

Application No: 25/1064/OUT
Application Type: Outline Planning
Location: Land Adjoining Jenny Heyes, Heyes Lane, Alderley Edge, Cheshire East, SK9 7LH
Proposal: Outline planning application for 9 dwellings (access considered all other matters reserved).
Applicant: Henderson Homes (UK) Ltd
Expiry Date: 22-August 2025

Summary

The application seeks outline planning permission, along with matters of Access, for the erection of up to 9 dwellings on this greenfield site, adjacent to the Alderley Edge Settlement Boundary within the Green Belt.

The application proposals are deemed to fall within one of the exceptions to inappropriate development in the Green Belt, that relating to Grey Belt (para. 155 of the NPPF). It is considered that the application site does represent Grey Belt land, would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, that there is a demonstrable need for the type of development proposed (housing) and that the application site is in a sustainable location.

With regards to matters of 'Access', a single vehicle access is proposed towards the northern end of the site, onto Heyes Lane. In addition, a new 2-metre-wide pedestrian footpath along the southern roadside edge, but within the application site is proposed, a drop crossing, the widening of an existing section of pavement and a slight re-alignment of a section of Heyes Lane. The Council's Highways Officer is satisfied that the scheme provides adequate visibility and accessibility, subject to the highway works being secured.

As matters of design (Layout, Scale and Appearance) as well as matters of Landscaping are not sought for determination at this stage, these matters can only be considered in principle. Officer concerns have been raised in relation to the number of dwellings proposed. However, given that the site already benefits from an extant permission for 9 dwellings and because the Council had previously allocated the site for 10 dwellings, it is deemed that 9 dwelling can be accommodated on the site, albeit in a likely different arrangement. This would be considered at Reserved Matters stage.

The proposals would not result in any issues at this stage in relation to amenity, ecology, flood risk or flight safety, subject to conditions.

The provision of affordable dwellings are welcome even though it is recognised as not being a policy requirement in this case.

Irrespective of this, the application proposals are deemed to be acceptable in principle under paragraph 155 of the NPPF and the overall benefits of delivering new dwellings in a sustainable location are deemed to be acceptable.

The application is therefore recommended for approval.

Summary Recommendation

APPROVE subject to S106 Agreement to secure affordable housing and establishment of a private management company, and conditions

1. REASON FOR REFERRAL

The application has been 'called-in' to Northern Planning Committee by Cllr C Browne for the following reasons:

'CELPS Policy PG3 (inappropriate development within the green belt). This application represents a significant departure from the previous application (23/4024M), which was considered by Northern Planning Committee and approved in principle on the basis that it was an "affordable housing exception site" for the development of 9 no. affordable homes. In the latest version of this application, the number of affordable units has been reduced to just three, with the remaining six to be available at market value. The proposals are therefore no longer consistent with the definition of an "affordable housing exception site" and should therefore be reconsidered against Policy PG3 as inappropriate development within the green belt.'

2. DESCRIPTION OF SITE AND CONTEXT

The site comprises a parcel of an open, undeveloped parcel of land approximately 0.44ha in area located on the northeastern fringe of Alderley Edge (although within the parish of Wilmslow) within the Green Belt.

To the immediate north-east is the residential property of Jenny Heyes, the north-west / west of the site is bound by Hayes Lane with residential properties located on the opposite side, to the south is Whitehall Brook with a commercial development beyond within the Settlement Boundary and to the east is open field.

The site falls within the Alderley Edge and West Macclesfield Wooded Estates Local Landscape Designation (LLD), partly within Flood Zones 2 & 3 to the south of the site with the remainder being in Flood Zone 1 and adjacent to an Ecological Network Restoration Area which lies immediately adjacent to Whitehall Brook.

3. DESCRIPTION OF PROPSAL

Outline Planning Permission along with matters of Access are sought for the erection of up to 9 dwellings.

Matters relating to Layout, Scale, Appearance and Landscaping are reserved for subsequent approval.

The description of the development was amended during the application process to include the words 'up to'. Also, during the assessment process, a revised indicative layout plan was received, removing a detached garage to the dwelling shown to serve plot 5 and shifting the development southwards to accommodate a footpath within the application site as opposed

to it being proposed on the site frontage at the expense of the boundary hedgerow. A separate plan making it clear the extent of 'Access' sought by the application was also received.

4. RELEVANT PLANNING HISTORY

Application site

23/4024M - Permission in principle (Stage 1) for an affordable housing exception site and associated works – Granted 14th March 2024

15/3535M - The construction of a new driveway to access Jenny Heyes from an existing gateway entrance into the parcel of land also owned by the applicant adjoining the property to replace an otherwise dangerous existing vehicular access to the said property – Refused 28th September 2015 for the following reasons:

- 1. The proposal is an inappropriate form of development within the Green Belt, as defined by the National Planning Policy Framework, as it involves encroachment into the countryside and therefore conflicts with one of the purposes of including land in the Green Belt. It is not considered that very special circumstances exist to justify the approval of inappropriate development in the Green Belt.*

15/0766M - The construction of a new driveway to access Jenny Heyes from an existing gateway entrance into the parcel of land also owned by the applicant adjoining the property to replace an otherwise dangerous existing vehicular access to the said property – Withdrawn 24th April 2015

72483P - installation of replacement overhead power line – Electricity Act – 30th November 1992

Jenny Hayes

18/1885M - Non-material amendment to existing permission 16/0877M – Approved 11th May 2018

16/0877M - Two storey annexe appended to the south east elevation and closure/relocation of the vehicular access to the property situated along the southern garden border with the field also owned by the applicant – Approved 27th April 2016

16797PB – Kitchen extension – Approved 7th November 1978

5. NATIONAL PLANNING POLICY

The National Planning Policy Framework (NPPF) was first published by the Government in March 2012 and has since been through several revisions. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF is a material consideration which should be taken into account for the purposes of decision making.

6. DEVELOPMENT PLAN POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be made in accordance with the Development Plan unless material

considerations indicate otherwise. The Cheshire East Local Plan Strategy (2010 – 2030) was adopted in July 2017. The Site Allocations and Development Policies Documents was adopted in December 2022. The policies of the Development Plan relevant to this application are set out below, including relevant Neighbourhood Plan policies where applicable to the application site.

Relevant policies of the Cheshire East Local Plan Strategy (CELPS) and Cheshire East Site Allocations and Development Plan Policies Document (SADPD)

CELPS

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement Hierarchy
PG3 Green Belt
PG6 Open Countryside
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer Contributions
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
SE12 Pollution, Land contamination and land instability
SE13 Flood risk and water management
CO1 Sustainable Travel and Transport

SADPD

GEN1 Design principles
GEN5 Aerodrome safeguarding
ENV1 Ecological Network
ENV2 Ecological implementation
ENV3 Landscape character
ENV4 River Corridors
ENV5 Landscaping
ENV6 Trees, hedgerows and woodland implementation
ENV7 Climate Change
ENV12 Air quality
ENV14 Light pollution
ENV15 New development and existing uses
ENV16 Surface water management and flood risk
HOU 1 Housing Mix
HOU8 Space, accessibility and wheelchair housing standards
HOU 12 Amenity
HOU 13 Residential Standards

HOU 14 Housing Density
HOU15 Housing delivery
HOU16 Small and medium-sized sites
INF1 Cycleways, bridleways and footpaths
INF3 Highways safety and access
INF9 Utilities

Neighbourhood Plan

Policies of the Wilmslow Neighbourhood Plan (WNP) relevant to the consideration of this application are:

Policy LSP1 Sustainable Construction
Policy LSP2 Sustainable Spaces
Policy LSP3 Sustainable Transport
Policy NE1 Countryside around the Town
Policy NE2 River Valley Landscapes
Policy NE5 Biodiversity Conservation
Policy TA1 Residential Parking Standards
Policy TA2 Congestion and Traffic Flow
Policy TA5 Cycling in Wilmslow
Policy H2 Residential Design
Policy H3 Housing Mix

7. Relevant supplementary planning documents or guidance

Supplementary Planning Documents and Guidance do not form part of the Development Plan but may be a material consideration in decision making. The following documents are considered relevant to this application:

- Green Belt NPPG
- Cheshire East Council Design Guide SPD

8. CONSULTATIONS (External to Planning)

Head of Strategic Transport (CEC Highways) – No objections, subject to the following conditions: implementation of visibility splays, implementation of S278 works (highways improvements) and submission/approval of a Construction Environmental Management Plan.

Environmental Protection – No objections, subject to the following conditions: use of low emission gas boilers; submission/approval of a contaminated land proportionate risk assessment, submission/approval of a contaminated land verification report, submission/approval of imported soil testing and that works should stop should contamination be identified. A number of informatives are also proposed.

Environment Agency – No comments received at time of report

United Utilities – Request the following conditions: submission/approval of a surface water drainage and foul water drainage scheme. A drainage management and maintenance plan condition is also recommended.

Lead Local Flood Authority (LLFA) – No objection, subject to a condition requiring the submission/approval of a Drainage Strategy and an informative that it would be the LLFA's preference for the discharge rates to be limited to 2.0l/s.

ANSA Greenspace – Proposals falls outside of remit for requiring Open Space

CEC Housing – No objections

Manchester Airport Safeguarding Authority – No objections subject to the following conditions: submission/approval of soft and water landscape works and submission/approval of dust and smoke suppression. An informative in relation to the use of tall equipment is also proposed.

Wilmslow Town Council – No comments received at time of report

9. REPRESENTATIONS

Comments from interested person(s), including the adjacent Parish Council have been received from 4 addresses. These raise the following summarised concerns / objections.

Principle of development

- Although Permission in Principle (PIP) has been granted for 9 dwellings on this Green Belt site, this was all for affordable housing whereas the application proposals are predominantly market dwelling-led and as such, do not consider that Very Special Circumstances now exist
- Would erode the protection of Green Belt spaces
- If developed the loss of this space would diminish the clear land separation between Wilmslow and Alderley Edge

Highways / locational sustainability

- Proposed access would pose hazards to pedestrians, cyclists, drivers and other road users. Road is narrow and curved at this location
- That the visibility criteria for westbound traffic has not been met. There is a blind bend in both directions which are poorly lit
- Transport Statement does not include tracking information for larger vehicles which is concerning given the narrow and curved nature of the road. Also the 85 percentile figures provided for the site access and crossing locations is close the set speed limit for this section of highway (30mph) – more likely to be close to this figure or more. Have concerns for the pedestrian welfare when using the crossing given poor levels of visibility.
- Consideration should be given to a requirement to improve highway signage
- Volume of traffic in the last 25 years have increased exponentially. Heyes Lane often used as a 'rat run' when traffic issues elsewhere.
- Development would probably result in 18 additional cars with the additional traffic resulting in an acute danger to drivers
- Contrary to Policy PR3 of the Wilmslow NP which insists development proposals should seek to improve pedestrian connectivity through the town and no evidence of pedestrian or cycle route connectivity are proposed
- Contrary to Policy KS1 of the Wilmslow NP which requires connectivity
- Contrary to Policy LSP3 of the Wilmslow NP which states that new development has to integrate with existing and cycling routes

- Contrary to Policy TA4 which requires appropriate access to schools via safe and well-lit sustainable transport routes

Design

- Contrary to Policy TH1 of the Wilmslow NP which prohibits ribbon development at town entrances or gateways
- Overdevelopment of site

Flood Risk and Drainage

- Not uncommon for water to stream down this stretch of road or to be covered in thick ice during the winter months
- Note comments from the Environment Agency that the increased flow through Whitehall Brook contributes to the flooding on the A34 bypass.

Ecology

- Harmful to local wildlife, including protected species

Housing Need

- Application refers to the Housing Needs Assessment for Alderley Edge, but this site should also account for the needs of Wilmslow.

Other Matters

- Contrary to Alderley Edge Neighbourhood Plan policies
- Concerned about sheet ice build-up around Whitehall brook

10. OFFICER APPRAISAL

Green Belt

The whole of the application site lies within the Green Belt.

Policy PG3 of the CELPS states that planning permission will not be granted for inappropriate development in the Green Belt, except in very special circumstances (VSC's), in accordance with National Policy.

Policy PG3 then goes onto a list a number of exceptions to inappropriate development in the Green Belt. These largely reflect those listed within the version of the NPPF that existed at the time the CELPS was first published in 2017. The NPPF has been updated numerous times since that date, most recently in December 2024 (tweaked in February 2025). This is a material consideration.

Whilst the application proposals do not fall into any of the exceptions to inappropriate development in the Green Belt within Policy PG3 of the CELPS, consideration needs to be given to Paragraph 155 of the NPPF, which introduces a new exception to inappropriate development.

Paragraph 155 states that *'The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:*

- a. *The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.*
- b. *There is a demonstrable unmet need for the type of development proposed.*
- c. *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d. *Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.'*

Within the Planning, Design & Access Statement (PDAS), paragraphs 6.12 through to 6.36, the submission explains that the applicant considers that the proposals meet this new 'Grey Belt' exception. This is assessed below.

Is the land subject to the application proposals accepted Grey Belt? (NPPF par 155 (a))

Grey Belt is defined within Annex 2: Glossary of the NPPF as:

'For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.'

The question in relation to whether the Council accept or otherwise, that the site should be classed as 'grey belt' is initially whether the Council accept that the site does not strongly contribute to either purpose (a), (b) or (d) of the Green Belt as defined by paragraph 143 of the NPPF.

- Purpose (a) is – 'to check the unrestricted sprawl of large built-up areas'.
- Purpose (b) is – 'to prevent neighbouring towns merging into one another'
- Purpose (d) is – 'to preserve the setting and special character of historic towns'

With regards to Purpose A (sprawl), following an assessment using paragraph 005 of the NPPG, it is not considered that the site 'strongly contributes' to Purpose A given that the site is contained by development on 3 sides meaning that there are physical features that would contain the development. Furthermore, it is not considered that the development of this parcel of land would result in an incongruous pattern of development.

With regards to Purpose B (towns merging), the definition of what constitutes a 'village' is important. The guidance states that *'This purpose relates to the merging of towns, not villages'*. The guidance provides no indication as to what constitutes a 'village' for the purposes of this assessment.

This is relevant in this instance because we are considering the merging of Wilmslow and Alderley Edge. Whilst Wilmslow is clearly a 'town' based on numerous factors, the position is less clear in relation to Alderley Edge. If it is determined that Alderley Edge is indeed a 'village', the land subject to the residential element is unlikely to be deemed to 'strongly contribute' to the merging of 'Towns'.

Alderley Edge is defined in the CELPS as a Local Service Centre (LSC). However, there is no reference as to whether it constitutes a village or not. The Alderley Edge Neighbourhood Plan makes numerous references to it being a 'village'. As such, its not clear. However,

notwithstanding this, should Alderley Edge be considered a town (a worst-case scenario), it has been assessed that the application site's contribution that the land subject to the development with regards to the merging of towns would be 'Moderate'. This is because the site includes features that weaken its contribution, such as it being partially enclosed by existing development meaning that new development would not result in an incongruous pattern of development.

In consideration of Purpose D (character), following an assessment using paragraph 005 of the NPPG, it is considered that the contribution that the land subject to the application makes to the special character of historic towns is 'Moderate' at most. This is because although the site forms part of the setting of the town, it's separated from the historic aspects by existing development.

As such, the application proposals are deemed to meet this key test as to whether a site represents Grey Belt in that the site is not considered to strongly contribute to either purposes a, b or d.

A further aspect of the Grey Belt definition which could impact whether the application site meets this definition is whether the proposed site includes land relating to the areas or assets in footnote 7 in the NPPF. If it does, and one of those areas provides a strong reason for refusing or restricting development, the application proposals would not meet the grey belt definition.

Upon review of footnote 7, the only possible relevant consideration is whether the site is within an area at risk of flooding. However, as detailed later in this report, it has been demonstrated that the housing can be located on land within a Flood Zone 1 only, an area with only a 0.1% annual chance of flooding.

The subsequent test of paragraph 155(a) of the NPPF is whether the development would utilise grey belt land '*...and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.*'

The Green Belt NPPG paragraph 008 provides some more guidance. It states that this assessment should be considered in the context of the remaining Green Belt across the plan area as a whole.

It is not deemed that the small parcel of contained land subject to development would impede this test.

Is there an unmet need for the type of development? (NPPF para 155 (b))

The application proposes the erection of 9 dwellings.

The Cheshire East Local Plan Strategy (CELPS) was adopted on the 27th July 2017 and forms part of the statutory Development Plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) to meet the objectively assessed needs of the area.

As the plan is more than five years old, deliverable housing land supply is measured using the local housing need figure (plus 5% buffer), which is currently 2,603 dwellings per year rather than the CELPS figure of 1,800 dwellings per year.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These include:

- Where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with appropriate buffer) or:
- Where the Housing Delivery Test Measurement indicates that the delivery of housing was substantially below (less than 75% of) the housing required over the previous three years.

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2024) was published in April 2025. The published report identifies a deliverable five-year housing land supply of 10,011 dwellings which equates to a **3.8-year supply** measured against the five-year local housing need figure of 13,015 dwellings.

The 2023 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities on the 12 December 2024 and this confirms a Housing Delivery Test Result of 262%. Housing delivery over the past three years (7,392 dwellings) has exceeded the number of homes required (2,820). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

As such, the proposals would be acceptable under paragraph 155 (b) as the type of development proposed is housing, and there currently is an unmet need for housing in Cheshire East.

Sustainable location? (NPPF para 155 (c))

Paragraph 155 (c) sets out that the development should be in a sustainable location. It states that particular reference should be made to paragraphs 110 and 115 of the NPPF.

Paragraph 110 of the NPPF states that significant development should be focused in locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport nodes.

Paragraph 115 of the NPPF states that a) sustainable transport modes are prioritised, b) safe and suitable access can be achieved c) the design of the scheme should meet national guidance and d) any highways impact mitigated.

At council-wide level, within the subtext of Policy SD2 of the CELPS is a table that provides a guide to the appropriate distances for access to services and amenities. This is informed by the North West Sustainability Checklist (now revoked), which has been backed by the DCLG and WWF. These distances are actual distances using public highways and footpaths. The distances are considered appropriate for the region and have been used for the purpose of informing the Sustainability Appraisal and the accessibility of proposed developments. This is used to assist in determining how locationally sustainable the enquiry site is.

The applicant's agent has highlighted within their Design & Access Statement that the site, at one stage, formed an allocated site as part of the draft SADPD (draft Policy ALD1). This was for 'around 10 new homes'. This is confirmed. It was in the July 2019 draft version.

It has been advised by the Council's Spatial Planning Officer that the reason that this draft allocated site, along with all the draft housing allocations in the draft SADPD in Local Service Centres (which Alderley Edge is one of) were removed, was because the expected levels of

development, at that time, were considered to be satisfied by allocations elsewhere or in line with the development hierarchy of the development plan and were therefore not required for housing delivery.

Within paragraph 4.25 of the Alderley Edge Settlement Report (June 2019), used as evidence to identify the suitability of the application site (and former draft allocation) for housing, it is stated that *'It is in an accessible location and the accessibility assessment shows that it meets the minimum standard in relation to most of the required facilities and services.'*

Within paragraph 1.18 of the submitted Design & Access Statement, the applicant's agent has stated *'The site has been considered by the LPA to be a sustainable location as evidenced by the draft allocation as well as the Permission in Principle for 9 affordable homes in March 2024. These were on the basis of pedestrian access to the village which this application proposes.'*

Upon review of the assessment of the relatively recent Permission in Principle, Stage 1 permission (23/4024M), the Officer's committee report stated:

'The site lies within the Parish of Wilmslow but is adjacent to the settlement boundary of Alderley Edge (a Local Service Centre as identified under policy PG2 of the CELPS), separated only by Whitehall Brook. The site is approximately 1km walk from Alderley Edge village centre, with its associated services and facilities, its railway station; which provides services to Manchester and Crewe; and the bus stops located on London Road which provide services to Macclesfield and Manchester Airport via Wilmslow.'

The report later stated that:

'Whilst this site was not selected as an allocation, the evidence at that time during the selection process for the SADPD did find that the site was adjacent to the settlement and in a sustainable location which meets the accessibility criteria for the majority of services and facilities listed in CELPS Policy SD 2.'

As such, the Council have already accepted that the application site is locationally sustainable both through the draft SADPD and more recently, through the approval of permission 23/4024M for 9 dwellings.

The closest pedestrian footpath to the site, which links the site to Alderley Edge for pedestrians, lies on the opposite side of Heyes Lane to the application site, on the Whitehall Brook bridge, which is a narrow section of pavement. This is approximately 70 metres away from the proposed vehicular access point to the development. As such, there is currently no direct footpath linking the application site to the existing pavement network that in turn, extends to the Alderley Edge centre, which is predominantly lit by streetlights.

As originally proposed, the application proposals suggested the removal of the Heyes Lane roadside hedgerows to allow for the construction of a new, 2-metre-wide footpath that would run parallel with Heyes Lane, terminating at the bridge over Whitehall Brook. At this juncture, pedestrians would then have to cross Heyes Lane to join the existing footpath into Alderley Edge. A pedestrian crossing is proposed at this juncture in the form of a drop crossing. It is also proposed to slightly re-align the highway and this bend in the road and widen the narrow section of pavement on the bridge over Whitehall Brook.

During the application process the applicant supplied an updated indicative layout plan, along with an 'Access' plan. This amended the position of the proposed footpath to within the

application site to allow the retention of the majority of the roadside hedgerow at the request of officers.

Should this be deemed to be acceptable in highway safety terms, considered later in this report, it is deemed that once implemented, the application site can be considered to be locationally sustainable.

Golden Rules (NPPF para 155 (d))

NPPF Paragraph 155 (d), states that *'Where applicable, the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156 and 157 below.'*

Paragraph 156 states:

'Where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt subject to a planning application, the following contributions ('Golden Rules') should be made:

- a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;*
- b. necessary improvements to local or national infrastructure; and*
- c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.'*

As this application does not meet the criteria of a 'major' development, none of the Golden Rules apply.

Overall Green Belt conclusions

The application site is accepted as representing 'grey belt' and adhering with the requirements of paragraph 155 of the NPPF. Subsequently, the application proposals are not considered to represent inappropriate development in the Green Belt and are acceptable in principle.

Highways (including matters of Access)

Policy SD1 of the CELPS refers to sustainable development in Cheshire East. This is a wide-ranging policy which includes the following highways-related considerations; that development should, wherever possible, provide safe access and sufficient car parking in accordance with adopted highway standards.

Policy CO1 of the CELPS refers to sustainable travel and transport. The crux of the policy is that development should be directed to sustainable and accessible locations.

Appendix C of the CELPS details the Council's Parking Standards.

Policy INF3 of the SADPD considers highway safety and access. It details the development proposals should comply with the relevant Highway Authority's and other highway design guidance, provide safe access to and from the site, make sure that traffic can be satisfactorily assimilated into the operation of the existing highway network, incorporate measures to assist pedestrians and cyclists and not generate movements of HGV's on unsuitable roads.

Policy LSP3 of the Wilmslow NP supports development that seamlessly integrates into the existing walking and cycling routes, provides safe cycle storage and is sites to take advantage of public transport facilities.

Policy TA1 of the Wilmslow NP states that applications will be expected to demonstrate how they have met the relevant design criteria for parking spaces and that tandem parking should be avoided.

Policy TA2 of the Wilmslow NP states that applications which significantly increase vehicle usage and traffic flows within the town will not be supported.

Policy TA5 of the Wilmslow NP details that all new development will be required to demonstrate how they have considered the needs of cyclists as part of their applications.

Matters of 'Access' are sought for permission by this application.

The submitted 'Access Plan' shows the provision of a single vehicular access point onto Heyes Lane towards the north-west corner of the site and the creation of a footpath, within the site, travelling parallel and close to Heyes Lane leading to a proposed crossing point closer to the existing footpath network to the west. In addition, the widening of an existing section of footpath and the slight re-alignment of a small section of Heyes Lane are all proposed, as expanded upon within the submitted Transport Statement (Feb 2025).

Matters of highway safety have been raised by objectors and the neighbouring Parish Council. More specifically, concerns have been raised about the acceptability of the visibility of the proposed access point, the narrowness of Heyes Lane, the fact that it curves, how busy the road is and its connectivity for pedestrians.

Speed surveys have been undertaken to determine the necessary visibility splays to be provided. The Council's Highway's Officer states that the 'Proposed Access Arrangements' drawing within the Transport Statement shows the visibility splays to be provided in accordance with the required stopping sight distance.

It has been suggested by those concerned about the application proposals, that the visibility splays of the proposed access do not meet the standards to the west. In response, the Council's Highway's Officer has advised Officer's that the visibility splays are 37m eastbound and 42m westbound based on the recorded speeds, which are acceptable in his view.

With regards to accessibility, it is important that the site can be accessed by pedestrians, and a new 2 metre footway is proposed on the southern side of Heyes Lane, now within the site. A drop crossing is proposed at the bridge for pedestrians to cross to the existing north side footway and a minor realignment of Heyes Lane is proposed to provide the crossing points.

The Council's Highway's Officer advises that given the small scale of development proposed, the proposed access is considered acceptable and that the site is capable of being accessed by pedestrians. No objections are raised, subject to a condition to secure the footpath and crossing point. It is also proposed that in the event of approval, the scope of the matters of access considered by this application are clarified by condition.

In response to some of the unanswered objectors comments, a couple of queries have been raised in relation to the omission of larger vehicles in the tracking information submitted in the Transport Statement. In response, the Council's Highways Officer has advised that Heyes

Lane is an existing public highway with no restrictions on use, so any large vehicle can use the road not associated with the development. So apart from construction there isn't really a need for frequent HGV use to and from the site and also it's perfectly legal to use the road. As such, this omission from the Transport Statement is accepted.

Also, in relation to the Transport Statement, concerns are raised in relation to the likely traffic speeds to the proposed pedestrian crossing location. In response, the Council's Highway's Officer has advised that the recorded speeds were lower than the limit and the correct level of visibility have been provided. As such, there are no grounds for objection on this matter.

One objector has requested that we seek improved highway signage and alter the position of the existing speed limit signage to ensure vehicles reach Whitehall Brook at speeds of 20pmh or lower. In response, the Council's Highway's Officer has advised that speed limits are a matter for the Highway Authority to deal with and a 20mph speed limit would not meet the speed management strategy. In any event, the Officer advises that the applicant only has to make sure they provide a design in conformity with the speed limit, which has been done in this case.

Details of cycle storage would be considered at reserved matters stage.

As such, subject to the following highways related conditions; implementation of visibility splays, implementation of S278 works (highways improvements) and submission/approval of a Construction Environmental Management Plan, it is deemed that the proposals would adhere with the highways policies of the development plan.

Design

Policy SD1 of the CELPS refers to sustainable development in Cheshire East. This is a wide-ranging policy which includes the following design-related considerations; that development should, wherever possible, provide a locally distinct, high quality, sustainable, well designed and durable environment.

Policy SD2 of the CELPS refers to sustainable development principles. Within this policy, it is advised that development will be expected to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of; height, scale, form, grouping, material choice, external design features, massing, green infrastructure and relationship to surrounding development amongst others.

Policy SE1 of the CELPS advises that proposals should make a positive contribution to their surroundings in terms of; sense of place, design quality, sustainable architecture, liveability/workability and safety.

Policy GEN1 of the SADPD relates to general design principles, detailing that development proposals should create high quality, beautiful and sustainable buildings and places and should reflect the local character and design preferences of the Cheshire East Borough Design Guide SPD.

Policies LSP1 (Sustainable Construction), H2 (Residential Design) and H3 (Housing Mix) of the Wilmslow NP are also all relevant.

The Council's Urban Design Officer has raised some concerns regarding the indicative design. More specifically, they consider that 9 dwellings represent an overdevelopment of the site

advising that should the indicative layout come forward at Reserved Matters stage, it may not receive officer support.

Given that the applicant already benefits from an extant permission for 9 dwellings on this site in principle and given that the site was earmarked in the draft CELPS to accommodate 10 dwellings, the Council have already accepted that the site can accommodate this quantum of development. The applicant has agreed to amend the description of development from 9 dwellings to 'up to' 9 dwellings, allowing flexibility at Reserved Matters stage should a suitable design for 9 dwellings be deemed not achievable when considering matters of 'Layout, Scale and Appearance'.

Amenity

SADPD Policy HOU12 sets out that proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to loss of privacy, sunlight and daylight, the overbearing and dominating effect of new buildings, environmental disturbance or pollution or traffic generation, access and parking.

Policy HOU13 of the SADPD sets out residential standards.

Policy SE1 of the CELPS states that development should ensure an appropriate level of privacy for new and existing residential properties.

Policies ENV12 (Air quality) and ENV14 (Light pollution) of the SADPD and SE12 (Pollution) of the CELPS consider environmental amenity matters.

Policy H2 of the Wilmslow NP requires development to provide sufficient amenity space.

Neighbouring dwellings & future occupiers

Issues relating to overlooking, impact on privacy, and overshadowing will be addressed as part of any future reserved matters application once matters in relation to layout, scale and appearance are considered. This is also the case in relation to the level of amenity afforded to the future occupiers.

Environmental amenity

In consideration of environmental amenity, the Council's Environmental Protection Officers have raised no objections, subject to the following conditions: use of low emission gas boilers; submission/approval of a contaminated land proportionate risk assessment, submission/approval of a contaminated land verification report, submission/approval of imported soil testing and that works should stop should contamination be identified. Several informatives are also proposed.

In the event of approval, it is not proposed that the condition relating to any gas boilers is imposed as it cannot be easily enforced and as such, is not deemed to meet one of the conditions tests. The informatives requested by the Council's Environmental Protection Officer will be included in the event of approval.

Amenity summary

Subject to the above conditions, minus the gas boiler condition, which is not considered to be enforceable, the proposal would adhere with the amenity policies of the Development Plan.

Ecology

Policy SE3 of the CELPS refers to Biodiversity and Geodiversity. The crux of the policy is to protect and enhance these considerations. The application site also falls within an Ecological network restoration area, so is subject to Policy ENV1 of the SADPD. Policy ENV2 of the SADPD requires development proposals to deliver a gain for biodiversity.

Policy NE5 of the Wilmslow NP considers biodiversity conservation. The policy supports applications where it can be demonstrated that the development will not adversely affect designated and non-designated wildlife habitats and that developments which create new habitats will be looked upon favourably. Policy NE5 also details that developments should demonstrate a net gain in biodiversity.

Ecological Network

The application site falls within the CEC ecological network which forms part of the SADPD. Policy ENV1 of the SADPD therefore applies to the determination of this application.

Based upon the BNG metric, the Council's Nature Conservation Officer advises that it appears unlikely that the proposed development would lead to an enhancement of the network in the absence of further offsite habitat creation works. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the development in accordance with Local Plan Policy SE 3.

As such, the Council's Nature Conservation Officer has advised that in the event of approval, a condition should be attached which requires the submission of an ecological enhancement strategy.

Hedgerows

Native hedgerows, a priority habitat, were recorded on site. As originally proposed, the development would have resulted in the loss of two existing roadside hedgerows on site which, in the view of the Council's Nature Conservation Officer, would have resulted in a significant loss of biodiversity. However, the plans were revised during the application process to demonstrate that the majority of this hedgerow could indeed be retained and the proposed pedestrian footpath still delivered, alleviating such concerns.

Great Crested Newts (GCN)

The Council's Nature Conservation Officer advises that this priority/protected species is not reasonably likely to be affected by the proposed development.

Otter and Water vole

The Council's Nature Conservation Officer advises that water voles are not reasonably likely to be present or affected by the proposed development.

The Otter survey undertaken in support of the application focused solely on the application site. The Council's Nature Conservation Officer advises that this is insufficient to conclude that otters are absent from the watercourse. However, as no field signs and importantly no

potential holts were recorded on site, the proposed development is unlikely to result in an offence in respect of this species.

Bats

The site was assessed as being of moderate value for foraging bats. The main interest on site is likely to be along the river corridor and associated habitats. Lighting associated with the proposed development has the potential to result in an adverse effect on bats associated with this habitat. If planning consent is granted, the Council's Nature Conservation Officer recommends that a condition be attached to ensure the submission/approval of a lighting scheme.

'Other' protected species

No evidence of this species was recorded. The Council's Nature Conservation Officer therefore advises that this species is not reasonably likely to be affected by the proposed development. However, as the status of this species on a site can change over time, the Council's Nature Conservation Officer recommends that if outline consent is granted a condition should be attached which requires an updated 'Other' protected species survey to be undertaken and submitted in support of any future reserved matters application.

Biodiversity Net Gain (BNG)

This application is subject to Mandatory Biodiversity Net Gain.

The submitted BNG report indicates that the scheme would deliver a net loss of biodiversity in respect of area-based habitats of -42.18% and hedgerows of -16.37%, but a net gain in respect of watercourses of 6.52%. The proposed development therefore fails to achieve the required 10% net gain on site.

The Council's Nature Conservation Officer advises that it is unlikely that the required net gain could be achieved on site, and hence offsite habitat creation will be required. This approach is in accordance with the Biodiversity Gain Hierarchy in this instance.

If outline consent is granted, the Council's Nature Conservation Officer advises that a condition must be attached which reflects the 'deemed' condition introduced by the Environment Act.

Although the situation changed during the application process in that most of the boundary hedgerow will now be retained, the proposed condition will be able to pick-up the impact of this change on the BNG requirements.

Ecology conclusions

Subject to the recommended conditions, the development would adhere with the relevant ecology policies of the development plan.

Flood Risk and Drainage

Policy SE13 of the CELPS relates to flood risk and water management. It states that all development must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation in line with national guidance.

Policy ENV16 of the SADPD is a further flood risk and drainage consideration.

Parts of the application site fall within Flood Zones 1, 2 and 3. Flood Zone 1 is the lowest risk flood zone with a less than a 1 in 1000 annual probability of flooding in any given year. Flood Zone 2 is considered medium risk with an annual probability of flooding between 1 in 1000 and 1 in 100. Flood Zone 3's are considered to represent areas with an annual flood risk or 1 in 100 years probability of flooding in any given year.

In addition, upon review of the long-term flood risk of the site, it is classified as having a 'very low' yearly chance of flooding from surface water, river water and ground water in the future upto 2060. This is the lowest possible category.

The indicative location of the proposed housing as shown on the updated indicative layout plan is within the Flood Zone 1 area, the part of the site with the lowest probability of flood risk. The areas of higher flood risk, to the far south of the site, are indicatively shown to for a landscaped/wildlife buffer area.

The application is supported by a Flood Risk Assessment. This has been reviewed by the Lead Local Flood Risk Authority (LLFA) and United Utilities.

These consultees have raised no express objections to the proposed development subject to conditions requiring the submission of a detail surface and foul drainage strategy and an associated management and maintenance plan. It is not deemed that a sequential test is required as the application has demonstrated that the areas subject to residential use can be accommodated on an area of the site which is not known to be at risk of flooding now or in the future.

Manchester Airport

Policy GEN5 of the SADPD sets out that development which would adversely affect the operational integrity or safety of Manchester Airport or Manchester Radar will not be permitted.

The Manchester Airport Safeguarding Officer has reviewed the proposals and raised no objections, subject to a condition requiring the submission/approval of soft and water landscape works and the submission/approval of dust and smoke suppression measures. An informative in relation to the use of tall equipment is also proposed.

Landscape, trees and hedgerows

Matters of 'Landscape', which includes matters in relation to trees and hedgerows, are not sought for determination at this stage and represent a Reserved Matter in relation to the proposed residential development. Nonetheless, these matters have been considered 'in principle' as part of this assessment.

The site lies within the Green Belt and on the edge of a Local Landscape Designation (LLD) (Alderley Edge and West Macclesfield Wooded Estates).

The development area comprises of established hedgerows and tree cover bordering the southern boundary adjacent to the Whitehall Brook. The trees provide important screening between the site and industry to the south of the brook, with the native hedgerow being characteristic of the landscape character of the area. No statutory protection applies to any trees on the site. The application is supported by an Arboricultural Impact Assessment (AIA) and Method Statement (AMS).

Whilst the Council's Landscape Officer shares the concerns of the Council's Urban Design Officer in relation to density, the number of dwellings proposed is accepted for the reasons previously detailed. In the event of approval, it is recommended that it be conditioned that the first reserved matters application should be accompanied by existing and proposed levels information as well as landscape details.

Although the application proposals do not trigger an open space requirement, in the event of approval, to ensure that all land that falls outside of residential curtilages or highways land be managed by a private residents management company. This would be secured as part of a S106 Agreement.

The AIA proposes the loss of 1 individual and 1 group of low-quality trees to which there are no objections. The Council's Tree Officer advises that the relationship of proposed plots on the illustrative layout with the retained tree cover is acceptable. Now that the plans have been revised to show the retention of most of the boundary hedgerow, the Council's Tree Officer has advised that this change represents a significant improvement and will reduce impacts of any future development from the roadside. In the event of approval, the Council's Tree Officer advises that the tree documentation will need to be updated to make provision to retain, minimise impacts of the new footpath and protect the hedgerow throughout implementation of the access and footpath.

Affordable Housing

Policy SC5 of the CELPS relates to affordable housing setting out in what circumstances provision is required. The application would not meet any of these triggers. As such, affordable housing provision is not a requirement of this application.

However, the applicant proposes the provision of some affordable dwellings. As originally proposed, the applicant proposed that 3 of the 9 dwellings would be affordable dwellings. These would be Discounted Market Housing for Sale with a 30% discount, as described in paragraph 6.22 of the Council's Housing SPD.

During the course of the application, this proposal has changed, and the applicant would like the level of affordable housing to be linked to the final number of dwellings that come forward at Reserved Matters stage. More specifically, if 8 or 9 dwellings come forward, they are willing to commit to 2 affordable dwellings (intermediate tenure). If 7 dwellings come forward, they can commit to 1 affordable dwelling of the same tenure. Any less, no affordable dwellings would be proposed.

The Council's Housing Officer welcomes the provision as the affordable units and these would assist in meeting the identified need for affordable dwellings in Alderley Edge.

In the event of approval, this provision would need to be secured via S106 Agreement, which the applicant has agreed to. This is a benefit of the scheme.

Heads of Terms

If the application is approved, a Section 106 Agreement will be required to secure the following:

- Provision of affordable dwellings
- Establishment of a private management company

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 is not a requirement of planning policy for a development of this scale. Nonetheless, the provision of affordable housing would represent a planning benefit which, although not determinative, would represent one of the benefits that would form part of the reasoning as to why the application proposals as a whole are deemed acceptable. Securing the provision through a S106 Agreement would be necessary to achieve the full benefits of the proposals as sought by the application.

It would be directly related to the proposed development as it is proposed as part of the application. It would also be fairly and reasonably related in scale and kind to the development as they would form only a small part of the type of housing proposed.

The requirement to establish a private management company is deemed necessary in design, landscape and partly ecology terms to ensure that any land either not in control of the future residents or highways is adequately managed and simply not left to the detriment of the character and appearance of the area. It is deemed to be directly related to the proposed development given that this land forms part of the application site and would be fairly and reasonably related in scale and kind to the development.

Other Matters

As this scheme is not classified as a 'Major' planning application, it is not a policy requirement that the development needs to provide contributions towards education, health or public open space.

As the application site falls within the scope of the Wilmslow Neighbourhood Plan, it is not subject to policies within the Alderley Edge Neighbourhood Plan.

11. PLANNING BALANCE/CONCLUSION

The application seeks outline planning permission, along with matters of Access, for the erection of up to 9 dwellings on this greenfield site, adjacent to the Alderley Edge Settlement Boundary within the Green Belt.

The application proposals are deemed to fall within one of the exceptions to inappropriate development in the Green Belt, that relating to Grey Belt (para. 155 of the NPPF). It is considered that the application site does represent Grey Belt land, would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, that there is a demonstrable need for the type of development proposed (housing) and that the application site is in a sustainable location.

With regards to matters of 'Access', a single vehicle access is proposed towards the northern end of the site, onto Heyes Lane. In addition, a new 2-metre-wide pedestrian footpath along

the southern roadside edge, but within the application site is proposed, a drop crossing, the widening of an existing section of pavement and a slight re-alignment of a section of Heyes Lane. The Council's Highways Officer is satisfied that the scheme provides adequate visibility and accessibility, subject to the highways works being secured.

As matters of design (Layout, Scale and Appearance) as well as matters of Landscaping are not sought for determination at this stage, these matters can only be considered in principle. Officer concerns have been raised in relation to the number of dwellings proposed. However, given that the site already benefits from an extant permission for 9 dwellings and because the Council had previously allocated the site for 10 dwellings, it is deemed that 9 dwelling can be accommodated on the site, albeit in a likely different arrangement to that indicatively presented. This would be considered at Reserved Matters stage.

The proposals would not result in any issues at this stage in relation to amenity, ecology, flood risk or flight safety, subject to conditions.

The provision of affordable dwellings are welcome even though are recognised as not being a policy requirement.

Irrespective of this, the application proposals are deemed to be acceptable in principle under paragraph 155 of the NPPF and the overall benefits of delivering new dwellings in a sustainable location are deemed to be acceptable.

The application is therefore recommended for approval.

12. RECOMMENDATION

APPROVE subject to a S106 Agreement to secure:

| S106 | Amount | Trigger |
|--|--|---|
| Provision of Affordable Dwellings | 2 affordable units should 8 or 9 dwellings come forward at Reserved Matters 1 affordable unit should 7 dwellings come forward at Reserved Matters | To be completed before 50% of the market housing is sold or let |
| On-site incidental open space management and maintenance | Establishment of a private management company | Prior to the occupation of the first dwelling |

And the following conditions:

- 1. Outline (commencement of development)**
- 2. Requirement to submit Reserved Matters application**
- 3. Time limit on submission of Reserved Matters**
- 4. Approved plans (including extent of 'Access')**

5. Implementation of visibility splays
6. Implementation of highway improvement works (S278 works)
7. Submission/approval of a contaminated land proportionate risk assessment
8. Submission/approval of a contaminated land verification report
9. Submission/approval of imported soil testing
10. Works should stop should contamination be identified
11. Submission/approval of an Environmental Construction Management Plan (CEMP)
(to include dust and smoke suppression measures)
12. Submission of levels details with Reserved Matters
13. Submission of landscaping details with Reserved Matters *(to include standard requirements, plus compensation for any tree & hedgerow loss, details of any water features or water landscaping works and earthworks)*
14. Submission/approval of a Tree Protection Plan with Reserved Matters
15. Submission/approval of an Arboricultural Method Statement with Reserved Matters
16. Submission/approval of a Biodiversity Enhancement Strategy
17. Submission/approval of an external lighting scheme
18. Submission/approval of an updated 'Other' Protected Species Survey with Reserved Matters
19. Submission/approval of BNG Plan
20. Submission/approval of drainage strategy *(including SuDS, long-term maintenance & shall provide for the long-term retention of the trees)*
21. The extent of the developable area defined

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

