

NORTHERN PLANNING COMMITTEE – 27 March 2013

UPDATE TO AGENDA

APPLICATION NO.

13/0085M

LOCATION

Peacock Farm, Wilmslow Road, Handforth

UPDATE PREPARED

25 March 2012

CONSULTEES

Greenspace (Leisure Services) - As the application is above the threshold for the provision of public open space and recreation / outdoor sports facilities as identified in the SPG on S106 [Planning] Agreements, and in the absence of on site provision, a commuted sum for offsite provision will be required.

KEY ISSUES

Green Belt

The applicant has stated that in terms of the Green Belt, their position remains that the proposal is infill and brownfield therefore is not inappropriate in the Green Belt. However, if required, very special circumstances can be demonstrated:

- Major road infrastructure has been constructed in the Green Belt to the north of the site since the previous Green Belt boundaries were drawn. This creates defensible boundaries to the north at Peacock Farm and a small anomaly in the wider Green Belt;
- Development does not impact the openness of the Green Belt as development exists on all four sides already and significant tree screening from the wider Green Belt exists;
- Handforth's need to revise Green Belt boundaries to accommodate short term growth and achieve a 5 year housing land supply position has been accepted by CEC and is currently in progress. It is assumed the site will eventually be removed from the Green Belt as an anomaly through this review process, however releasing it now would represent good planning as it will facilitate immediate needed housing rather than wait 1-3 years for the review be concluded and an application further in time approved.

As noted in the original report, the proposal is not considered to qualify as either infilling or brownfield land.

In terms of the suggested very special circumstances, again as noted in the original report, the Green Belt boundaries were defined in the 1988 Wilmslow Area Local Plan when the MAELR was a proposed scheme. The MAELR opened in 1995, and the Green Belt boundaries were reviewed again for the 1997 Local Plan. Despite having the opportunity to do so, the Council has consistently not altered the Green Belt boundary in this location.

A four-storey apartment block is considered to significantly reduce the openness of the Green Belt in this location. The applicant suggests that it does not reduce openness as development exists on all four sides already and significant tree screening from the wider Green Belt exists. If the applicant's position was accepted, then it would only serve to demonstrate that there was no "other harm" in addition to that by reason of inappropriateness, and this is not a very special circumstance.

Cheshire East currently has an identified 5 year housing supply, which does not include the use of Green Belt land.

For these reasons, the material considerations put forward by the applicant, either individually or taken together are not considered to amount to the required very special circumstances to outweigh the identified harm to the Green Belt.

Trees

Trees within the application site are protected by Tree Preservation Order (TPO). The site has also been the subject of a recent application for works to protected trees (12/2759T) which granted approval for the removal of a number of defective and poor quality trees, but refusing consent for the removal of 2 Sycamore trees (identified as T7 and T9 and shown for retention on the current Tree Survey drawing).

Condition 3 of 12/2759T requires that seven replacement trees are planted in the first planting season following the removal of the trees that have been granted consent for.

The submitted Arboricultural assessment identifies a B category Lime tree (identified as T13) that is part of the TPO for removal to allow the formation of the access to the northern section of the site. A small Holly tree is also shown for removal, although this tree is not protected by the TPO. The Tree Survey drawing also indicates the removal of two trees (G2 – a small Spruce and Goat Willow).

The submitted assessment also identifies that the proposed car parking will be located within the root protection areas (RPAs) of retained trees, but states that the use of geotextiles and porous surfaces could be used without significant detriment to tree health and condition.

BS5837:2012 states that the default position should be that structures should be located outside the RPAs of trees to be retained, unless there is an overriding justification for doing so, and that such technical solutions can be

demonstrated to ensure trees remain viable. The submitted arboricultural report provides no detail on the technical feasibility of such solutions, which is required to be tested at this stage. In addition, the extent of the adoptable highway has not been identified within the application, and this could have implications for the surface to be used in these areas.

The apartment building at the northern end of the site also intrudes within the RPA of a protected Beech (T16). The canopy of the tree is shown overhanging the building which is four-storey. BS5837 requires that overhanging canopies and the effect of pruning to facilitate access should be taken in account in the design process. The assessment suggests that such matters can be addressed by pruning however the forestry officer is not altogether convinced that minor pruning as suggested will be sufficient to allow reasonable distances between the building and the canopy to allow for working space and adequate space for their long term retention without impacting upon future residents enjoyment and the amenity value of the tree.

The submissions also include details of proposed tree planting to mitigate for the loss of the protected tree. However, 7 replacement trees are already required by permission 12/2759T, and space within the site for this replacement planting is already limited, without including additional replacement planting for the loss of the protected tree within this application. As it stands the net environmental benefit as required by local and national policy to mitigate for the loss of the protected tree has not been demonstrated.

The proposal is therefore contrary to policy DC9 of the Local Plan.

Open space

In the absence of on site provision, a commuted sum for offsite provision will be required.

Based on the proposal for 13 family dwellings and four two bedded apartments, the required commuted sum for public open space will be £51,000, and for outdoor sport and recreation will be £17,000.

As the applicant is proposing some affordable units, once the number, type and location of these units is finalised, it may be necessary to make alterations to the amount of outdoor sport and recreation commuted sums.

The commuted sums will be used to improve and enhance existing CEC facilities at one or more of the following facilities; Meriton Road Park, Spath Lane / Peover Road and Henbury Road. All of these facilities are within walking distance of the application site

S106 package

The requirement for financial contributions for education and public open space, and the provision of 30% affordable housing (7 units) have been identified for this application.

The applicant's agent accepts that planning obligations in respect of affordable housing, education and offsite open space will be required. The applicant is however reassessing the viability of the scheme having regard to the amounts requested, in line with paragraphs 173, 204 (bullet point 3) and 205 of the Framework. Confirmation of the applicant's position is awaited.

Conclusions

A recommendation of refusal is made for the reasons set out in the original report, and the additional reasons set out below:

3. Loss of tree subject to a Tree Preservation Order
4. Threat to the continued well being of existing trees which are the subject of a Tree Preservation Order.