wilmslow
- Letter on behalf of residents, key points raised: * Refers to CE GB Assessment Sept 2013, site WLM15 makes a 'major contribution' to GB, prevents Alderley Edge and Wilmslow merging; *sufficient housing sites to deliver the housing needs of Wilmslow; *contrary to PG3 of CE LPS (which should be given weight) and the NPPF (GB section);*no VSCs that outweigh the harm to the GB; * there are other sites that would have less impact on 5 purposes of including land in GB; *refusal supported by High Court decision EWHC 15; *totally unsustainable.

- Sufficient brownfield and infill sites available to meet housing land need
- Concern about drainage and wash off into Whitehall Brook
- Concern about increased foot traffic around Golf Course
- Loss of land that provides recreational and scenic value
- Poor quality design
- For residents in houses adjoining the site: Loss of view; Loss of privacy; Loss of light (daylight and sunlight); loss of outlook
- Loss of amenity for local residents
- Will destroy people's rights of way to enjoy the land
- Increased air pollution
- Light pollution
- Noise and dust pollution during construction
- Concerns about drainage system coping with additional water flows and concerns about displacement of rainfall/surface water into surrounding area
- Speculative application, driven by profit for developers rather than needs of community and good of the environment
- Devalue properties

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted the following additional information, details of which can be read on file:

Design & Access Statement

Planning Statement

Landscape Appraisal

Transport Assessment

Framework Travel Plan

Ecological Assessment

Affordable Housing Statement

Agricultural Land Classification

Flood Risk Assessment and Drainage Strategy

Tree Survey Report

Sustainability Assessment

Desk Based Archaeological/Heritage Statement

Phase 1 Contaminated Land Risk Assessment

Utilities Search Information

OFFICER APPRAISAL:

PRINCIPLE OF DEVELOPMENT

The principle of the proposed is unacceptable. The proposed development is a departure from the Local Plan (policy GC1 – New buildings in the Green Belt) and does not accord with the National Planning Policy Framework (Section 9 – Protecting the Green Belt).

POLICY

The relevant policies are listed above and relate to the issues identified.

DEVELOPMENT PLAN

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (NPPF para 2).

The NPPF *does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise (NPPF para 12).* Hence, the overarching primacy of the Development Plan as referred to in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 is reaffirmed in the NPPF.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For plan-making this means that:

- *local planning authorities should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

- specific policies in this Framework indicate development should be restricted (NPPF para 14).

NB. Policies relating to land designated as Green Belt fall within the category of “specific policies” referred to.

Sustainable development includes economic, social and environmental roles (NPPF para 7).

SUSTAINABILITY:

It is considered that the proposed is a relatively sustainable form of development, bearing in mind the three roles of sustainability noted in the NPPF – i.e. social, economic and environmental.

GREEN BELT

Policy GC1 of the Local Plan states that:

Within the green belt approval will not be given, except in very special circumstances, for the construction of new buildings... unless it is for one of a number of exceptions. One of the exceptions is limited affordable housing for local community needs in accordance with policies H8-H10

Note: Policies H8 & H9 relate to the provision of affordable housing. Policy H10 is not a saved policy. There is no specific reference in these policies to affordable housing provision in the Green Belt.

'NPPF - Section 9 Protecting the Green Belt'

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. (para 79)

Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;*
- to prevent neighbouring towns merging into one another;*
- to assist in safeguarding the countryside from encroachment;*
- to preserve the setting and special character of historic towns; and*
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land (para 80).*

Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan (para 83).

As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para 87).

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (para 88).

A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. There are exceptions to this, one of which is

limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan... (para 89)

The case presented by the applicants:

In summary, the case presented in support of the application is as follows (each point being deemed to be a point in favour of the proposed):

- Cheshire East (CE) propose to meet the housing need by releasing land from the Green Belt (GB)
- Site selection is therefore significant and any site selected needs to have a limited impact on the openness and integrity of the GB
- The proposed site is close to the settlement
- Site is well contained
- Site is well screened
- The proposed development will not result in a coalescence of Wilmslow and Alderley Edge
- Site is of low landscape sensitivity
- Site is of low ecological value
- Grade 3b agricultural land
- Existing trees are to be retained and ecology enhanced
- Site is not in a flood risk zone
- The proposed would make a sustainable contribution to the housing needs of Wilmslow, specifically, and CE more generally
- The applicant is not convinced that CE can demonstrate a 5 year housing land supply
- NPPF encourages councils to “boost significantly” housing development
- It is asserted that the site is more suitable than other sites identified in the ‘CE Local Plan Strategy – Submission Version’ that are to be released from the GB around Wilmslow and Handforth
- The proposed provides enhanced provision of open space
- The site is accessible
- The proposed is a sustainable form of development
- The design aspirations are to provide homes that meet ‘Code for Sustainable Homes Level 4’ and ‘Lifetime Homes’ standards.

The specific issues related to the Green Belt are presented as follows:

- Para 89 of the NPPF states that limited affordable housing to meet community needs is an ‘appropriate’ form of development in the GB. The proposed includes 24 affordable homes, which is considered to be ‘limited’
- It is asserted that the other 57 dwellings should be assessed in the balance
- It is asserted that the proposed does not threaten any of the 5 purposes of including land within the Green Belt.
- Although the 57 market homes constitute ‘inappropriate’ development in the Green Belt it is asserted that ‘very special circumstances’ exist, which are broadly as follows:
 - 1) The Council cannot demonstrate a 5 year housing land supply. It is acknowledged that this in itself is not a very special circumstance, however, it combines with other things (see below)
 - 2) The applicant questions the merits of the site selection regarding those sites identified to be released from the Green Belt. It is asserted that the proposed site is not as constrained as some of those sites

- 3) The applicant contends that the proposed site is an excellent site for release in its own right as, for example, it is self-contained, has clear boundaries, relates to the settlement, has few constraints, will have limited visual impact and that the site does not play a major role in respect of its contribution to the Green Belt
 - 4) The applicant seriously questions the Council's growth strategy for Wilmslow and Handforth.
- It is asserted that these factors combined amount to 'very special circumstances' to justify the development.
 - It is contended that overall the proposal is compliant with all relevant policies.

The Council's response to the applicant's case:

- The Council contends that it has a 5 year housing land supply (see 'Housing Land Supply' statement below)
- It is considered that ultimately the issue of housing land supply will be addressed via the process of adoption of the Local Plan (NB. the CE 'Local Plan Strategy – Submission Version' is currently being examined in public)
- It is acknowledged that land will need to be released from the Green Belt to meet the housing needs of the Borough during the Plan period. However, it is considered that the process of site selection should be, and will be, addressed via the process of adoption of the Local Plan
- It is considered that the Council's overall strategy for the growth of Wilmslow and Handforth is also a matter that should be, and will be, addressed via the process of adoption of the Local Plan
- It is considered that the proposed development, overall, is an 'inappropriate' form of development in the Green Belt, which, by definition is harmful to the Green Belt. The provision of approx. 30% affordable housing within the scheme is given limited weight in the balance as it is possible that, even if permission was granted, the applicant could apply to re-negotiate this figure at a later date
- For approval to be granted for 'inappropriate' development 'very special circumstances' have to be presented which "clearly outweigh" the identified harm
- As well as being an 'inappropriate' form of development it is considered that the proposed development results in 'additional harm' to the Green Belt in that it would a) have a detrimental impact on the 'openness' of the Green Belt (and openness and its permanence are the key characteristics of the Green Belt) and b) it would encroach into the Green Belt (thereby threatening one of the purposes of including land within the Green Belt)
- "Substantial weight" is to be given to any harm to the Green Belt identified
- It is considered that the matters presented as 'very special circumstances' do not "clearly outweigh" the "substantial harm" to the Green Belt identified. Limited weight is given to all the aspects presented in favour of the development within the context of this key matter of principle
- In this instance, given the site's location within the Green Belt, the matters of housing land supply, selection of sites to be removed from the Green Belt to meet housing need and the strategy for growth for Wilmslow and Handforth are all matters that are to be rightly addressed via the process of adoption of the Local Plan. There is no justified reason for releasing sites from the Green Belt in such an ad hoc manner. The

detrimental impact on the Green Belt is a sufficient reason in itself to justify refusal of the application and therefore it is recommended the application be refused on these grounds.

To conclude on Green Belt issues, the proposal is inappropriate development in the Green Belt. The proposal would also impact on the openness of the Green Belt and would conflict with one of the Green Belt purposes as it would involve encroachment. Paragraph 88 of the NPPF states that when considering planning applications, substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. In this case the very special circumstances are not considered to outweigh the harm identified.

HOUSING LAND SUPPLY

The NPPF confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

...identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land...

The NPPF clearly states at paragraph 49 that:

Housing applications should be considered in the context of the presumption in favour of sustainable development. 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.

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF, which for decision taking means:

where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- specific policies in the Framework indicate development should be restricted.*

Since the publication of the Housing Position Statement in February 2014 there have now been a number of principal appeal decisions which address housing land supply. Each has concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been

reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis. Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated.

This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

HIGHWAY SAFETY

The pedestrian, vehicle and cycle access points are to be provided at Welton Drive and Stockton Road, with Stockton Road being proposed as an access point only. Design of the road and footpath layouts and traffic movement are to accord with ‘Manual for Streets’. Car parking within the site is to be provided at a level of 200%. The Strategic Highways Manager (SHM) raises no objections to the proposal. The site is well placed to encourage walking and cycling as sustainable modes of transport. However, the SHM recommends the one way only access point at Stockton Road be reversed to be exit only, as this would allow morning peak hour traffic to disperse from the site onto Knutsford Road via both Welton Drive and Stockton Road, thereby limiting the potential for traffic to rat-run on Chesham Road. If the Stockton Road access is revised it will need to provide suitable visibility splays, the SHM recommends visibility splays of 2.4m x 33m for egress only at the Stockton Road point. As the application is an ‘outline’ application the SHM has not commented on the site layout but reserves the right to do so at the reserved matters stage, should a reserved matters application be forthcoming. It is considered that there are no grounds for refusing the application in respect of highway safety.

FORESTRY, LANDSCAPE, OPEN SPACE & ECOLOGY ISSUES

Arboriculture

The Arboricultural Officer notes that there are no protected trees within the site and that the proposal indicates most of the trees are to be retained, either within the designated public open space areas or private gardens. A small group of category B Ash trees are to be removed to facilitate the proposed access off Welton Drive and it is also proposed to remove 3 No. sections of hedgerow, again, to facilitate the access at Welton Drive. Although the Ash trees are visible from the turning head they are not considered significant in amenity terms and their removal would only have a minimal impact. The indicative layout provides for the adequate retention of the high and moderate category trees within the site. Bearing these

points in mind it is considered that there are no Arboricultural objections to the proposed, subject to conditions, should the application be approved.

Landscape

It is noted that the site is within the Green Belt, but other than that it does not have any specific landscape designation. The Landscape Officer broadly concurs with the conclusions of the Landscape Visual Impact Assessment submitted with the application and considers that there would be no grounds for refusing the application due to adverse visual impact on the landscape, subject to conditions, should the application be approved.

Open space

Future residents of such a development of the proposed size will need good access to a range of open space and recreation facilities. A combination of on site provision and enhanced off site provision is seen as the most appropriate provision. Adjacent to the application site is the existing Welton Drive amenity open space, accessed from Welton Drive and providing an informal amenity space with access to the PROW (Public Rights Of Way) network.

The outline application would be required to provide a total of 3240sqm of POS in line with current policy and based on 81 family dwellings. Of this 1620sqm should be play provision and 1620sqm should be amenity. It will be a requirement that the play element is provided by way of a LEAP (Locally Equipped Area for Play) standard play area catering for junior play and an associated LAP (Local Area for Play) providing for toddler play. The applicant is proposing this is provided on site; although all matters are reserved, it is considered that there is merit in this approach, subject to the detailed design and appropriate buffers being provided. However, it would not be appropriate or suitable to have such provision adjoining property boundaries (due to the potential disturbance to the amenity of the occupants residing in such properties).

The proposed amenity areas within the site that include mown paths through grassland would not be suitable. For on site open space to be acceptable it has to have clear public access and facilities for a wide range of future residents of differing abilities. A suitably detailed scheme showing hard surfaced routes and amenity facilities within the open space buffer would need to be provided before this could be considered as providing real open space opportunities and a useful facility alongside the children's play area proposed.

There is no recognition in the submission of the existing Public Open Space on Welton Drive. There is a golden opportunity here to open up this existing open space and link it into the development for future residents and the existing the community.

A commuted sum will be required for offsite provision of Recreation and Outdoor Space. This would be used to improve facilities at Welton Drive and at the sports facilities [pitches, courts and greens] at Jim Evison, Carnival Field and The Carrs. The Recreation and Outdoor Space requirement is usually waived for affordable housing but is required at a rate of £1,000 per family dwelling i.e. a total requirement of £57,000.

Ecology

The Nature Conservation Officer considers that the loss of a small number of trees and hedgerows on site would not have any significant ecological impact in respect of bats or birds. It is also considered that the proposed development is unlikely to have any adverse impact on badgers. It is noted that there are 3 No. ponds within 250m of the proposed development, one of which is unsuitable for great crested newts and the second is too isolated from site to be of concern. A third pond is identified as having potential to support breeding great crested newts; however, the applicant's consultant has not been able to obtain access permission to undertake a detailed assessment of this pond. The application site supports some habitat which would be likely to be utilised by great crested newts (if they were present at the identified pond). To reduce any potential impacts on great crested newts the indicative layout plan includes an area of retained semi natural grassland towards the northern end of the application site. This buffer would ensure that no 'hard' development would take place within 150m of the identified pond. The applicant's ecological consultant also recommends that precautionary measures are implemented at the site clearance stage. It is considered that due to the lack of access to complete a full survey, the potential impacts on great crested newts are not fully known. However, based upon the available information the potential impacts are not likely to be high. The proposals put forward by the applicant to mitigate the potential impacts on great crested newts are considered by the Nature Conservation Officer to be reasonable and proportionate to the risk posed by the development. Bearing these comments in mind, it is considered that there are no ecological grounds to refuse the application, subject to conditions, should the application be approved.

DESIGN/IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

At this stage it is noted that the design is illustrative and aspirational. However, the proposed dwellings are to be two-storey, primarily detached with some semi-detached; each with private gardens and parking. The architectural features and mix of materials will take cues from and respect properties within the surrounding area. The properties will exceed 'Code for Sustainable Homes Level 4' and will be designed to full 'Lifetime Homes' standards. It is intended to provide open space in the form of a centrally located children's' play facility, informal areas of recreational space and hard and soft landscaped areas. It is considered that the design aspirations are broadly acceptable; should a reserved matters application be submitted then specific details could be dealt with at that stage.

IMPACT ON RESIDENTIAL AMENITY

The layout submitted is illustrative only. It is noted that some of the distances between properties do not meet the desired distance standards in policy DC38. However, there is sufficient space within the site to ensure appropriate distances could be achieved. Hence, such matters could be addressed at the reserved matters stage, should there be a reserved matters application. Therefore it is considered that the proposed would not have any significant impact on the amenities of existing properties.

OTHER MATTERS

Agricultural land

The land within the site is designated agricultural land grade 3b. It is considered that the loss of this relatively small area of agricultural land, which is not of high quality, would only have a negligible effect on the extent of agricultural land available nationally.

Contaminated land

As the application site has a history of agricultural use the land may be contaminated. The proposed residential use is a sensitive end use, which could be affected should any contamination be present. Bearing in mind the information submitted with the application in respect of contaminated land the Environmental Protection team raise no objections to the proposed development, subject to a condition for a Phase II investigation, should the application be approved.

Archaeology

It is considered that no further archaeological work can be justified and no mitigation measures are not proposed.

Flood risk and drainage

Bearing in mind the comments received from the Environment Agency and United Utilities, the standing advice available via the Environment Agency website and the information provided within the 'Utilities Report' submitted with the application, it is considered that the proposed development poses no risk to flooding and that drainage (and other utilities) could be adequately dealt with as part of the proposal, details of which could be considered at the reserved matters stage, should an application be forthcoming.

Affordable homes

The 24 dwellings to be provided as affordable are accepted as meeting the policy requirement of 30%. The applicant has confirmed the units will be provided in line with the tenure requirements of the 'Interim Planning Statement'; this equates to 15 units provided as social or affordable rent and 9 units provided as intermediate tenure.

In the accompanying 'Affordable Housing Statement' further detail is provided regarding the affordable housing, including confirmation that the units will achieve Code for Sustainable Homes level 4. However, there is no requirement to provide the affordable housing to this level and Code for Sustainable Homes level 3 would be acceptable. Delivery to Lifetime Homes standard is welcome.

Whilst the residential mix proposed is acceptable to meet current housing need, as this is an outline application the preference would be for an affordable housing scheme to be submitted as part of the reserved matters application (where details of location of the dwellings were available on plan).

HEADS OF TERMS

Should Members be minded to approve the application it would be subject to a s106 agreement to secure a commuted sum for a) primary and secondary school places and b) off-site Recreation and Outdoor Sport and Public Realm improvements.

The following commuted sums are requested in accordance with the Council's SPG on Planning Obligations:

- 1) 15 primary pupils, equating to £162,694, and 11 secondary aged pupils, which equates to £179,770.
- 2) Recreation Outdoor Sport provision at £1,000 per each Market value dwelling, i.e. $£1,000 \times 57 = £57,000$.

The s106 Agreement would also require details of the proposed/required affordable housing to be included (i.e. 24 dwellings, which equates to 30%).

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

The commuted sum is to be paid to the Council to a) provide primary and secondary school places and b) to contribute towards recreation and outdoor sport provision off-site. The affordable housing provision is required in accordance with local and national planning policy.

On this basis the provision of the commuted sums and the affordable housing requirement is deemed to be necessary, directly related to the development and is considered to be fair and reasonable in relation to the scale and kind of development.

CONCLUSIONS AND REASON(S) FOR THE DECISION

In summary, although the application is an outline application with all matters reserved, the proposed access points have been assessed, the illustrative and aspirational layout have been given due consideration and the general case presented in favour of the proposed scheme has been appraised. Consultations and representations have been borne in mind. It is considered that the proposed is not acceptable as a matter of principle. All details would need to be appraised at the point of a reserved matters application. However, the extent to which the key issues are able to be appraised at this stage have been appraised.

Bearing all the above points in mind, it is considered that the proposed does not accord with all relevant Development Plan policies and other material considerations, i.e. in particular policy GC1 of the Local Plan and the Green Belt section of the NPPF, Section 9 (Protecting the Green Belt), as such it is recommended the application be refused, subject to any outstanding consultations and/or representations.

Given that the proposal is for a significant departure from policy, should Members be minded to approve the application, it would need to be referred to the Strategic Planning Board.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chair) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority shall be delegated to the Planning and Enforcement Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

Application for Outline Planning

RECOMMENDATION: Refuse for the following reasons

1. Inappropriate development in the Green Belt, adverse impact on openness, encroachment - not outweighed by very special circumstances

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Fulshaw Pa

Stockton Farm

THE SITE

Davenport Green

Golf Course

Hole Farm

80 40 0
Breckview Nursing Home