

Application No: 15/0016M

Location: LINDOW MOSS PEAT FARM, MOOR LANE, WILMSLOW, SK9 6DN

Proposal: Demolition of existing buildings and construction of 14 detached family dwellings with associated hard and soft landscaping

Applicant: Mr Bond and Rowland

Expiry Date: 21-Dec-2018

SUMMARY

The proposal is an inappropriate form of development in the Green Belt, which reduces openness and conflicts with the purposes of Green Belt through encroachment. There is also harm arising from the loss of trees and woodland on the site, the impact on highway safety, the absence of any significant variation in house types and the design and layout of the proposal not being in keeping with the established character of the area.

The factors in favour of the development, including some provision of affordable housing and the very significant ecological benefits arising from the early restoration of the adjacent Lindow Moss, are, on balance, considered to clearly outweigh the identified harm, to amount to the very special circumstances required to justify the development in the Green Belt.

SUMMARY RECOMMENDATION

Approve subject to conditions and a s106 agreement, and referral to SoS

DESCRIPTION OF SITE AND CONTEXT

The site is a 1.76 hectare site comprising a processing building and approximately 0.9 hectares of hardstanding, which has been used for the storage of peat extraction machinery and the stockpiling and processing of peat. The site currently has a disused appearance.

The application site is located off Moor Lane, approximately 2km west of Wilmslow town centre. It is part of a much larger site on which the extraction and processing of peat has been consented since 1959. The site is located within the Green Belt as identified in the MBLP, and the wider (adjacent) site is identified as a site of Nature Conservation Importance.

DETAILS OF PROPOSAL

This application seeks full planning permission for the demolition of the existing buildings and construction of 14 detached family dwellings with associated hard and soft landscaping.

An associated application for the restoration of the adjacent peat bog has also been submitted (15/0064M).

RELEVANT HISTORY

99/2249P – Renewal of planning consent 61345P for the use of the existing peat processing & bagging plant & related building & car park access

This application granted temporary permission for the use of existing peat processing and bagging plant and related buildings and car park access until 17 April 2013. The requirements of this permission are that upon expiry of the permission the building, plant and hardstandings are to be removed in accordance with the approved restoration scheme, within 9 months.

The permission has expired and the site has not been restored. However, the following application was submitted in February 2013 to renew this permission but has not been determined to date:

13/0842W - Application to vary Conditions 1 & 5 of Permission No. 5/99/2249P - Renewal of Planning Permission 61345P for the use of existing peat processing and bagging plant and related buildings and car park access.

POLICIES

Development Plan

Cheshire East Local Plan Strategy

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG3 Green Belt

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer Contributions

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and wellbeing

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE7 The Historic Environment

SE9 Energy Efficient development

SE12 Pollution, land contamination and land stability

SE13 Flood risk and water management
CO1 Sustainable travel and transport
CO3 Digital connections
CO4 Travel plans and transport assessments

Macclesfield Borough Local Plan saved policies

NE11 Nature conservation
NE17 Nature conservation in major developments
NE18 Accessibility to nature conservation
RT5 Open space standards
H9 Occupation of affordable housing
DC3 Residential Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC14 Noise
DC17 Water resources
DC35 Materials and finishes
DC36 Road layouts and circulation
DC37 Landscaping
DC38 Space, light and privacy
DC40 Children's play / amenity space
DC63 Contaminated land

Other Material Considerations

National Planning Policy Framework (The Framework)
National Planning Practice Guidance
Cheshire East Design Guide

Wilmslow Neighbourhood Plan

The Wilmslow Neighbourhood Plan has reached Regulation 14 (the pre-submission consultation) stage. Relevant policies of the draft plan include:

SP1: Sustainable Construction
SP2: Sustainable Spaces
SP3: Sustainable Transport
NE1: Countryside around the Town
NE4: Countryside Access
NE5: Biodiversity Conservation
TH2: Lindow Moss Historic and Cultural Landscape
TA1: Residential Parking Standards
TA5: Cycling in Wilmslow
H1: Approach to Housing Delivery
H2: Residential Design
H3: Housing Mix
H4: Location of Residential Development

CONSULTATIONS (External to Planning)

There have been 2 rounds of consultation for this application. The first was undertaken in February 2015 and the second in October 2018.

United Utilities:

2015 – No comments received

2018 – No objection subject to conditions relating to drainage

Natural England

2015 – No objection subject to conditions relating to a Construction Environmental Management Plan

2018 – As above

Environment Agency

2015 – No comments received

2018 – Comments not received at time of report preparation

Cheshire Wildlife Trust

2015 – No objection - development will result in a positive outcome for nature

2018 - The lack of transfer of ownership to a body which can guarantee in perpetuity management of the restored mossland is one of the issues we raise in our earlier responses and which undermines the argument of exceptional circumstances that would justify building in the greenbelt.

Housing Strategy & Needs Manager

2015 – Object on grounds that there is no justification for absence of affordable housing

2018 – No objection subject to financial contribution towards off site provision

ANSA

2015 – No comments received

2018 – No objections subject to provision of on site open space and contributions towards outdoor sport / recreation.

Flood Risk Manager

2015 – No objection subject to conditions relating to drainage strategy

2018 – Comments not received at time of report preparation

Head of Strategic Infrastructure

2015 – Further details required regarding the access for refuge vehicles and the proposed internal road width

2018 – No objection

Environmental Health

2015 – No objection subject to conditions relating to piled foundations, dust control, travel planning, electric vehicle infrastructure and contaminated land.

2018 - Comments not received at time of report preparation

Cheshire Archaeology Planning Advisory Service

2015 – No objection subject to a condition requiring a programme of archaeological work.

2018 – As above

Education

2015 – No objection subject to contribution to primary and secondary education

2018 – No objection subject to contribution to secondary education

Public Rights of Way

2015 - Unlikely that the proposal would affect the public right of way

2018 – As above

CEC Local Access Forum -

2015 – Raise concerns regarding the impact of the housing development traffic upon Restricted Byway No. 39, Wilmslow, and its users

2018 – As above

Mobberley Parish Council

2015 – Strongly object on grounds that there is no justification for building in the Green Belt, and strain on the road network.

2018 - Strongly object on the following grounds:

- The original condition held that once the peat extraction had been completed the buildings should be demolished. This condition should be adhered to. The applicant is now trying to circumvent the planning system by trying their hand at developing these buildings for their own gain.
- The access to the site is down a single-track country lane which is part of a Bridal route and is popular with dog walkers too. The lane also includes two blind bends and is not practical for the addition of 14 further houses.
- No affordable housing
- Peat bogs are a historical part of Wilmslow and the surrounding area and should be maintained in order to preserve their heritage and beauty, notwithstanding the wildlife activity that will be lost should this application be granted.

Wilmslow Town Council

2015 - Support the proposal subject to legal agreement linking the application to 15/0064M to ensure the permanent cessation of peat extraction from the entire site and the site returned to its natural state. The benefits of stopping the peat extraction presented the necessary exceptional circumstances. Local residents should be able to access the reinstated wetlands on completion.

2018 - Comments not received at time of report preparation

OTHER REPRESENTATIONS**2015**

15 letters of representation have been received from local residents objecting to / raising concerns about the development on the following grounds:

- Impact upon character of area
- Road inadequate for extra traffic
- Impact on pedestrians, cyclists, horse riders, etc.
- Previous appeal for Gypsy site on adjacent land dismissed indicates development in Green Belt is not wanted
- Building is not redundant and the area does not require regeneration

- Application should be considered on its own merits, irrespective of what deals are on offer
- Enforceability of agreement to restore? Croghan Peat Industries Ltd to have a negative balance sheet at present and it could only afford to implement the reinstatement works IF planning permission is granted
- Lindow Moss area must be preserved for future generations
- Proposed reinstatement of the moss land which will involve 14 HGV trips daily of 28 tonne lorries along Moor Lane
- Will set a precedent
- Long-term management of the site requires careful consideration
- Houses could be design better to fit in with environment
- Loss of trees / impact on woodland
- Impact on local schools
- Proposal is a form of blackmail
- VSCs not demonstrated
- Croghan Peat should be made to put any money from the sale of the site / houses on the site in to a trust for the reinstatement of the land used for peat extraction and damage done to the local area
- Loss of section of wild, unspoilt land that is so vital to Wildlife
- Peat bog no longer viable
- Peat workers have said in the last few years there is nothing left worth harvesting
- Loss of privacy to neighbour opposite
- Not a brownfield site
- Is the site safe for housing due to local subsidence incidents?
- If the peat extraction stopped tomorrow it would take up to a minimum of two years for the water table to stabilise. It would also take 10 to 15 years to establish a wetland
- Croghan Peat has a net worth of minus £147,000.00
- The peat is of poor quality and one part of the bog is already into sand, (yet another breach of condition). Is time running out for the extraction of peat anyway?
- Properties within a wide radius (probably up to one mile predicted) of this once rare and handsome landscape are now at risk, many already suffering from subsidence

1 letter of representation have been received from a local resident / business making the following general observations:

- Peat extraction has resulted in subsidence and ground shrinkage to local properties
- Positive benefits in terms of recreational amenity and ecology
- Query how much peat is left in the site – sand is being extracted?

4 letters of representation have been received from local residents, the Residents of Wilmslow group and Transition Wilmslow supporting the development on the following grounds:

- Redevelopment of a brownfield site, protects wider Green Belt
- Contributes to housing figures
- Site currently appears derelict
- Will not close down openness
- Well designed and managed environment
- No noise or light pollution

- Traffic calming can address any pedestrian concerns
- Economic extraction of peat now come to an end
- Returns the Moss to its natural state as an historic wetland
- Wonderful opportunity for people living in the area and accessing it for leisure activities
- Should return the water table to its natural level and prevent any further structural damage to buildings close to the Moss.
- Measures to ensure compliance with 15/0064M are required
- Peat extraction has resulted in subsidence and ground shrinkage to local properties
- Positive benefits in terms of recreational amenity and ecology
- Note that view from public footpath towards housing not considered in LVA
- Tree T1 should be subject to TPO
- 15/0064M would bring an end to commercial peat extraction on Lindow Moss itself, a site of national significance for its archaeological interest, cultural heritage and ecological potential
- The land owners would cease commercial peat extraction, accept the revocation of inappropriate planning conditions requiring backfill with inert waste and restoration to agriculture, and initiate a programme of landscape restoration towards a complex of wetland habitats, with public access and provision for after-management amounts to the 'very special circumstances' needed to justify development in the Green Belt.

2018

8 letters of representation have been received from local residents, the Saltersley Common Preservation Society, and the Residents of Wilmslow group objecting to the proposal on the following grounds:

- Single track lane to this site is far too small to deal with the traffic, and no pavement
- All the schools in the area are over subscribed.
- Peat bogs are part of Wilmslow's heritage and should be protected not developed.
- Clearly not enough money in the budget to return the area to a wetland for the wildlife
- Impact upon character of area
- Should be handed over to National Trust
- Applicant should have been maintaining sluice gates and monitoring water levels – but this hasn't been done.
- Properties suffering subsidence
- Highway safety
- Drainage impact
- Impact on schools
- Wildlife impact
- Green Belt – existing buildings should be removed when no longer needed
- Submission is now out of date – revised Environmental Statement needed
- No economic valuation undertaken with respect to the restoration of the peat workings
- Necessary removal of Japanese Knotweed will the reduce monies available for restoration
- Owners of the peat workings have a restoration liability as a consequence of the earlier Planning Permissions
- Abundant loss of vegetation
- Impact on this stretch of Moor Lane for pedestrians, cyclists and horse riders
- This site should provide mixed housing including 30% Affordable units

- The proposed 14 semi prestigious family homes do not address the Wilmslow need for two and three bedroom houses
- Affordable housing should be provided on site
- Much more detail required of applications 15/0016m and 15/0064 before either can be approved
- How will raised wetland be achieved?

1 letter of representation from a local resident makes the following general observations:

- Much of the data presented in the application is now out of date

2 letters of support have been received from a local resident and the Transition Wilmslow group noting that:

- Building of houses is in exchange for the applicant restoring the remainder of the moss to wetland
- Otherwise the applicant can use the moss as a dump for inert waste.
- Housebuilding on a section of the site is clearly preferable to the destruction on the whole
- Decision is required urgently because the peat is drying through drainage via sugar brook at it's lowest level
- The woodland on the housing site must be retained as a screen so there is no hint of the moss being in an urban area.
- There should be a path through the wooded area with information boards about what is beyond.
- Older and key trees to the site should be permanently preserved so that they cannot be lopped to an unnatural shape or be killed.
- Compliance with conditions the council imposes is monitored and enforced with penalties
- Last year damaged peatlands in the UK discharged more than 10 million tons of CO₂ – Lindow Moss is a severely damaged peatland
- Current planning conditions permit peat extraction to continue up to 2042 and then for backfilling with inert waste and 'restored' to agriculture.
- This would irrevocably change the area's landscape character, destroy its ecological potential and compromise the findspot of Lindow Man.
- Bringing an end to commercial peat extraction and initiating a comprehensive programme of ecological restoration to a functioning wetland will turn Lindow Moss into a wildlife rich mossland, capturing rather than releasing carbon to the atmosphere amounts to very special circumstances
- However, concern is raised over woodland clearance – mitigation is required.
- Firm linkage between the two applications is required and immediate action to begin restoration work should 15/0064M be granted.
- It is now almost 4 years since the applications were submitted and during this time water has continued to drain from the moss in an uncontrolled manner, with concomitant drying and oxidation of the peat, culminating in a major peat fire in June, of this year
- Restoration scheme should properly recognise the Moss's cultural importance over millennia and the changing relationship between people and climate will benefit tourism and education, as well as recreation and exercise

- A restoration committee is needed, with its membership broadened to take account of the cultural and heritage aspects, together with an appropriate mechanism to engage with the wider community and keep informed of progress.
- In the longer term a commitment to transfer the restored site to some form of public or charitable ownership should be given

OFFICER APPRAISAL

Green Belt

Inappropriate Development

CELPS policy PG3 and paragraph 145 of the Framework state that the construction of new buildings within the Green Belt is inappropriate unless it is for one of the listed exceptions. The most relevant exception to the current proposal is:

- “g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
- not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority”.*

The definition of previously developed land in the CELPS and the Framework excludes *“land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures”.*

As noted above application 99/2249P granted temporary permission for the use of existing peat processing and bagging plant and related buildings and car park access until 17 April 2013. The requirements of this permission are that upon expiry of the permission the building, plant and hardstandings are to be removed in accordance with the approved restoration scheme, within 9 months. Given that provision for restoration is secured under this permission, the site is not considered to be previously developed land.

Accordingly, the proposed development is not for one of the identified exceptions listed in policy PG3 or the Framework and is therefore inappropriate development in the Green Belt, which is harmful by definition. Very special circumstances are therefore required to outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm.

Other harm

Paragraph 133 of the Framework states that, *“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”.* 99/2249P was only granted on a temporary basis and has since expired. Condition 5 of this permission requires that provision is made *“for the removal of plant, buildings and hardstandings, where appropriate and for the reinstatement of the permission land to a condition capable of sustaining a beneficial afteruse”.* On this basis it is expected that a restoration scheme would return the land to an open agricultural field. The construction of a residential development comprising 14 dwellings stretching over 280 metres back from Moor Lane would significantly reduce the openness of the Green Belt.

In addition, two of the five purposes of the Green Belt are to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment. The application site is located on the edge of the urban area of Wilmslow, and the proposal will conflict with these purposes by extending this built up area by encroaching into the countryside.

Any other, non Green Belt harm is identified in the sections below.

Very Special Circumstances

The applicant has submitted the following material considerations, which, when taken together, they consider amount to the required very special circumstances to outweigh the identified harm to the Green Belt:

- The re-introduction of wetland habitat to the restored peat extraction area, which is a Site of Nature Conservation Importance that will otherwise be lost to peat extraction;
- The significant environmental benefits arising from the rapid and early restoration of the peat extraction site;
- No further disturbance of the archaeological record on this nationally important site;
- The cessation of peat extraction activities (i.e. use of heavy machinery) and associated HGV movements along Moor Lane.

These matters are considered below in the Planning Balance section of this report.

Affordable Housing

Policy SC5 of the CELPS states that “in developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable; In developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sqm) in Local Service Centres and all other locations at least 30% of all units are to be affordable.” As a full application for 14 dwellings, in order to meet the Council’s Policy on Affordable Housing there is a requirement for 4 dwellings to be provided as affordable units.

The SHMA 2013 showed the majority of the demand in Handforth and Wilmslow Per Year until 2018 is for 27x 3 bedroom and 1x 4 bedroom dwellings for General needs and 1x 1 bedroom dwelling for Older Persons. This can be via Bungalows, Flats or Cottage Style Flats. The SHMA shows an oversupply of 1 and 2 bedroom General Needs and 2 bedroom Older Person’s accommodation.

The number on the Cheshire Homechoice waiting list with Wilmslow as their first choice is 123. This can be broken down to 53x 1 bedroom, 44x 2 bedroom, 19x 3 bedroom and 7x4 bedroom dwellings, therefore a mix of 1, 2 and 3 bedroom dwellings for General needs and 1 bedroom Older Person’s dwellings on this site would be preferred.

No onsite affordable units are proposed, with the applicant stating in their original planning statement that “to do so would be inappropriate in this location” and due to the costs associated with the concurrent application (15/0064M), no off site provision was proposed. No explanation of why the provision of affordable housing on the site is “inappropriate” was provided.

Given the length of time the application has been with the Council, there have been some significant changes in policy during that time; notably the adoption of the CELPS. Policy SC5 of the CELPS states that affordable housing is required to be provided on-site, however, in exceptional circumstances, where it can be proven that on-site delivery is not possible, as a first alternative, off-site provision of affordable housing will be accepted; as a second alternative a financial contribution may be accepted, where justified, in lieu of on-site provision.

The applicant has provided a viability appraisal demonstrating the viability when providing the policy compliant 4 affordable units on site. This produces a negative profit of -3.19% profit on GDV. This appraisal includes construction costs which are the same for the affordable and open market units. However, the units as proposed do include a number of special works which are required to secure the sales prices that have been adopted in the viability report, which are not necessarily required for an affordable unit. Notwithstanding this point it is clear that the provision of 4 affordable units on site, in place of 4 open market units, would make the scheme unviable.

The applicant has demonstrated that the provision of just one of the proposed units as an affordable unit will make the scheme unviable, resulting in a profit of only 15.38%. Even if such a low profit could be accepted by the applicant, they have also explained that Johnnie Johnson Housing, a local Registered Provider based in Poynton have confirmed that they would not be interested in taking a single unit due to the difficulties/inefficiencies in managing single units.

The Strategic Housing Manager initially objected to the scheme due to the absence of any viability information justifying this position. The viability report that has now been submitted identifies that £300,000 is available for off site provision of affordable housing. As noted further below, an independent review of the viability information has been commissioned and the conclusions set out in this report are the agreed position between the parties.

The Strategic Housing Manager has confirmed that £300,000 is adequate to supply 4 dwellings in lieu of on site provision, and now raises no objections to the proposal.

Therefore in terms of policy SC5, it has been demonstrated and proven that on site delivery is not possible for viability reasons. However, this policy states that in these circumstances the first alternative to on site provision is off site provision, and the second alternative is a financial contribution. No information has been submitted to address the first alternative of off site provision. Therefore, whilst the £300,000 is sufficient to provide 4 affordable units in lieu of on site provision, the full requirements of policy SC5 have not been met due to the absence of information addressing the first alternative (off site provision).

Residential Mix

Policy SC4 of the CELPS states that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

The proposed development comprises:

10 x 5 bed units

5 x 4 bed units

Taken together with the absence of any affordable provision on site, the proposed house types do not provide the mix of houses this policy seeks to secure. Added to this the explanatory text to policy H3 of the draft Wilmslow Neighbourhood Plan states that *“in all cases, residential developments must satisfy a range of housing requirements to accommodate first time buyers, whether they are young people, families, elderly or disabled, to ensure a mixed and sustainable community. The response received from the community during consultation strongly supported this approach, particularly the provision of homes for first time buyers and homes for the elderly”*.

It is therefore considered that the proposed residential mix does not comply with the objectives of policy SC4 of the CELPS.

Open Space

Policy SE6 of the CELPS sets out the open space requirements for housing development which are (per dwelling):

- Children's play space – 20sqm
- Amenity Green Space – 20sqm
- Allotments – 5sqm
- Green Infrastructure connectivity 20sqm

This policy states that it is likely that the total amount of 65sqm per home (plus developer contributions for outdoor sports) would be required on major greenfield and brownfield development sites.

No public open space is provided on site, and therefore a financial contribution would be required in lieu of on site provision. £3,000 for Public Open Space (POS) and £1,000 for Recreation & Outdoor Sport (ROS) per dwelling will be required. The contributions should be provided prior to commencement of development and will be subject to a 15year spend period once received by the Council.

The areas of spend will be:

- POS - The amenity element will be used at Lindow Common, Gravel Lane play area and open space at Gravel Lane and Fulshaw Recreation Ground. The Play (formal and informal) element will be used at Gravel Lane play area and open space at Gravel Lane and Fulshaw Recreation Ground.
- ROS - The Recreation and Outdoor Sport contribution will be used at Jim Evison as part of the wider redevelopment of the site and / or at one of the other Key Centre Sites identified within the Council's Playing Pitch Strategy

As noted above, a viability report has been submitted with the application. This outlines that the development can only support s106 contributions of £554,000. This has been notionally split as £300,000 for affordable housing and £254,000 towards the aftercare of the Peat Bog. Consequently this will mean that other requirements such as the above open space contribution cannot be provided. As a result, there is conflict with policy SE6 of the CELPS.

Education

Policy IN1 of the CELPS states that where new development creates a need for new or improved infrastructure, contributions from developers will be sought to make the development acceptable on the impact on local services.

In the case of the current proposal for 14 dwellings, this is expected to generate:

3 (14 x 0.19) primary children

2 (14 x 0.15) secondary children.

The development is expected to impact on secondary education only, resulting in a full claim for secondary.

$2 \times £17,959 \times 0.91 = £32,685.38$ secondary education

Therefore the total education contribution required for this development would be £32,685.38.

As noted above, a viability report has been submitted with the application. This outlines that the development can only support s106 contributions of £554,000. This has been notionally split as £300,000 for affordable housing and £254,000 towards the aftercare of the Peat Bog. Consequently this will mean that other requirements such as the above education contribution cannot be provided

Without this contribution of £32,685.38 Children's Services would raise an objection to this application. This position is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 2 secondary children would not have a school place in Wilmslow, and the proposal would not comply with policy IN1 of the CELPS.

Residential Amenity

Saved policy DC38 of the MBLP states that new residential developments should generally achieve a distance of between 21m and 25m between principal windows and 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties, unless the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings.

However the CE Design Guide states separation distances should be seen as guide rather than a hard and fast rule. The Design Guide does however acknowledge that the distance between rear facing habitable room windows should not drop below 21m. 18m front to front will also provide a good level of privacy, but if this applied too rigidly it will lead to uniformity and limit the potential to create strong streetscenes and variety, and so this distance could go down as low as 12m in some cases.

Within the site, the closest relationship between facing habitable room windows is 19.5m and 14m between habitable room windows and blank elevations, which is considered to meet the distance standards outlines above.

There are only two residential properties in the immediate vicinity of the application site; Foxholme Stables to the south and Paddock Chase to the east. Foxholme Stables is located

on the opposite side of Moor Lane to the application site, with a builder's yard between the site and this neighbouring property, which will minimise any impact upon this neighbour.

Paddock Chase is located approximately halfway along the eastern boundary of the application site and is set in its own substantial grounds. Two of the proposed dwellings do come very close to the shared boundary with this property and will undoubtedly be experienced visually by this neighbour. However, having regard to the distance to the neighbour's dwelling from these elevations, and the extent of private amenity space available to the neighbour, whilst obscure glazing to side facing windows will be required, there is not considered to be any significant impact upon the living conditions of this neighbour.

The proposal is therefore considered to comply with policies DC3 and DC38 of the MBLP.

Noise

The applicant has submitted a Noise Impact Assessment (NIA) to identify existing levels of noise across the site due to industrial noise from nearby sites.

There is a builder's yard / woodworking plant adjacent to the southern boundary of the application site, which does generate some industrial noise. The submitted noise report recommends mitigation measures including 2m and 2.5m acoustic screening to the southernmost part of the site, and glazing and ventilation specifications, which can be conditioned.

Environmental Health raises no objections to the proposal.

Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality.

There is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in an area. In particular, the impact of transport related emissions on local air quality.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. This can be achieved by conditions relating to dust control, travel planning and the provision of electric vehicle infrastructure, which are accordingly recommended. Subject to these conditions, the proposal will comply with policy SE12 of the CELPS.

Highways (including public rights of way)

The part of Moor Lane which serves the application site is identified as a restricted byway (Wilmslow RB38) but is also a narrow single width section of adopted highway. Beyond the site RB38 turns into RB51, which continues towards Mobberley. The Public Right of Way is available to pedestrians, horse riders, cyclists and horse drawn carriages, all of which form vulnerable road users and would be affected by any construction traffic and post-development traffic. This is the case for all roads, but the specific concern with this particular section of road is its very limited width without any footway provision. This route also serves the

builder's yard adjacent to the site, the stables opposite, and a park home site comprising approximately 52 mobile homes, further to the west along Moor Lane.

The above uses have been in place for some time, and therefore whilst the traffic count (within the submitted Transport Statement) was conducted in 2011, it is still considered to be sufficiently relevant to the current situation. In 2011, peak hour trip movements on Moor Lane at the site access junction were between 24 and 27 two-way vehicle movements.

The standard of Moor Lane has to be acknowledged as being relatively poor and is generally not suitable to serve additional large developments. However, the existing use of the site needs to be taken into account, as there is a level of traffic generation associated with the peat extraction and this has been HGV use to remove the peat. For the 10 years preceding the application the Transport Statement states that peat extraction was undertaken at a rate of 8,000cu.m per annum. This has resulted in approximately 115 two way trips per annum.

The Transport Statement explains that if the site was fully operational, up to 40,000cu.m could be exported from the site per annum, which would mean HGV movements could be much greater. It states if the importation of infill material takes place at the same time as the exportation of peat extraction this could give rise to approximately 18 HGV trips per day (36 in total - 18 in / 18 out).

The proposed residential development is expected to generate a total of 73 vehicle movements daily (during the 12 hours between 07:00 and 19:00). This results in an additional 37 movements over and above the maximum (of 36) arising from the peat extraction / infill operations.

Adequate space exists within the site for the car parking in accordance with the parking standards set out in the CELPS. Revised access plans have been provided to demonstrate how a refuse vehicle can enter and turn within the site.

The Head of Strategic Infrastructure (HSI) states that the impact of the proposed residential development needs to be balanced against the cessation of the peat production. The amount of car trips will increase on Moor Lane but this will be offset by the reduction in large HGV's that can cause damage to rural roads. Overall, the HSI considers that the removal of the peat production is of benefit and that the proposals are acceptable.

Whilst these comments are acknowledged, it does have to be noted that the vehicle movements from the residential scheme will almost double the number of vehicles using this single car width stretch of road / restricted byway, thereby increasing the potential for conflict with other non motorised users of this highway.

Landscape

The location of the site is within National Landscape Character Area 61 Shropshire, Cheshire and Staffordshire Plain and within Landscape Type 12 Character Area M2 Lindow Moss of the Cheshire Landscape Character Assessment 2009. This character area is described as having a flat topography with many blocks of woodland, grassland plots used for horse grazing and commercial peat extraction near Saltersley Farm is noted.

The site is approximately 60-70m wide and 300m long fringed by a single line of trees along boundary ditches. To the south of the site, the builder's yard and workshops fronting onto Moss Lane are not part of the site and would remain. At the northern end of the site there is an Oak, Birch, and Willow woodland approximately 117m in length and it is proposed to fell approximately 65m of this woodland and place the northern most group of houses within this area. This will leave an approximate 52m length of woodland belt fringing the moss. At the western side of the remaining woodland the worked peat area returns virtually to the southern corner of the woodland. In the summer months the remaining woodland will screen most of the development from the moss, but in the winter months there will be filtered views of the development from the moss. If the block of land immediately south of restoration compartments 4 and 8 was ever cleared of the woodland and scrub which has regenerated on it, then there would be direct views of the two northern most groups of houses from the west of the moss and the footpath between Moor Lane and Saltersley Hall Farm. There may also be filtered views in winter months from this direction.

The proposed properties are located in three groups of 4, 5 and 5, with the northernmost group being within the felled woodland area. Cladding most outer facing walls in dark stained timber and having dark grey slate roofing will reduce the visual impact of the properties. The site is relatively narrow and the 3 groups of properties fill the width, consequently boundary trees growing along the ditches adjacent to the houses will have to be felled as indicated on submitted drawings. In the longer term there may be pressure to fell more trees adjacent to the proposed properties either because of poor social proximity and shading or because of safety concerns.

The proposed development will have a large visual impact on Paddock Chase – the property immediately to the east of the development site. The applicant's submitted Landscape and Visual Appraisal identifies this impact as significantly adverse. However, as noted above there is not considered to be such a significant impact upon the living conditions of this neighbour to justify a refusal of planning permission. The Landscape Officer has stated that *"Users of Rotherwood Road and Moor Lane may also have views of the development especially in winter months. The landscape character of the site will change from currently intermittent peat processing (appearance of disturbed agricultural field with processing equipment, trailers, tractors present at certain times) to an area of prominent housing."*

Whilst these comments are acknowledged, the housing is unlikely to be significantly prominent within the wider landscape. When viewed from Rotherwood Road, the remaining boundary trees, and other intervening vegetation will largely filter views of the new housing. The set back from Moor Lane and positioning to the rear of the existing builder's yard will lessen the prominence of the residential development. In addition the recent housing development at Ned Yates does already provide a residential incursion into the rural landscape in a more pronounced manner.

The surrounding area is generally very rural in nature, characterised by sporadic development. The proposal would introduce a form of development that would be out of character with the area, due to the elongated nature of the site and as a consequence the form and layout of the proposed development, however the relative lack of prominence of the development will help to mitigate this.

Trees

As noted above, there will be substantial tree removals required to accommodate the proposed development. Notably over half of the woodland to the north of the site will be removed, together with a good proportion of the boundary trees to the east and west of the site. The submitted arboricultural impact assessment categorises the trees as being of lower classifications, mainly C category, with one individual B category tree proposed to be removed. However, it is considered that the woodland to the north of the site does make a significant contribution to the amenity, biodiversity and landscape character of the site, the loss of which is not normally permitted under policy SE5 of the CELPS, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives. The benefits of the associated application (15/0064M) are considered below in the planning balance section of the report. However, no mitigation, compensation or offsetting is proposed within the application site. It has also not been demonstrated that there are no suitable alternatives.

Ecology

Lindow Moss restoration

This application is linked to application 15/0064M for the restoration of Lindow Moss. The cessation of peat extraction and the restoration of Lindow Moss would deliver substantial environmental benefits not easily replicated by other development schemes.

Saltersley Moss (also known as Saltersley Common and Lindow Moss) is a remnant area of Lowland Raised Mire habitat, which is subject to peat extraction undertaken under a previous planning consent. The site covers 34 ha in total and is a Grade B site of Biological Importance.

Lowland raised Mires or bogs are a particular feature of cool, humid regions such as the north-west lowlands of England. Lowland Raised Mires are peat forming ecosystems which develop primarily in lowland areas. Mires form in locations where drainage is impeded and the resultant water logging provides anaerobic (little or no oxygen) conditions which together with the resulting acidity slows down the decomposition of dead plant material which leads to the formation of peat. Continued accrual of peat elevates the bog surface above the groundwater level to form a gently curving dome leading to a "raised" mire being formed. The depth of peat varies considerably but can sometimes exceed 12 metres as a result of up to 10,000 years of accumulated plant remains.

An estimated 94% of lowland bogs in England and Wales have been damaged or destroyed. In the Cheshire region 1,392ha of lowland raised bogs supporting semi-natural vegetation remain. All areas of lowland raised bog in Cheshire, with one exception, have been disturbed to some extent.

Wildlife

Raised mires are one of the most important habitats in the UK. They are a UK biodiversity priority habitat and are listed in section 41 of the Natural Environment and Rural Communities Act 2006 as being a habitat of principal importance for the conservation of biodiversity in England. The European Habitat Directive states that *"All areas of cutover peat capable of restoration to mossland within 30 years should be considered as of European Importance."*

Much of the ecological value of raised mires is a result of the diverse network of pools and hummocks found on the surface of the mire which provide habitats for a host of specialized

species of wading birds, insects and plants. Plant species can include bog rosemary, the carnivorous sundew and cranberry. Sphagnum mosses are particularly important as the principal peat forming species which give a bog its characteristic spongy feel.

Carbon Storage

As plants grow they take in carbon dioxide from the atmosphere. As decay is slow in peat land habitats, little of this carbon is released back into the atmosphere instead it is stored in the accumulating peat. Peatland habitats consequently function as a sink or store of atmospheric carbon. In total, the UK peat resource stores 5071 million tonnes of carbon the equivalent of 35 years of UK emissions.

The ability of peat based ecosystems to remove carbon dioxide from the atmosphere is however greatly dependent upon them being maintained in good condition. Once bogs dry out instead of storing carbon they begin to release it to the atmosphere. This situation is exacerbated significantly if peat is actively extracted from a site.

The table below provides a comparison between the 'carbon balance' of bogs in good and poor condition and those subject to peat extraction. These figures demonstrate that huge benefits in carbon can be achieved through the careful management of relatively small areas of habitat.

Land use/condition of Bog	Tonnes CO2 equivalent taken in/released (ha per year)
Wet bog (good condition)	Takes in 2.8 (but can vary from taking in 7.2 to releasing 5.9).
Dry bog (poor condition)	Releases 14 -28
Peat Extraction sites	Releases 600

Table 1: Carbon released per year from Bogs

Archaeology / paleoarchaeology

Peat preserves a unique and irreplaceable record of plant and animal remains and some atmospheric deposits from which it is possible to assess historical patterns of vegetation and climate change and land-use. Mires are consequently a significant source of scientific data on the climate since the end of the last ice age.

For all of the above reasons, the cessation of peat extraction on the neighbouring site, and the restoration of Lindow Moss would deliver substantial environmental benefits.

Bats and Buildings

The buildings and trees on site have been subject to a bat survey. Updated bat activity surveys were undertaken June and July 2017, and the results of the later bat survey are similar to those of the 2013 survey.

Evidence of bat activity in the form of a minor roost of a two relatively common bat species has been recorded within the building proposed for demolition. The usage of the building by bats is likely to be limited to small numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the roosts at this site in the absence of mitigation is likely to have

a low impact upon bats at the local level and a low impact upon the conservation status of the species concerned as a whole.

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

Alternatives

The building on the site was only granted planning permission on a temporary basis and its removal is required as part of the restoration of the site once the peat processing has ceased. As such there are no known alternatives to the removal of the building.

Overriding public Interest

As noted above the proposal will bring forward the cessation of peat extraction on the adjacent site, and very significant ecological benefits. These benefits can be considered to be of overriding public interest.

Mitigation

The submitted report recommends the installation of bat boxes on the nearby trees and the proposed buildings as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

The nature conservation officer advises that if planning consent is granted the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned. The mitigation can be secured by condition.

Bats and Trees

A further bat survey has been undertaken of the trees on the application site. This survey included a daytime inspection of the trees and a dawn and dusk activity survey.

Four trees or groups of trees were identified as having potential to support roosting bats: G14, G15, T16, and G17. Tree T16 is to be removed as part of the proposal. Whilst this tree has potential to support roosting bats nothing was recorded during the surveys. Therefore whilst it would be beneficial to retain this tree it is not a major constraint on the development.

Great Crested Newts

The submitted Phase 1 Habitat survey has identified a pond within 250m of the proposed development that may be suitable to support great crested newts. A further survey of this pond has been undertaken, which has confirmed that great crested newts are unlikely to be present or affected by the proposed development.

Reptiles

A detailed reptile survey has been undertaken of the Lindow Moss site which is proposed for restoration as part of the accompanying application 15/0064M. This has confirmed the presence of a significant population of common lizard. A detailed survey has also been undertaken of the site of the proposed housing scheme and no evidence of this species was recorded. The updated reptile survey has not included the site of the proposed houses but instead concentrates on the area proposed for restoration. The site of the proposed houses is of less value for reptiles and therefore, on balance, the nature conservation officer advises that reptiles do not present a constraint upon the proposed housing development.

Common Toad

Evidence of this priority species was recorded on the application site during the submitted reptile survey. The proposed development will result in the loss of a relatively small area of terrestrial habitat utilised by this species. This loss would however be more than compensated for through the restoration of habitats associated with application 15/0064m.

Badgers

An updated badger survey has identified two outlying badger setts on the site. In order to avoid badgers being harmed during the development of the site it is likely that it will be necessary to close the setts under the terms of a Natural England license. This approach is acceptable, and if planning consent is granted a condition will be required for the submission of a detailed badger mitigation strategy.

Woodland

There is a loss of woodland habitat to the north of the proposed development site. The loss of woodland habitats and replacement with domestic gardens would be to the detriment of the nature conservation value of the application site. This loss would however be more than compensated for through the restoration of habitats associated with application 15/0064m.

SUDS

In order to avoid any contamination of the adjacent Lindow Moss which is proposed for restoration under application 15/0064m it is essential that the proposed residential development does not lead to any contamination of the Moss. The current SUDS scheme for the site involves discharge of surface water into the two ditches flanking the site. The ditch on the western boundary of the site flows into the adjacent Lindow Moss and so may result in the contamination of the restored Moss. The applicant's drainage consultant has suggested that a drainage scheme for the site could be developed that utilises the site's eastern ditch that flows away from the area of the proposed moss restoration. A condition is recommended to require the submission of a drainage scheme for the site which ensures no surface water enters the restored moss area.

Breeding birds

If planning consent is granted standard conditions would be required to safeguard nesting birds and ensure some provision is made for roosting bats and nesting birds.

Layout / Design

Amongst other criteria, policy SD2 of the CELPS expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:

- a. Height, scale, form and grouping;
- b. Choice of materials;
- c. External design features;
- d. Massing of development - the balance between built form and green/public spaces;
- e. Green infrastructure; and
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood

Policy SE1 of the CELPS expects housing developments to achieve Building for Life 12 (BfL12) standard, and that development proposals consider the wider character of a place in addition to that of the site and its immediate context, to ensure that it reinforces the area in which it is located. These principles are also reflected in the CEC Design Guide. The relevant BfL12 headings are considered below:

Connections

The site is located within a rural location, detached from the built up area of Wilmslow. The site is accessed from a single point of access from Moor Lane. This section is also a restricted byway which connects to other restricted byways that lead in westerly and south-westerly directions towards Mobberley. Nearby public footpaths provide connectivity to the north. To reach the nearest shops / facilities, and Wilmslow town centre, access would be along Moor Lane and Chapel Lane.

Facilities and services

Local shops that would cater for most day to day needs are available at Lindow Parade on Chapel Lane, which is within walking distance of the site, as are the nearest schools. Wilmslow Town centre is approximately 3kms from the site, and the closest healthcare provision is again close to Wilmslow Town Centre at the corner of Bedells Lane and Chapel Lane. Local facilities are therefore considered to be accessible by a range of transport options from the application site

Public transport

The nearest bus stop is approximately 500 metres from the application site on Moor Lane.

Meeting local housing requirements

The mix of house types is very narrow, and only 4 and 5 bed detached properties are proposed. No information regarding tenures is provided however, it is anticipated that they will all be open market housing for sale. No affordable housing is proposed on site.

Character

The application site is very linear in its form. It is over 300m in length and between 65-70m in width. Such a linear encroachment into the Green Belt that will be provided on this site is at odds with the sporadic nature of development in the locality and surrounding land uses.

The design of the properties is rather suburban in character, whereas a more rural response to the site would be more appropriate. The precedent images within the Design & Access Statement are mainly buildings with a simple form and dark timber cladding reflective of the rural positioning of the site. This does not appear to have been fully carried through to the proposal.

Working with the site and its context

The woodland and the site boundary trees are the key landscape features of the site. Over half of the woodland to the north of the site is removed to accommodate the northernmost cluster of 5 dwellings and several of the trees along the east and west boundaries are also proposed to be removed. This limits the extent the scheme works with the site and its context. However, it is acknowledged that the positioning of the dwellings does maximise the possible solar gain by orientating each dwelling to make best use of the north/south direction of this linear site.

Additional information was requested regarding the scale of adjacent buildings and the context of the site to help to provide some background for the proposed design. Information relating to the approved developments at Yew Tree Farm and the former Riflemans Arms pub has been submitted. However, these are not adjacent buildings, both sites are approximately 800 metres from the application site and do not provide any context to the current proposals. Notably, no information has been submitted in relation to the bungalows on the immediately adjacent sites at Paddock Chase and Foxholme Stables.

Creating well defined streets and spaces

The site has a discrete access running alongside the neighbouring builder's yard. Only when you have passed the neighbour's buildings does the site currently open out. When it does the most prominent structures appear to be garage blocks, and blank, featureless gables front onto the access road. In addition, a 2m high acoustic fence will be required to run from the north west corner of the neighbouring site to the corner of the nearest new garage. The fence will run alongside the access road for a distance of 27 metres.

Easy to find your way around

Given the limited scale of the proposal and the single access road through the site, no issues in terms of difficulty in being able to find your way around are raised.

Streets for all

The meandering nature of the single access road will help to reduce vehicle speeds to some degree, allowing it to function as a shared space.

Car parking

Car parking is provided within each plot in addition to double garages. Due to the very low density of the development, the car parking is adequately integrated into the layout so that it does not dominate the street. It should be noted some of the shared courtyards/driveways are very large. The southernmost courtyard is approximately 13m wide and 30m long, which is a large area of hardstanding for the rural character of the area.

Public and private spaces

There appears to be very little public space within the site. The site area is divided up into clearly defined residential curtilages serving each property. At its southerly end, the access road does have a grassed verge.

External storage and amenity

Space for bins is not shown on the plans, but there is adequate space within each plot for this to be provided. As noted above, all the properties benefit from double garages which can provide external storage space.

Sustainable design

The design and access statement explains that the increased production of energy from renewable sources is imperative to the design of the dwellings and the scheme as a whole. The orientation of the properties contributes to this maximising solar gain, together with photovoltaic panels, insulation (surpassing building regulations) and solar chimneys. These details will need to be conditioned in the event that the application is approved.

Having regard to the above, some concern is raised with regard to: the mix of the properties proposed; the linear nature of the site and the associated elongated development projecting outwards from Moor Lane relative to the established character of the area; the suburban appearance of the dwellings; the significant loss of natural features (trees/woodland) within the site; some blank, featureless gables and fencing fronting onto the access road, and; the extent of some of the areas of hardstanding. Due to these concerns conflict with policies SD1 and SE1, and the CEC Design Guide can be identified.

Archaeology

The application is supported by an archaeological appraisal, which briefly notes the nationally significant discovery of a number of later prehistoric bog bodies from the area of peat bog to the north of the application area during the 1980s. The report is primarily concerned, however, with a consideration of the features of interest within the area that will be developed if the current proposals are approved.

The Council's Archaeologist agrees that there is no archaeological objection to the development or any justification for pre-determination work. However, it is recommended that if planning permission is granted, the features of interest should be subject to some further archaeological mitigation. This should consist of the recording of the remains of the peat processing plant and it is advised that this should be carried out to Level 2, as defined in current English Heritage guidance: *Understanding Historic Buildings: a Guide to Good Practice* (2006). In addition, excavation works which penetrate the deeper areas of peat should be subject to an archaeological watching brief, in order to identify and record any material of archaeological and, if appropriate, palaeoecological interest.

This is considered to represent an appropriate programme of work and that the mitigation can be secured by condition. Subject to this condition, the proposal is considered to comply with policy SE7 of the CELPS.

Flooding

The submitted FRA states that *"Surface water generated on site drains to ditches on its eastern and western boundaries. During a site visit, flow was not observed in the eastern ditch and it appeared that there had been no significant flow for some time (Plate 1506/FRA-*

04/P3). This ditch exits the site to the south and passes within a culvert beneath Moor Lane via a series of drains, eventually discharging into Whim Brook. Approximately two-thirds of the ditch on the western site boundary drains southwards and during the site visit it contained standing water (Plates 1506/FRA-04/P4 and P5). During periods of heavy rain this ditch occasionally floods onto the site. It is thought that this flooding on site is caused by blockage of the ditch which exits the site to the south and flows through a culvert under Moor Lane. This then flows through a culverted ditch, via a series of drains, eventually discharging into Whim Brook. The remaining third of the western ditch drains to the north of the site, passing through the Cheshire Wildlife Trust woodland and eventually discharging into the drainage system of the peat extraction works.”

The western ditch does have potential to drain into the moss. Achieving a drainage strategy that ensures no surface water enters the restored moss area is the key aspect of the drainage, and this can be secured by condition. The Flood Risk Manager raises no objections. Subject to this condition the proposal will comply with policy SE13 of the CELPS.

Contaminated Land

The Contaminated Land Officer has advised that since the application area has a history of peat extraction use the land may be contaminated; the site is within 250m of an area of ground that has the potential to create gas, and; the application is for new residential properties which are a sensitive end use which could be affected by any contamination present.

Accordingly, further contaminated land work is required, and therefore relevant conditions are recommended, including a Phase I report to assess the actual/potential contamination risks at the site to be submitted.

Subject to these conditions the proposal will comply with policy DC63 of the MBLP and policy SE12 of the CELPS.

Viability

A viability report has been submitted during the course of the application to demonstrate the maximum contribution towards s106 requirements and affordable housing that the scheme can viably support. The viability report was initially submitted in August 2016, and discussions have been ongoing until July 2018, with Keppie Massey (and WYG) acting on behalf of the Council.

The original viability assessment that was prepared on behalf of the applicant suggested that the development could support a S106 contribution to peat aftercare costs of £95,720 together with a S106 contribution to offsite affordable housing of £86,842. A total S106 contribution of £182,562.

The table below summarises the main areas of difference and the current position between the parties in terms of discussions:

Item	Applicant (Gerald Eve) (GE)	Council Keppie Massey (KM)	Current Position
GIA of houses	36,773 sq.ft	34,327 sq.ft	A sales area of 35,130 sq.ft and a

			gross internal area (inc garages) of 36,773 sq.ft have been agreed.
Land Value	£2,420,000	£1,944,675	This has been agreed on a without prejudice basis by GE at £1,944,675. There is obviously a concern that their existing use value of the site is much higher at £2,420,000.
Acquisition Fees	2.5%	1.8%	These are agreed at 1.8%
Total Construction Cost (inc fees and contingency)	£7,069,313	£6,028,022	<p>The applicant has now submitted a detailed cost report prepared by Appleyard and Trew which contains a total construction cost including fees and contingencies of £7,243,000. WYG have prepared a review of the costs contained in this and arrived at an assessment that is less than this by under 2%. They are therefore satisfied that the AYT costs are reasonable for assessing viability.</p> <p>They have however noted there are a number of special works contained in these costs and further details are contained in their cost summary which is attached. A number of these items will be required to secure the sales prices that have been adopted however in relation to some of the items, particularly externally, the Council will need to satisfy itself that any consent is conditioned to ensure that these elements are in fact delivered by the developer of this site.</p>
Historic Costs	£194,000	£0	Clearly this is a complicated site with significant history. The applicant is seeking to recover £194,000 of £258,248 in professional fees going back to 2008. This is acknowledged and whilst KM advises not prepared to agree to all of the fees, are willing to include an allowance of £100,000.
Profit	20%	18%	KM prepared to accept a profit of 19% of GDV
Development Programme			<p>There were significant differences between the parties in terms of the development programme however GE have now adjusted their appraisal to pick up the majority of points that KM have raised and hence finance costs are now reduced.</p> <p>The only outstanding matter is the point at which first sale takes place. GE have assumed this is month 11 and KM are at month 10. On balance month 11 is acceptable.</p>

Based on these changes the applicant's current position is that the development is able to support a total S106 contribution of £524,000 which at the moment is notionally split as £300,000 towards affordable housing and £254,000 towards the aftercare of the peat bog.

Based on the above it appears there are two matters at issue between the parties are:

- Developers Profit – the difference of 1% equates to £119,945 in monetary terms;
- Historic costs – this is a difference of £94,000.

Keppie Massey would on balance be persuaded to accept the historic costs in this case. This would then leave the point about profit to argue. However, given that this is a difference of 1% here, it is finely balanced. The applicant has provided various letters and emails from housebuilders including Elan Homes on the next door site (at Ned Yates, Nursery on Moor Lane), which state that as housebuilders they are seeking 20% of GDV as the profit level. Although it is directed at plan making, there is reference in the recent PPG to profits of between 15 and 20% as being a suitable return to developers.

The other point to note is that in relation to land value and the fact that the applicant may revert to the position that the site has more value in its existing use. The applicant does have a valuation in support of this and if this was an issue that Members felt strongly on, then the Council would need to consider commissioning its own assessment of the value of the peat operation.

On balance, having regard to the advice from Keppie Massey, it is concluded that the latest viability appraisal outlining that the development can support s106 contributions of £554,000 is accepted. How this is divided will ultimately be a decision for Members; however officers consider that the notional split of £300,000 for affordable housing and £254,000 for the aftercare costs of the restored peat extraction site are appropriate.

It should be noted that the applicant's viability appraisal includes £69,000 revenue from the sale of the Peat Bog site. It is understood that this was on the basis of Cheshire Wildlife Trust (CWT) offering to purchase the site for £1,000 per acre. However, CWT has stated that this was rejected by the developers. There is currently no agreement between CWT and the developer relating to transfer of ownership post-restoration of the Moss.

As a result this figure should be removed from the appraisals. However, the applicant is clearly aware of this position and they are standing by the proposed figure of £554,000 for s106 contributions.

The planning balance section below considers matters on this basis.

PLANNING BALANCE

The proposal is an inappropriate form of development in the Green Belt, which reduces openness and conflicts with the purposes of Green Belt through encroachment. This definitional and actual harm to the Green Belt attracts substantial weight, as stated in paragraph 144 of the Framework. In the event that the application is approved, it is recommended that permitted development rights are removed to avoid any further harm to the Green Belt and the character of the area.

There is further moderate harm arising through an increase in vehicular traffic utilising the very narrow section of Moor Lane serving the site, increasing the potential for conflict with other road users in vehicles, as well as pedestrians, cyclists, horse riders, etc. The removal of HGV access to and from the site is a positive aspect, but the increased traffic will outweigh that benefit.

Additional negative environmental impacts will result from the loss of trees and woodland within the site, which weighs moderately against the proposal in terms of its conflict with policy SE5. Some limited landscape harm is also anticipated due to the extent of trees losses that will reduce the screening to the application site. Similarly, whilst the impact upon protected species can be mitigated, there is still an impact upon roosting bats, which also attracts additional, albeit limited, harm.

Due to the mix of the properties proposed; the linear nature of the site and the associated elongated development projecting outwards from Moor Lane relative to the established character of the area; the suburban appearance of the dwellings; the significant loss of natural features (trees/woodland) within the site; some blank, featureless gables and fencing fronting onto the access road, and; the extent of some of the areas of hardstanding, the proposal is considered to conflict with policies SD1 and SE1, and the CEC Design Guide. This weighs significantly against the proposal.

In social terms, as noted above there is very little in terms of a mix of house types, with all 14 being relatively substantial detached dwellings. Furthermore, due to the viability of the proposal the required education and open space contributions cannot be provided. There will therefore be an impact upon local facilities that will not be mitigated.

Finally, in economic terms, whilst peat extraction is not necessarily a widely popular operation, it is a business, which if fully operational could employ a number of people and bring economic benefits to the area. Paragraph 205 of the Framework states that *“great weight should be given to the benefits of mineral extraction, including to the economy”*. This would be lost when the redevelopment of the site goes ahead.

The impacts on the living conditions of neighbours, noise, air quality, flood risk and contaminated land would be mitigated through conditions and are neutral factors in the planning balance.

Balanced against the identified harm, the provision of housing together with some provision for affordable housing in a sustainable location would deliver moderate social benefits. These social benefits are tempered somewhat by the fact that affordable units are not being provided on site, and the specific requirements of policy SC5, in terms of the first alternative to on site provision, has not been addressed. It is also not clear how the financial contribution approach to affordable provision contributes to the objective of creating mixed and balanced communities as referenced in paragraph 62 of the Framework (and policy SC5).

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 Wilmslow including additional trade for local shops and

businesses, jobs in construction and economic benefits to the construction industry supply chain.

However, the most significant benefit will be the cessation of the peat extraction process on the adjacent site that will result from the approval of the accompanying application 15/0064M. This will be implemented in the event that planning permission is granted and implemented for the 14 houses proposed under this application.

The benefits associated with the restoration of the adjacent site are set out within the report for 15/0064M, but in summary the applicant has stated these to be:

- Cessation of peat extraction and its associated operational activities (including cessation of HGV movements);
- Removal of rights to infill any parts of the site with inert waste;
- Early restoration of the consented peat extraction site;
- Restoration would be to a naturalistic wetland habitat which would maximise areas of rare raised bog habitat and other complimentary habitats and protected species;
- The restoration would provide for an extended management period of 20 years;
- Restoration would protect and preserve the archaeological resource of the site which is of national importance;
- Re-creation of a natural hydrological system which over time would become self-sustaining;
- Restoration would restore the landscape character over what is currently a degraded minerals extraction site;
- Restoration would provide for managed, localised public access on a low-key basis;
- Restoration would lead to the significant enhancement of a Site of Biological Importance (SBI) and in longer term may lead to an increased level of protection for the site;
- Prevention of the release of carbon from the existing carbon sink by peat extraction and, if the long term target of creating active bog is achieved, sequestering further atmospheric carbon thus increasing the carbon sink.

Clearly the above points are very significant and the Nature Conservation Officer stresses that the potential ecological benefits of this restoration scheme cannot be overstated and identifies that this proposal is a unique opportunity in Cheshire East, which if successful, would lead to substantial ecological benefits in the regional and potentially national context.

With regard to the continued aftercare of the site, which is considered to be a fundamental part of the very special circumstances case, as noted above, the offer from Cheshire Wildlife Trust (CWT) to buy the site was rejected by the site owners. It is understood that this was due to funding not being in place at that time. The site owners are not ruling out the sale of the site to CWT at some point in the future, when funding is available and the restoration works are completed. For the purposes of the application it must be assumed that the current owners will continue to own the site in the long term, and it is for that reason that a 20 year after care period has been proposed. It is also confirmed that the applicants have experience in carrying out such restoration projects elsewhere in the country.

For the reasons set out above, there is considered to be more than substantial harm arising from the proposed residential development, of 14 dwellings, and it is acknowledged that this

harm is on a local scale. Under normal circumstances, this is not a development proposal that would be supported by officers. However, the stated benefits have the potential to be nationally significant, or even of “European Importance.” Therefore, on balance, it is considered that the significance of the benefits does outweigh the identified cumulative harm in this case.

S106 HEADS OF TERMS

Further to the comments above, a s106 agreement will be required to secure:

- Affordable housing contribution of £300,000 on commencement
- 20 year aftercare of restored peat bog
- Written notification of commencement of development
- Implement 15/0064M (restoration scheme) upon implementation of 15/0016M (residential)

CIL regulations

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

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

The provision of affordable housing, and the requirements for the implementation of permission 15/0064M, together with 20 year aftercare period are 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.

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

The proposal is an inappropriate form of development in the Green Belt, which reduces openness and conflicts with the purposes of Green Belt through encroachment. There is also harm arising from the loss of trees and woodland on the site, the impact on highway safety, the absence of any significant variation in house types and the design and layout of the proposal not being in keeping with the established character of the area.

The factors in favour of the development, including some provision of affordable housing and the very significant ecological benefits arising from the early restoration of the adjacent Lindow Moss, are, on balance, considered to clearly outweigh the identified harm, to amount to the very special circumstances required to justify the development in the Green Belt.

Accordingly a recommendation of approval is made subject to a s106 agreement and conditions.

Referral to SoS

Should Members be minded to approve the proposals, as an inappropriate form of development in the Green Belt, the application will need to be referred to the Secretary of State, under the requirements of The Town and Country Planning (Consultation) (England) Direction 2009: circular 02/2009.

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

Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. - Commencement of development (3 years)
2. - Development in accord with approved plans
3. - Materials as application
4. - Removal of permitted development rights
5. - Tree retention
6. - Tree protection
7. - Landscaping - submission of details
8. - Landscaping (implementation)
9. - Details of any required Pile Driving to be submitted
10. - Details of ground levels to be submitted
11. - Obscure glazing requirement
12. - Implementation of noise mitigation measures
13. - Scheme to minimise dust emissions arising from demolition / construction activities to be submitted
14. - Travel plan to be submitted
15. - Electric vehicle infrastructure to be provided
16. - Contaminated land Phase I report to be submitted
17. - Scheme of supervision for the approved arboricultural protection measures to be submitted
18. - Development to be carried out in accordance with the recommendation made by the submitted Bat Survey report
19. - Updated badger survey to be submitted

- 20. - Nesting birds survey to be submitted
- 21. - Scheme for the incorporation of features into the development suitable for use by breeding birds including house sparrow and roosting bats to be submitted
- 22. - Details of sustainable design features to be submitted
- 23. - Written scheme of archaeological investigation to be submitted
- 24. - Foul and surface water shall be drained on separate systems
- 25. - Surface water drainage details to be submitted

