

Application No: 14/0007M

Location: LAND AT, ADLINGTON ROAD, WILMSLOW, SK9 2BJ

Proposal: Erection of 193 dwellings including demolition of outbuildings, public open space, highways works, entry statement signs and associated infrastructure

Applicant: P E Jones (Contractors) Limited

Expiry Date: 14-Mar-2014

SUMMARY RECOMMENDATION

Approve subject to conditions and s106 agreement

MAIN ISSUES

- Planning Policy and Housing Land Supply
- Affordable Housing
- Highway Safety and Traffic Generation.
- Air Quality
- Noise Impact
- Landscape Impact
- Hedge and Tree Matters
- Ecology
- Amenity
- Sustainability
- Impact on Public Right of Way

REASON FOR REPORT

The application has been referred to Strategic Planning Committee because it is a large scale major development.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises approximately 10 hectares of open farmland, which is bound to the south by Adlington Road, to the west by Overhill Lane, Browns Lane to the east and to the north by housing on the Summerfields estate and existing open space. The site is identified as safeguarded land in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This application seeks full planning permission for the erection of 204 dwellings including public open space, highways works, entry statement signs and associated infrastructure. The

proposal also includes the demolition of a small number of buildings at the western side of the site.

Amendments have been received during the course of the application to address concerns that had been raised. This had the effect of taking the numbers of dwellings down to 193, but this only provided 25% affordable housing. The latest revised plan takes the application back up to 204 dwellings with 30% affordable provision.

RELEVANT HISTORY

71683P - RESIDENTIAL DEVELOPMENT FOR 43 NEW DWELLINGS – Refused 09.09.1992 (over supply of housing and countryside policies)

73006P - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 52 DWELLINGS – Refused 08.02.1993 (over supply of housing, countryside policies, loss of trees, inadequate visibility, threat to trees)

76484P - RESIDENTIAL DEVELOPMENT OF 52 DWELLINGS – Refused 07.02.1994 (over supply of housing and countryside policies)

POLICIES

Macclesfield Borough Local Plan Policy

NE11 Nature conservation interests
NE17 Improvements to Nature conservation in the countryside
BE1 Design Guidance
GC7 Safeguarded Land
RT1 Areas of Open Space
RT7 Cycleways, Bridleways and Footpaths
H1 Housing requirement
H2 Environmental Quality in Housing Developments
H8 Provision of Affordable Housing
H13 Protecting Residential Areas;
T3 Pedestrians
T4 Access for people with restricted mobility
T5 Provision for Cyclists
T6 Highway improvements and traffic management
DC1 Design criteria for new build
DC3 Amenities of residential property
DC5 Design – natural surveillance
DC6 Circulation and Access
DC8 Landscaping
DC14 Noise mitigation
DC17 and DC18 Water Resources
DC35 Materials and Finishes
DC36 Road layouts and circulation
DC37 Landscaping in housing developments
DC38 Space, light and Privacy
DC40 Childrens Play Provision and Amenity Space

DC63 Contaminated land

Other Material Considerations

National Planning Policy Framework (The Framework)

Interim Planning Statement: Affordable Housing

Strategic Housing Market Assessment (SHMA)

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

5 Year Housing Supply Position Statement

Cheshire East Local Plan Strategy – Submission Version

Cheshire East Local Plan Strategy – Submission Version

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

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

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

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

Relevant policies of this document are:

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG6 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer contributions

SC1 Leisure and Recreation

SC2 Outdoor sports facilities

SC3 Health and Well-being

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
SE9 Energy Efficient Development
SE12 Pollution, Land contamination and land instability
SE13 Flood risk and water management
CO1 Sustainable Travel and Transport
CO4 Travel plans and transport assessments

Strategic Site CS25 – Adlington Road, Wilmslow

CONSULTATIONS (External to Planning)

Environment Agency – No objections subject to conditions relating to mitigation for loss of pond and wet grassland, limiting surface water run off, managing the risk of flooding and unforeseen contamination.

Cheshire Police – No objections subject to a number of recommendations relating to footpaths and open space.

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

Environmental Health – No objections subject to conditions relating to hours and method of construction, noise mitigation measures, provision of secure bin storage, travel plan, electric vehicle charging points, dust control and contaminated land.

Public Rights of Way – No objections subject to financial contribution to improve surface of right of way.

Strategic Highways Manager – No objections subject to conditions

Archaeology – No objection subject to condition

Education – Local primary schools are forecast to have sufficient capacity to accommodate pupils from this development, and local secondary schools are anticipated to be at capacity. In light of this S106 contributions to extend the local secondary school are sought.

Housing Strategy & Needs Manager – Affordable housing provision should be in accordance with IPS

Open Space Development – In the absence of onsite provision, com sums for offsite will be required.

VIEWS OF THE TOWN COUNCIL

Wilmslow Town Council – Recommend refusal of this application on the following grounds:

- does not accord with the provisions of the development plan because it was “safeguarded” for future development after the expiry of that plan and that plan is still in force pending the adoption of a new Cheshire East local plan
- the applicant’s traffic assessment understates the impact of the development on Adlington Road, Dean Row Road and Cross Lane and does not, on its own admission, take fully into account the impact on Adlington Road and Macclesfield Road of 950 new houses at Woodford.
- The assessment assumes an average of 1.5 cars per house but the actual number is likely to be higher than this with the average in more mature developments in Wilmslow being nearer to 3 cars.
- The applicant states that a car sharing scheme would be essential but such a scheme could not be enforced.
- The development will make the already dangerous exit from Wilmslow Park North to Adlington Road even more dangerous and will increase the amount of traffic through Wilmslow Park which is a private road.
- The development is not sustainable because of inadequate infrastructure to support it:
 - 1) There are at present insufficient places at either Dean Oaks Primary School or Wilmslow High School for the children from these houses, and in the case of Wilmslow High School there is no room to expand to provide them.
 - 1) All the doctors’ surgeries in Wilmslow are at present fully subscribed.
 - 2) There are no shops within easy walking distance
 - 3) There is no pavement provision along Adlington Road to access the Bollin Valley
 - 4) The risk of flooding has been understated and the danger of aggravating the existing problem of flooded cellars on the east side of Adlington Road has not been addressed at all
- The density is too high and should be reduced to be more in keeping with the adjacent developments.

If, contrary to our recommendation, planning permission was to be granted:

- the houses backing on to Overhill Lane and Browns Lane should be more in keeping with the existing houses in these locations and the low cost houses moved to other parts of the site
- the section 106 agreement should also provide for parking near the playing field to encourage use by the wider community
- the development should be delayed until 2025 to allow for adequate infrastructure to be made ready.

OTHER REPRESENTATIONS

Approximately 490 letters have been received throughout the consultation period objecting to the proposal on the following grounds:

- Impact on local highway congestion and safety
- Enough brownfield sites to meet housing needs for Wilmslow

- Not a sustainable form of development
- Local schools over subscribed
- Impact on health centres
- Previously refused applications on this site
- Low level of affordable social housing
- Right to light
- Loss of outlook
- Loss of privacy
- Increased run off
- Noise disturbance during construction
- No facilities nearby
- No public transport access
- Housing not in keeping with the area
- Loss of TPO trees
- Ecological impact
- Many houses in Wilmslow on market not selling
- Pavements on Adlington Road into Wilmslow inadequate
- Increased light pollution
- Increased traffic noise
- Land is safeguarded until reallocated in future local plan
- Emerging local plan is some way off – application is premature
- Site should be considered to fall within open countryside in accordance with policy GC7
- Council's Green Belt assessment identifies the site as playing a 'significant contribution' in checking unrestricted sprawl of Green belt areas.
- Site should be designated as Green Belt
- 84% of respondents to Wilmslow Vision consultation disagreed with residential allocation of this site.

- Draft Wilmslow Town Strategy stated that the site should retain its safeguarded status until at least 2025.
- Absence of pepper potting of affordable housing
- Single access point is inadequate
- Loss of light and sunlight
- Drainage / Flooding issues
- No new businesses requiring extra housing
- Existing infrastructure cannot cope
- Density out of character
- Transport Assessment flawed
- Sufficient brownfield sites for housing
- Additional traffic from Woodford
- Occupiers reliant on private car
- Run off will pollute watercourses
- Houses too close to existing properties
- Bridge over Bollin cannot cope with additional traffic
- Disruption during construction
- Pedestrian and cycle safety
- Loss of prime agricultural land
- Devalue existing houses
- Too many houses proposed along Adlington Road
- Contrary to existing and proposed local plans
- Bungalows are required in Wilmslow
- Affordable housing should be pepper potted
- Increase in vehicles using the privately maintained Wilmslow Park
- Unreasonable for existing residents to absorb increased costs of maintenance
- Site provides an open countryside break between Wilmslow and Dean Row
- Adlington Road houses should be individually designed

- Parking area for open space required
- Existing open space should be a village green
- Gateway entrance should be closer to Adlington Road
- More differentiation needed on road hierarchy
- Does not achieve transition from suburban to rural
- Reduced speeds on Adlington Road are required
- Pedestrian link to Bollin Valley is inadequate
- Improvements to existing open space should be made
- No demographic evidence that more housing is required
- Petition on draft Wilmslow Vision document objecting to site CS25 – Adlington Road (273 responses)
- Overshadowing
- Travel plan unenforceable
- Factually incorrect statements made in the planning application
- Applicant has failed to include all relevant information relating to the site
- No support from community
- Disruption during construction
- Loss of outlook
- Existing open space needs drainage
- No SUDS scheme
- Ownership of tree infill barrier not clear
- Further planting could be undertaken along Overhill Lane boundary
- Inadequate parking
- Right to light
- Loss of value to existing properties
- Impact on setting of listed buildings
- Impact on public right of way creating crime hotspots
- Previous fatalities on Adlington Road not identified in TA
- Danger of crossing Adlington Road to new pavement
- Permission on this site will be open to Judicial review
- Urban sprawl – development would subsume hamlet of Dean Row

Additionally legal advice has been sought from the Residents of Wilmslow group and has been provided in two advice notes:

Counsel opinion (1)

- On safeguarded land countryside policies are to apply (GC5)

- The safeguarded designation is not a “green light” to development and it does not establish the principle of development on the land
- Safeguarded land, in the event that it is to be brought forward for development, must be brought forward as an allocation, not a planning application
- NPPF states Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
- to grant planning permission on the Adlington Road site would be contrary to GC5 and GC7 and therefore in breach of the Development Plan.
- GC7 is wholly consistent with the Framework
- Core strategy allocation for development is a proposal that is subject to significant objection
- reference to a “review” in national policy can only be read as a reference to a completed “review” in accordance with law and policy which involves independent scrutiny of proposed policies by an independent Inspector via an Examination in Public
- GC7 should be interpreted in the same manner.
- Safeguarding policies are “relevant” to the supply of housing land and in the absence of a 5 year housing land supply the effect of Paragraph 49 *ibid* would be to deem GC7 to be out-of-date.
- At the time of the Adlington Road application, Cheshire East did not have a 5 year supply, but does now.
- Adlington Road site is included within the above supply, but even if it is removed a 5 year supply exists.
- The evidential/policy basis which would have permitted GC7 to be overridden, therefore, no longer exists
- Cheshire East has consented over 1,000 houses since 31st December 2013 so that if the base date for the calculation of the 5 year supply were to be moved to 28th February 2014 the exceedences over the 5 year requirement would be greater still
- in the current circumstances to permit the application would be contrary to Development Plan policy
- This site cannot be equated with other Core Strategy strategic sites that have been granted consent as none of those sites were safeguarded in an extant Development Plan.
- The site is the subject of a large number of objections on the basis that such a large Greenfield allocation is not needed to meet Wilmslow’s assessed housing needs 2020 - 2030 of circa 400 new houses.
- Prematurity remains a material planning consideration.
- It plainly arises in this case in that the site is a defined strategic site and to grant it approval now will predetermine an issue that is properly for debate at the forthcoming EIP
- Site is not sustainable
- Transport Assessment has not considered the cumulative highway impacts of developing Adlington Road along with the Woodford Aerodrome site and Handforth East.
- The single access point off Adlington Road lies between two bends and the pedestrian footways are patently substandard.
- Affordable housing not pepper potted

Counsel opinion (2)

Provided in response to Jones Homes Response to Public Consultation on Planning Application 14/0007M document dated April 2014.

- Document fails to engage with previous advice
- Whether the 2004 Plan is out of date is not to be assessed by reference to the status of the emerging Core Strategy or indeed by reference to the age of the 2004 Plan but by reference to Paragraph 215 of the NPPF, ie by reference to the 2004 Plan policies and their consistency with the NPPF
- In accordance with Paragraph 216 of the Framework the emerging Development Plan allocation of the Adlington Road site can only carry very limited weight in any event due to the fact of extensive objection to it.
- GC7 does no more than recognise that as at an unspecified future date it “may” be required to meet housing needs if a Development Plan review so concludes. Such a review would consider needs and a range of options for meeting them;
- It would appear that in the Coppice Way decision (taken in the context of a shortfall in the 5-year housing land supply) it was assumed the Policy GC7 was a policy “relevant for the supply of housing” within the meaning of Paragraph 49 of the NPPF, ie a policy that deems such “relevant” policies to be out of date in the absence of a 5-year housing land supply.
- However, the case of *William Davies Ltd v. SoSCLG* [2013] EWHC 3058 (Admin) suggests that this may be an oversimplification. *William Davies* ibid addressed a submission that a “Green Wedge” policy was “relevant” to the supply of land for Paragraph 49 ibid purposes in that it was restrictive in terms of housing development. The Court rejected the submission and considered paragraph 49 did not apply in that case.
- In the current case GC7 is not specifically related to housing, ie it relates to all forms of development;
- Regardless of point above, GC7’s primary purpose is not related to the supply of housing (or any other form of development) but rather regardless of the state of the supply of housing the purpose of it is to protect safeguarded land from all development (unless GD5 compliant) unless and until it is released from such protection as part of a strategic Development Plan review.
- GC7 therefore carries full weight regardless of the state of the 5-year housing land supply.
- at the time GC7 was drafted the requirement for a rolling 5-year supply had been entrenched in national planning policy since the mid-1980s - yet GC7 does not contain provisions that permit its dilution in the event of a shortfall in the 5-year housing land supply.

One letter has provided from Sustrans making the following general comments:

- 3m greenway to north is supported
- Walking cycling route should be created from south west corner to Wilmslow Park
- Contributions towards creating a ramp at southern end of greenway alongside A34
- Design should create 20mph speed limits on residential roads
- Smaller properties without garages should have storage

- Travel planning should be set up

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted the following documents with the application:

Response to public consultation statement; Arboricultural statement; draft heads of terms; summary of application; design & access statement; highways technical note; transport assessment; air quality assessment; bat survey; statement of community involvement; ecological report; energy statement; flood risk assessment; hedgerow assessment; contaminated land statement; Archaeological desk based assessment; interim travel plan; noise impact assessment; site waste management plan; planning statement.

The planning statement concludes:

- Site is identified in the local plan to be brought forward for housing beyond the plan period if needed.
- Identified as a strategic site in emerging local plan and contributes to 5 year supply.
- Proposed access is most appropriate for the site
- Acknowledge that there will be some disruption to neighbours during construction – mitigated by landscaping.
- Hedge and tree losses mitigated by replacement planting
- Traffic generation considered together with SEMMMS and Woodford proposals – No significantly adverse highways impact identified
- Relatively sustainable location, and connectivity to the north will be enhanced.
- Open space at Browns Lane to be enhanced
- Existing PROW retained and enhanced
- Range of housing provided to meet local needs and designed to reduce CO2 emissions
- Boost to local economy from residents and construction jobs
- New homes bonus can be fed into local area
- Overall it is a sustainable form of development

OFFICER APPRAISAL

PLANNING POLICY AND HOUSING LAND SUPPLY

Principle of Development

The application site is allocated in the Macclesfield Borough Local Plan (2004) as Safeguarded Land. Safeguarded land is land that may be required to serve development needs well beyond the Local Plan period (2011). Policy GC7 of the Local Plan explains that the land is not allocated for development at the present time and policies relating to development in the countryside will apply. The reasoning for policy GC7 explains the land *“may only be allocated in the future within the strategic planning context and following the guidance for the assessment of development sites contained in PPG3 Housing (2000)”*. Policy GC5 deals with development in the open countryside, which *“will not be permitted unless it is essential for agriculture, forestry, outdoor recreation or for other uses appropriate to a rural area”*. The development does not fall into one of those categories.

As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined *“in accordance with the plan unless material considerations indicate otherwise”*.

The issue in question is whether there are other material considerations associated with this proposal, which are sufficient to outweigh the policy concerns.

Members may recall the application for a care village in Handforth adjacent to Handforth Dean retail park, which was also located on safeguarded land. This was refused by the Council, but allowed on appeal. The Inspector examined the safeguarded land issue in some detail. In summary he identified that the local plan period ran for 7 years between January 2004 and 2011, that we were then 2 years past the end of this period (now over 3 years), and we are therefore well beyond the plan period. He also noted the development pressure on the Green Belt land to the east of the A34, as identified in the emerging local plan documents. The Inspector stated:

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

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

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

With regard to the current application, we are moving further away from the Macclesfield Borough local plan period, and the site is now an allocation within the *Cheshire East Local Plan Strategy – Submission Version*. The submitted Counsel opinion is noted where it states that GC7 is not related to the supply of housing but rather its purpose is to protect safeguarded land from all development; however, the policy has been identified by an Inspector as being out of date, and as such paragraph 14 of the Framework is triggered where it states:

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

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

It should also be noted that the Inspector in the Coppice Way appeal stated that due to the *sui generis* use class of the care village housing land supply was not an issue for the appeal.

In terms of the Local Plan Strategy Submission Version (March 2014), the site is identified as strategic site CS25, which highlights the opportunity to deliver a high quality, well connected and integrated residential development.

Specifically the emerging Local Plan identifies the following development over the Local Plan Strategy period:

1. The delivery of 200 new dwellings;
2. Incorporation of green infrastructure;
3. An appropriate level of amenity open space and children's play space; and
4. Pedestrian and cycle links and associated infrastructure.

Housing Land Supply

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

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

The NPPF clearly states at paragraph 49 that:

"housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

This must be read in conjunction with the presumption in favour of sustainable development in paragraph 14 of the NPPF which has been set out previously in this report.

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Position Statement set out that the Borough's five year housing land requirement as 8,311. This was calculated using the 'Sedgefield' method of apportioning the past shortfall in

housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times was applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply were 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The criticisms made of the yields from certain sites in the recent appeals, particularly those in the emerging Local Plan, were also taken on board.

Sources of supply included sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accorded with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance* at that time.

A discount was applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission were identified and could contribute to the supply if required. However, these sites were not relied upon for the five year supply.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer' the *Five Year Housing Land Supply Position Statement* demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Notwithstanding this, however, the recent appeal at Elworth Hall Farm, Sandbach (11 April 2014) determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be.

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during March and April 2014 and are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 5.94 year housing land supply with a 5% buffer or 5.2 year housing land supply with a 20% buffer.

Following the release of the Planning Practice Guidance (PPG), which now proposes that Council's include development which falls into the C2 Use Class category (i.e. care homes, halls of residence etc.) when considering housing land supply figures, the requirement provisionally drops to 6,496 (due to increased delivery in previous years) and the supply is elevated to 10,514. This equates to 8.09 years supply.

At the time of the Elworth Hall Farm inquiry the PPG was only in draft form, and although the Inspector gave consideration to the potential contribution of C2 accommodation to supply, the

full implications of its inclusion were not known at that stage. The Inspector considered that the Council had a record of under-delivery and expressed the view that a 20% buffer would be appropriate. However, the inclusion of the C2 consents takes away the suggestion of persistent under supply.

The Elworth Hall Farm inspector also criticised assumptions which the Council had made around build rates and lead in times, which he considered to be overly optimistic. In response Officers have been reworking the supply figures using longer lead in times, and on build rates which do not assume that on large sites there will be two or more developers except where there is the actual site specific evidence. Whilst this clearly reduces the overall supply, this is balanced out by the inclusion of the C2 permissions, and (subject to confirmation) the most recent figures still indicate that the Council can demonstrate a 5 year supply of housing land.

In the light of the above the Council will demonstrate the objective of the framework to significantly boost the supply of housing is currently being met. With specific reference to the current proposal, site CS25 is one of the Strategic Sites included within the latest housing supply figures. 135 dwellings are expected over years 1-5.

Conclusions on the principle of development

It is acknowledged that many of the objections suggest that the housing requirement for Wilmslow can be met through the use of brownfield and windfall sites alone, and as such there is no need to develop the Adlington Road site.

The emerging Cheshire East Local Plan Strategy expresses what is considered an appropriate level of development based on the overall need for the Borough, distributed via the settlement hierarchy and informed by the overall development strategy for the Borough; the figures identified in the emerging Local Plan are not capped.

The emerging Local Plan is required to allocate a deliverable supply of housing across the plan period. To be considered deliverable a site needs to be available, suitably located and have a realistic possibility of development within the next 5 years. A site can be demonstrated to be these things when it is allocated in the Local Plan or granted planning permission (even then there is a question mark over whether it is "deliverable" - allocations that stand around for 10 years / permissions close to expiration may not be considered deliverable). Therefore the sites identified in the local plan (and five year supply) must be accompanied by evidence that supports their deliverability.

Clearly, there are deliverable sites that come forward outside the Local Plan as windfall. However, these are only deliverable in hindsight - windfall can only be considered as part of the deliverable supply where there is 'compelling' evidence of its 'consistent' delivery. By its nature, windfall is largely an unknown quantity, is difficult to quantify and rely on when establishing a planned supply of housing.

Many of the sites identified by the objectors have come forward for development as windfall sites, and those completed and with permission have been included in the five year supply. No doubt windfall development will continue to arise; however, for those sites identified by the objectors as 'possible', there is no evidence to support their delivery.

Conversely the Adlington Road site can be delivered. It has been identified as a development site consistently in local plan documents, despite the many objections to it. There are no other known sites that can deliver the required quantum of development for the area that do not lie in the Green Belt. Figures for this site are included within the Council's five year housing figures. The safeguarded land policy is considered to be out of date and whilst there may be outstanding objections to the emerging local plan allocation of this site, given the stage of its preparation some weight can still be afforded to it, and the particular circumstances of the site outlined above. Prematurity is a matter that has been raised in other cases across the Borough, and is a material consideration, however, this has not been found to justify a reason for refusal in other similar applications or appeals, and is not in this case for the reasons above. The principle of the development can therefore be accepted subject to there being no significant adverse impacts arising from it.

SUSTAINABLE DEVELOPMENT

The NPPF defines sustainable development and states that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

Environmental role

The site is a greenfield site and therefore not the first priority for development. However, it is acknowledged that the Council's Strategic Housing Land Availability Assessment (SHLAA) recognises that the land is capable of development for housing, and as noted above, is also a preferred site for housing (site CS 25: Adlington Road) within the Cheshire East Local Plan Strategy – Submission Version. The site is within 2km of Wilmslow town centre to the south, and approximately 1.2km from the facilities at Dean Row to the north.

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from decentralised and renewable or low carbon sources. The supporting documentation submitted with the application outlines that the development will adopt a fabric first approach to reducing energy use in the development. This can be secured by condition.

The development will also provide a new combined pedestrian and cycle route from the site, through the existing Browns Lane open space, to the north onto Browns Lane / Pinewood

Road. A new footpath will also be provided from the site to Varden Bridge to the south enhancing walking facilities to the town centre.

The nearest shops and services are at Dean Row to the north approximately 1.2km from the site, and Wilmslow town centre to the south west. These centres provide all the necessary services and amenities. Wilmslow train station is approximately 1.8km from the site, and the nearest bus stop is approximately 1km away on Dean Row Road to the north. The nearest primary school is also approximately 1km away at Dean Row and Wilmslow High School is further at 2km. Some of the distances will exceed the recommended distances in policy SD2 of the Local Plan Strategy Submission Version, however all facilities are reasonably accessible and, of course, location / accessibility is only one aspect of sustainable development.

Economic Role

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 the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Social Role

The final dimension to sustainable development is its social role. In this regard, the proposal will provide 204 new homes, 30% of which will be affordable, including provision for elderly. In addition on site open space and financial contributions towards enhancing the adjacent open space area and education provision in the local area will be provided.

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

AFFORDABLE HOUSING

There is a clear need for affordable housing within the local area, which is evidenced by:

SHMA 2013 update

The site falls within the Handforth and Wilmslow sub area in the Strategic Housing Market Assessment 2013 update. This showed a net affordable housing requirement of 25 units per year for the period 2013/14 – 2017/18. This equates to a need for 49x 3bed and 5x 4+bed general needs units and 13x 1bed and 3 x 2bed older persons accommodation. There is a surplus of 1 and 2bed units, -10 and -35 respectively.

Cheshire Homechoice

Cheshire Homechoice is the choice based lettings system for allocating rented affordable housing across Cheshire East. There are currently 317 applicants on Cheshire Homechoice who have selected one of the Wilmslow lettings areas as their first choice. These applicants require 120x 1bed, 133 x 2bed, 50 x 3bed and 9x 4bed units, 3 applicants did not set their bedroom requirement.

Policy

Policy H8 of the Macclesfield Borough Local Plan states that in developments of 25 or more dwellings or on residential sites of 1 hectare or more the Council will negotiate for the provision of 25% of the dwellings to be affordable. No tenure split is identified in the policy.

The Council's Interim Planning Statement on Affordable Housing (IPS) outlines that the Council will negotiate for an appropriate element of affordable housing on sites of 15 units or more or more than 0.4 hectare in size. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure. The proposal is for 204 dwellings, this equates to a requirement for 61 affordable units.

In this case the application now proposes 30% affordable housing with a tenure split of 60% intermediate sale properties and 40% affordable rent. The affordable rented properties include the provision of 7 affordable rented bungalows. The need for these is evidenced in the SHMA update 2013 which outlined a requirement for 13x 1bed and 3x 2bed older persons accommodation per annum. Furthermore evidence from Cheshire Homechoice shows there are currently 24 applicants who require wheelchair accessible properties. The tenure split does depart from the IPS however bungalows are rarely provided for in affordable proposals, and the split is required to facilitate this specific bungalow offer to be made.

The IPS outlines that in order to ensure full integration with open-market homes the affordable units should not be segregated in discrete or peripheral areas and therefore should be pepper-potted within the development. The external design, comprising elevation, detail and materials should be compatible with open-market homes on the development. The positioning of the affordable units is shown to be at either side of the site. The central section of the site does not accommodate any of the affordable homes. Whilst the degree of pepper potting could be greater, they are considered to be adequately spread across the site, provided that the external detail is compatible with the open market homes.

Furthermore the affordable homes should be constructed in accordance with Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

The IPS stipulates that all the affordable housing be delivered no later than 50% occupation of the open market units. The applicant in their draft heads of terms have outlined that they will deliver 50% of the affordable housing by no later than 50% occupation of the open market units and 100% of the affordable housing no later than 100% occupation of the open market units.

The IPS clearly states that the maximum proportion of open market homes that may be completed before the provision of all affordable units may be increased to 80% if the scheme constitutes a high degree of pepper-potting. This is not considered to apply to the proposed development, and therefore provision should be in accordance with the IPS.

HIGHWAY SAFETY & TRAFFIC GENERATION

The Strategic Highways Manager makes the following comments on the proposal:

The proposed access strategy would be from a simple priority junction off Adlington Road with a supplementary emergency access and multiple links direct from the site to the surrounding pedestrian infrastructure.

The application is supported by a Transport Assessment (TA) which is based on a scope agreed with CEC Strategic Highways in 2013. All required junction assessments have been completed and the traffic impact from the development demonstrated through industry recognised computer assessment programmes.

Traffic count data for the TA was from data local to the site which was previously agreed by CEC for a nearby development. The remaining data came from new counts. In addition the TA also provides sensitivity tests with regard to the prospective but as yet unresolved planning application for housing at Woodford and includes a sensitivity test on the Manchester Airport Eastern Link Road.

Third Party Information

In addition to this information, some survey data was provided by an objectors group which gave: traffic flow, speed and roundabout queuing information. This data was provided by Road Data Services Ltd (RDS) and took tabular form with no technical commentary to provide assessment.

The Strategic Highways Manager has considered this data against the provided TA for the application. It was found that the Road Data Services information matched well with the TA data in many areas but showed lower traffic flows overall. Measured approach speeds matched well though the TA had higher speeds in one instance and on observed roundabout queue lengths the RDS information was given in metres whilst the TA information was given in specific PCU's (passenger car units) which is the recognised unit of measurement for the ARCADY programme.

After converting the 'metreage' into PCU's for the queue lengths it became clear that the queue lengths observed by Road Data Services Ltd., were in many cases very similar to those identified in the Transport Assessment whilst in some instances the TA had identified longer queues. In any event, it is clear from the work completed by the Strategic Highways Manager that the data provided by the objectors did not provide a material concern upon which the Strategic Highways Manager should reasonably act.

Wilmslow Town Council

Wilmslow TC has objected to the proposed development and related points made on highway grounds are:

1. Objection:- The TA understates the impact of the development on Adlington Road, Dean Row Road and Cross Lane.

Response:- In fact the traffic generation from the development is appropriately calculated via the TRICS database which is the industry recognised standard for this analysis and the trip rates are agreed.

1. Objection:- The TA does not fully take into account the impact of the 950 house development at Woodford.

Response:- In fact the TA does assess the impact of the prospective development at Woodford through a sensitivity test at Chapter 9 in the Transport Assessment where it also considers the impact of the Manchester Airport Eastern Link Road. It should be remembered that the Woodford development does not yet have a planning permission and is therefore not strictly committed development however the TA does include for it.

2. Objection:- The assessment assumes an average of 1.5 cars per house but the actual number is likely to be higher than this with the average in more mature developments in Wilmslow being nearer to 3 cars.

Response:- In fact the number of cars per household is not a considered factor at all in calculating traffic generation figures as this is completed through the TRICS database as mentioned earlier in this report.

3. Objection:- The applicant states that the a car sharing scheme would be essential but such a scheme could not be enforced.

Response:- This is one measure which could be agreed for a site Travel Plan however the Travel Plan will be conditioned and agreed with the Authority as part of the condition.

4. Objection:- The development will make the already dangerous exit from Wilmslow Park North to Adlington Road even more dangerous and will increase the amount of traffic through Wilmslow Park which is a private road.

Response:- The injury accident record for this junction shows no records in the last 5 years. There have been two slight injury accidents near to this junction in the last 5 years however neither are related specifically to junction turning movements. Wilmslow Park North is a private road and therefore the Highway Authority has no specific jurisdiction.

5. Objection:- There is no pavement provision along Adlington Road to access the Bollin Valley.

Response:- The developer has produced and costed a scheme for the provision of this footpath link which will be secured via a Section 278 Agreement under the Highways Act 1980.

Transport Assessment.

The Transport Assessment is properly structured under the DfT guidance document and provides an assessment of the highway and traffic implications of this proposed development. The Strategic Highways Manager has assessed the content of the TA and has found that the information does make appropriate assessment of the development impact.

There are some requirements that are identified from the content of the TA and which the Strategic Highways Manager has negotiated with the applicant and for which there will be recommended conditions and informatives:

- A roundabout arm improvement at the junction of A34 Wilmslow – Handforth Bypass Roundabout. This improvement proposal is necessary to provide capacity at this junction and has now been agreed and drawn in detail. The provision of this improvement will be secured via a Section 278 Agreement under the Highways Act 1980. This improvement is secured within highway land.
- The footpath fronting the site on Adlington Road is very narrow and a scheme has been designed and costed for the widening of this footway. This would involve alterations to Adlington Road: carriageway width, drainage and surfacing which are all of benefit in terms of surfacing, maintenance and traffic calming. In addition the carriageway width would be slightly reduced but remain some 6.5 metres wide which is more than adequate for normal two-way flow. This minor narrowing will be tapered across more than the site frontage to soften noticeable taper effect. The provision of this improvement will be secured via a Section 278 Agreement under the Highways Act 1980.
- The developer will provide and build a new footpath link to Vardon Bridge providing access to the Bollin Valley. This scheme has also been designed and costed and the provision of this improvement will be secured via a Section 278 Agreement under the Highways Act 1980.

The developer will also fund local traffic management on the frontage of the site and this is intended to provide a reduction in the local speed limit to 30mph in response to local concerns. However as a planning condition cannot be tied specifically to a Traffic Regulation Order a sum of £10,000 has been agreed for this provision and will be gathered via the S106 agreement. The emergency access will be controlled by bollards or a gate, details of which can be secured by condition.

Sustainable links

In addition to the above requirements the developer will provide improvements to many of the local footway, cycle and Public Right of Way routes which will enhance the accessibility of the site.

Travel Plan

The TA offers an interim Travel Plan however a full travel plan will be the subject of a planning condition.

Internal Layout

The internal layout has been the source of much discussion with the developers and their architects. There have been a number of round-table meetings and responses to early layout proposals making clear the requirements of the Authority with regard to the production of a quality layout to a Manual for Streets hierarchy and design. This is intended to develop a sense of place and create strong pedestrian environments within the site where precedence is given over vehicles.

The latest drawing from the applicant has made changes to the layout which provides some alignment with Manual for Streets principles but which in overall terms still reflects more traditional Design Aid features and is perhaps consistent with local established residential developments. A minimum of two parking spaces per dwelling will be provided.

The Strategic Highways Manager would have preferred to see a more innovative Manual for Streets layout however in engineering terms the offered layout does provide a legible adoptable boundary and has acceptable geometry in highway terms.

Overview

The Strategic Highways Manager finds that in terms of traffic impact the development assessment, proposals and requirements noted above in this report will adequately mitigate for the impact of this development in such a way that it can not be considered to be 'severe' in the context of the NPPF. No significant highways issues are therefore raised and the proposal complies with policy DC6 of the Local Plan.

PUBLIC RIGHTS OF WAY

Existing Rights of Way

The development would affect a Public Right of Way namely Public Footpath No. 72 which runs in a north-south direction at the western side of the site.

The interim travel plan states that *"pedestrian / cycle only accesses will be provided onto ... Public Right of Way FP72 which runs to the north-west of the site"*. The length of this Public Footpath running from the site northwards towards Welford Road and Pinewood Road is of insufficient width to accommodate cyclists and the spur from the north westerly estate road in a northerly direction should be made sufficient for pedestrians only. The rights of way officer has suggested that the developer should be asked to contribute to an improved surface for this section of path due to increased footfall arising from the development. However, on inspection of this section of footpath the surface is considered to be in a reasonable condition but some maintenance work is required to clear the surface and trim back overgrown hedges. Coupled with the provision of new footways across the open space, contributions are not considered to be necessary to make the development acceptable.

The section of Public Footpath No. 72 within the site boundary and extending to Adlington Road may be of sufficient width to accommodate both cyclists and pedestrians, subject to a safety assessment, and would match a likely desire line towards the town centre from the eastern side of the estate. The design, specification, legal status and maintenance of this section of the path would require the agreement of the Council as the Highway Authority.

Footway/cycleway proposals

The application proposes footpath and combined footpath/cycle routes both within and outside of the site, including improvements to the footpath outside of the site on Adlington Road and the creation of a new one to Varden Bridge. The new routes help to improve the connectivity of the site to Dean Row to the north and Wilmslow town centre to the south west. The legal status and specification of these routes would require the agreement of the Council as the Highway Authority. The developer is expected to include the maintenance of

these routes within the arrangements for the maintenance of the open space of the proposed site. Lighting to one of the routes to the north will be required.

CONTAMINATED LAND

The application area has a history of use as a brickfield and therefore the land may be contaminated, and the application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

The Contaminated Land team has no objection to application subject to a condition requiring a supplementary investigation and risk assessment being carried out to assess actual and/or potential risks from land contamination.

AIR QUALITY

The proposed scale of the development is considered significant in that it is likely to change traffic patterns and traffic flows in the area. The applicant has submitted an Air Quality Impact Assessment to consider this impact

The cumulative impact of developments in the Wilmslow area may lead to successive increases in pollution thereby increased exposure. The assessment uses ADMS Roads to model air quality impacts from the additional road traffic associated with the proposal. It is unclear from the report if the assessment has considered the cumulative impacts of developments in the area or undertaken a sensitivity analysis of the results. Although it should be noted that other recent developments in the local area are of a much smaller scale to the current proposal.

The assessment as it stands concludes that there will be a negligible increase in NO₂ and PM₁₀ exposure at all 19 receptors modelled.

Taking into consideration the uncertainties associated with air quality modelling, the impacts of the development could be much worse. 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 that mitigation should be sought from the developer in the form of direct measures to reduce the traffic impact associated with the development and safeguard future air quality.

The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions, however it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission), and infrastructure to allow home charging of electric vehicles in new, modern properties could be considered.

Whilst a travel plan is proposed, the provision of electric car charging points in every new home is not considered to be reasonable or necessary, as there is no specific policy

requirement for this and appropriate travel planning will adequately mitigate for the negligible impact on air quality.

NOISE IMPACT

The applicant has submitted a Noise Impact Assessment, which recommends that noise mitigation measures should be incorporated in identified areas of the development which are affected by higher levels of noise from road traffic. The noise mitigation measures would be designed to ensure that the future occupants of the proposed dwellings are not adversely affected by road traffic noise and would achieve the internal noise levels defined within the “good / reasonable” standard within BS8233:1999. Outdoor noise levels in terms of the protection of garden areas are also considered in the report.

The noise mitigation measures which are identified in the report include the provision of acoustic glazing, the provision of acoustic ventilation, and the provision of 1.8m close boarded timber fencing along identified garden perimeters. An appropriate condition is therefore recommended in accordance with policy DC14 of local plan.

LANDSCAPE & TREES

The application site comprises grazed paddocks with a small number of buildings relating to the agricultural use of the land close to the western boundary. The site is enclosed by residential properties and the existing open space at Browns Lane. There are some established hedgerows within the site and along the boundaries, as well as a number of trees formally protected by TPO.

There will clearly be a dramatic visual change within the immediate area. However given that the site is set against existing housing development on four sides, it is not considered that the proposals as shown will have a significantly adverse landscape or visual impact.

Comments from the Council’s arboricultural officer are awaited, and therefore tree and landscape issues will be reported to members in an update.

ECOLOGY

Grassland habitats

The application site is dominated by semi-improved grassland. This being grassland that is subject to agricultural treatment but which retains an element of characteristic grassland flora.

The submitted habitat survey was undertaken in March 2013, which is early in the season and 2013 was also a year when the cold winter lead to a delayed spring, therefore the nature conservation value of the grasslands may potentially have been underestimated and a confident assessment of the grassland habitat cannot be made in the absence of a more detailed survey undertaken mid-summer. However based upon the available information the grassland present on site would not be considered to be of UK BAP quality, but nonetheless it does contribute to the biodiversity value of the site.

The nature conservation officer therefore recommends that if planning consent is granted, residual impacts of the development be off-set by means of a commuted sum that could be utilised to fund offsite habitat creation / enhancement.

An appropriate method of calculating an appropriate commuted sum would normally be based on the Defra report '*Costing potential actions to offset the impact of development on biodiversity – Final Report 3rd March 2011*'.

However, the nature conservation officer confirms that the value of the grassland habitat on site is not high (based on the survey data provided it would not be considered to be a priority habitat and it would fall below the thresholds for designation as a Local Wildlife Site). Nonetheless it does have some nature conservation value. Common knapweed, ribwort plantain, woodrush, cuckooflower are all species recorded on site which are indicative of neutral unimproved grassland or restorable semi-improved grassland of nature conservation value. Whilst none of these species are rare – few grassland species in Cheshire are – they do indicate that the grassland habitats on site have more value than much of grassland found in the agricultural landscape of lowland Cheshire.

A contribution calculated from the Defra report referred to above would be on the basis of the cost of creating an equal area of higher quality grassland habitat as these are the figures provided by Defra. To reflect the lower value of the grassland habitat lost to the development and in acknowledgment that the open space area associated with the development would have some, albeit very limited, ecological value, the nature conservation recommends a commuted sum calculated as follows:

Area of unmitigated residual loss of grassland (accepting open space area mitigates for a small loss) = 8ha.

Cost of creation of Lowland Grassland is 8.ha x £11,293.00 (cost per ha) = £90,344.00
(Source UK BAP habitat creation/restoration costing + admin costs)

Reduction in calculated area by two thirds to reflect low value of grassland habitats present = £30,114.66.

A financial contribution of £30,114 will therefore be secured via the s106 agreement to mitigate for the identified loss in biodiversity on the site.

Ponds

The original proposal included the loss of an existing pond and provided no mitigation for its loss, which would have a detrimental impact on biodiversity. Concerns were raised by the Environment Agency and the nature conservation officer in this regard. The revised plans now incorporate a replacement pond at the north of the application which is considered to be appropriate mitigation. The Environment Agency and the nature conservation officer are satisfied with this provision.

Great Crested Newts

A number of ponds are present within 250m of the proposed development. A full great crested newt survey has not been undertaken but the ponds have been subject to two rounds of habitat suitability assessments. The nature conservation officer has also visited the ponds,

and advises that great crested newts are not reasonably likely to be present or affected by the proposed development.

Bats

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the buildings on site. The usage of the building by bats is likely to be limited to small-medium 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 on this site in the absence of mitigation is likely to have low impact upon on bats at the local level and a low impact upon the conservation status of the species 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) maintenance of the favourable conservation status of the species and (iii) that the development is of overriding public interest. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

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

The submitted bat survey identifies evidence of bat activity in the form of a minor roost of a relatively common bat species being recorded within the buildings subject to this application.

The proposed development that involves the removal of the existing buildings on the site will provide approximately 200 dwellings, and will contribute towards the housing land supply for the Borough. There are no other known deliverable sites that can provide this quantum of development in the local area. As such there is not considered to be a satisfactory alternative.

The usage of the building by bats is likely to be limited to small-medium numbers of animals and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have only a low impact upon on

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

The submitted report recommends the installation of bat boxes and bat tubes on the replacement buildings and a bat loft area is included in the previously consented stables building as a means of compensating for the loss of the roosts. The submitted report also makes recommendations for reasonable avoidance measures to reduce the risk posed to any bats that may be present when the works are completed. This mitigation will maintain the favourable conservation status of the species.

The proposal will increase the existing housing stock within the Wilmslow area, provide a significant proportion of affordable dwellings, as well as other identifiable public benefits outlined elsewhere in this report.

The proposed mitigation is acceptable and provided that it is implemented in full the residual impacts of the proposed developments on bats is likely to be very minor. The benefits of the mitigation will provide a new appropriate roost for the bats which will allow the future protection of the bats in perpetuity.

Having regard to the above it is considered that the proposed replacement roosting facilities are an appropriate form of mitigation which in the long term will provide a satisfactory habitat for the bats. It is considered that the mitigation put forward is a material consideration which if implemented will further conserve and enhance the existing protected species in line with Local Plan policy NE11 and is therefore on balance, considered to be acceptable.

The Council's Ecologist raises no objection to the proposed mitigation subject to a condition to ensure work is carried out in accordance within the submitted scheme.

Breeding Birds

The proposed development site is likely support breeding birds including the more widespread Biodiversity Action plan priority species. If planning consent is granted conditions would be required to safeguard breeding birds.

Hedgerows

Hedgerows are a biodiversity action plan priority habitat and a material consideration. There are a number of hedgerows located around this site. It appears likely that a number of boundary hedgerows could be retained but that the proposals would result in the loss of a number of internal hedgerows. If planning consent is granted it must be ensured that suitable replacement hedgerows are secured to compensate for those lost.

LAYOUT & DESIGN

There is considerable variation in the character of properties that surround the site on each side. As such there is little to provide a strong design lead for this site. However, Adlington Road is one area characterised by fairly large houses in large plots and this theme should be carried through the development where it faces Adlington Road. Whilst the 10 proposed houses on Adlington Road are individually designed which complements the varied character of existing dwellings, it is equally important to ensure the hedge and tree lined character is

retained to the front and rear of these properties. The garaging has been set back into the site to provide more space between the dwellings.

The tree lined character will continue along the access road to the rear softening its impact, and providing a focus towards the proposed open space which will then funnel into the existing open space at Browns Lane. The open space is used as a focal point to the entrance. Where the houses around the open space do not face towards this area, they have been provided with a dual aspect to provide overlooking and improve natural surveillance within these areas.

There will be a hierarchy of streets within the development which will be identified both by their respective size and their materials and landscape treatment. The hedging is pleasant on the narrow streets with a more substantial tree line on the main spine roads and a different character for some of the finger roads leading to the POS which will help to reinforce the structure and hierarchy of the development. Alternative materials and landscaping will be used to help prioritise areas for pedestrians and lower vehicle speeds. It is noted that on some of the cul-de-sacs on the western side of the development have gates, creating small enclosed, private areas for between 4 and 6 properties. Whilst these are not necessary and do not positively contribute to the development, this would not be a reason to refuse planning permission.

The eastern side of the site successfully orientates the buildings to allow finger roads leading to the POS, allowing for long views, desirable planting and pleasant spaces, which unfortunately has not been replicated on the other side. It is however acknowledged that opportunities are more limited on this side of the site for connections into the open space given the limited boundary with the open space and presence of protected trees.

The pond has been quite successfully relocated in front of the bungalows on the eastern boundary which offers a very pleasant outlook and the parking provision has been broken up with planting to prevent it becoming a car dominated space.

The design of the individual properties, the density (at approximately 21 dwellings per hectare) and the plot sizes are considered to be acceptable overall and in keeping with the varied character of the area. There will be two separate house builders for this development, each with their own style of properties. The choice of materials will require careful consideration to ensure the two halves of the development are consistent and / or complementary. The same applies to the properties on Adlington Road to ensure these properties stand out from the rest to allow their bespoke nature to become a reality. Therefore, whilst a materials schedule has been submitted, it is considered to be necessary to condition the submission of materials. The proposals also provides for increased connectivity towards Dean Row and Wilmslow town centre where most facilities are found, and will help to maximise the opportunities for the use of the existing open space.

The site is relatively flat, and no significant levels changes are anticipated to be necessary. However, whilst the latest revised plan provides some levels information (existing land levels and proposed slab levels) it is considered to be necessary to require further levels information to be conditioned as no details have been provided for the external ground levels across the site.

Reference has been made within the objections to the Council's Green Belt assessment identifying the site as playing a 'significant contribution' in checking unrestricted sprawl. Clearly the scale of the development will add to the built form in the local area, however, the site has a boundary length of approximately 2.5km, and approximately 2km of that is bordered by existing residential properties. As a result the site is relatively enclosed by built development, the existing open space at Browns Lane will ensure open links are retained to the Green Belt to the north and the proposed extension of the urban area is not considered to be significantly harmful.

Overall, the proposal is considered to comply with policies BE1 and DC1 of the Local Plan and the requirements of chapter 7 of the Framework.

AMENITY

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, and seek to protect the immediate outlook from a property, not a more distant view. These distances are set out as guidelines within policy DC38 of the Local Plan.

It is acknowledged that the existing properties that currently back onto the application site, and which benefit from the open aspect of the existing agricultural land to the rear will inevitably see a significant change from open fields to a housing development.

However, the interface distances shown on the plans between the proposed dwellings and existing residential properties that border the site all comply with the distance guidelines set out in policy DC38 of the local plan. It is noted that some of the existing properties have extensions that are not reflected on the submitted plans, and which may marginally reduce the distances from those set out in policy DC38. However, as noted above the distances are guidelines only, indeed they vary between the three local plans currently used in Cheshire East and there are no overriding distances within the Framework, and any marginal reduction is considered to be acceptable.

It should be noted that whilst some of the proposed dwellings do come within close proximity of neighbour's garden boundaries (in some cases within 1 or 2 metres), such as at plots to the rear of 31 Adlington Road, 51 Adlington Road and Fermain Cottage on Browns Lane; due to the orientation of the buildings, the size of the neighbour's gardens, and the scale of the proposed buildings there is not considered to be a significant impact upon the living conditions of these neighbours. The retention of existing vegetation, and additional planting will also help to minimise the impact of the development upon neighbouring properties. Some landscaping is proposed to come in advance of the completion of the development to safeguard the amenity of neighbouring properties during construction. Details of this can be secured by condition.

A landscape buffer is proposed between the properties on Overhill Lane and the new development. Residents have questioned where the ownership of this will lie. Given that it falls within the application site it is assumed that it will be responsibility of the occupiers of the new dwellings. A landscape management plan will be required by condition and will ensure the buffers retention and maintenance.

The distances outlined above are there to ensure adequate levels of space, light and privacy, whilst there may be some reduction to the level of amenity existing properties currently have, the distances and the circumstances outlined above ensure that this reduction is not significantly harmful. Similarly, housing is not a form of development that would generate such significant levels of noise to be harmful to existing residents.

With regard to the relationships within the site, there are some distances between a small number of properties that are below the guidelines set out in policy DC38 by 2 or 3 metres. However, the distances within policy DC38 are guidelines only, and there are no corresponding distances in the Framework. The sub standard distances are between the proposed dwellings and do not affect existing residents, occupiers will be aware of the relationships prior to occupation, and landscaping is proposed within the gardens, and as such the living environments that will be created are considered to be acceptable.

Some objectors have the raised the issue of their right to light under the Prescription Act 1832. Whilst this Act may protect rights to light to buildings acquired over 20 years, it does not grant a right to a view. The spacing guidelines above ensure any loss of light is not significant.

No further amenity issues are raised, and the proposal complies with the objectives of policies DC3 and DC38 of the Local Plan.

FLOODING & DRAINAGE

The application site is located within Flood Zone 1 which indicates that the site is at low risk of flooding. The submitted flood risk assessment states that suitable mitigation can be incorporated into the development to ensure that the flood risk remains low. This involves the construction of a new sewer for surface water on Adlington Road, which would then connect to the existing United Utilities sewer, and then ultimately discharge to the River Bollin. Any additional run off over and above the existing rates will need to be attenuated on site in suitable features.

The Environment agency raise no objections to the proposal subject to conditions requiring the submission of details relating to a scheme to limit the surface water run-off and a scheme to manage the risk of flooding from overland flow of surface water on the proposed development.

Similarly, United Utilities raise no objections subject to the site being drained on a total separate system with the surface water flows generated from the site allowed to discharge in to the public surface water sewer at a maximum rate equivalent to the existing Greenfield run-off rate. Any additional flows must be attenuated accordingly and agreed with United Utilities beforehand.

OPEN SPACE

The proposal for 204 dwellings on site generates the requirement for 8,160sqm of public open space (POS) provision, of which, 4,080sqm is for play and 4,080sqm for amenity provision.

There is also a requirement for recreation and outdoor sport (ROS) provision at a rate of 1.63ha per 1,000 pop.

The developer is proposing to include 3,460sqm of appropriately designed and laid out [to be agreed] amenity space, resulting in a shortfall in provision of:

1. Amenity provision of 620sqm
1. Play provision of 4080sqm
2. ROS provision

In the absence of onsite provision, financial contributions for offsite provision will be required, to be used to make additions, improvements and enhancements to the adjacent Browns Lane POS and playing field and other local recreational projects. The contributions are:

1. Offsite amenity - £46,500
1. Offsite play - £306,000
2. ROS - £143,000

The open space that is being provided on site will not be adopted by the Council and will require management arrangements to be confirmed.

EDUCATION

The proposed development will generate a total of 36 primary aged pupils and 26 secondary pupils. Given that 7 of the dwellings will be identified for elderly persons, these numbers are based on a total of 197 dwellings.

Capacity has been considered in the local primary schools (i.e. those within 2 miles) and the local secondary schools (i.e. those within 3 miles). Forecasts indicate that there will be sufficient capacity in the local primary schools to accommodate the pupils generated of this age. The local authority is already proposing expansion work at 3 of these schools.

There is insufficient capacity in the local secondary school to accommodate any of the pupils generated by this development. Therefore a sum of £424,910 will be required to provide accommodation for the 26 pupils generated.

ARCHAEOLOGY

A Historic Environment Desk-Based Assessment has been submitted with the application which considers the archaeological implications of the proposals in light of information held in the Cheshire Historic Environment Record. The report also benefits from an examination of historic mapping, aerial photographs, place name evidence, and other readily available secondary sources.

The report concludes that the archaeological potential of the site is generally low, largely because of the extensive clay extraction that has occurred across much of the western part of the site, but there are a number of locations where some limited, targeted archaeological mitigation would be appropriate. These sites comprise the investigation of a building and possible kiln (identified as Sites 19 and 21) associated with the clay extraction and brick production and a number of linear earthworks in the two fields comprising the south-eastern portion of the site. The mitigation should consist of trial trenches across the features of

interest, followed by further work if material of significance is discovered. A report will be required and the mitigation may be secured by condition in line with guidance set out in Paragraph 141 of the Framework.

AGRICULTURAL LAND

The Framework states that:

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

The agricultural land on this site is classified as Grade 3 (good – moderate) agricultural land. As noted above this land has been safeguarded for development for a considerable period and is identified as a future development site for this part of the Borough in the Local Plan Strategy Submission Version. Having regard to this, the development of this site is considered to be necessary to meet the development requirements of Cheshire East into the future.

This land quality grade is located centrally in the land quality spectrum and therefore it will not result in a loss of the best and most versatile agricultural land. The site is small and there will be negligible effect on agriculture from the loss of this isolated piece of moderate / good quality agricultural land.

For these reasons the loss of agricultural land is considered to be acceptable in this case.

OTHER CONSIDERATIONS

With regard to the comments raised in representation not addressed above, there is no evidence of unacceptable pressure on health facilities in local area, and no objection has been received from the local medical practices. This issue will therefore not justify the refusal of the planning application. Loss of house value is not a material planning consideration in this case and cannot be afforded any weight in the determination of the application.

Cheshire police recommended 2 metre high fences where fences abut green spaces or open areas; however the proposed fencing is a maximum 1.8 metres high. This is considered to achieve a satisfactory balance between security of the residents and the character of the area.

The provision of a car park at the existing open space has been requested by a number of objectors. The open space does not currently benefit from a car park, and is within walking distance of many local properties. Parking is not required to make the development acceptable in planning terms, and therefore cannot be justified. The accessibility of the open space will also be enhanced through the provision of a footpath / cycle path.

The impact on nearby listed buildings has also been raised. The nearest one appears to be Varden Bridge, which is some distance from the site, and for this reason the proposed development is not considered to have a significant impact upon its historic or architectural integrity.

HEADS OF TERMS

If the application is approved a Section 106 Agreement will be required, which should secure:

- Education contributions of £424,910 (26 places) towards secondary accommodation
- £46,500 for off-site provision of Public Open Space (amenity) for improvements, additions and enhancement of existing Public Open Space facilities (amenity) at open space facilities at Browns Lane and other local recreational projects.
- £306,000 for off-site provision of Public Open Space (play) for improvements, additions and enhancement of existing Public Open Space facilities (children's play) at open space facilities at Browns Lane and other local recreational projects.
- £143,000 for the off-site provision of recreation/outdoor sport (outdoor sports facilities and pitches, courts, greens and supporting facilities/infrastructure) at Browns Lane and other local recreational projects
- The payment of £10,000 to fund TRO to reduce speed limit along Adlington Road
- The payment of £30,114 for habitat creation/enhancement works in the locality, to offset loss of biodiversity
- Provision of 30% affordable housing with 40% to be provided as affordable rent and 60% provided as intermediate tenure
- Provision of 7 of the affordable rent properties as bungalows for the over 55's
- Rented affordable units to be transferred to registered provider
- All the affordable dwellings should be provided no later than occupation of 80% of the open market dwellings
- Affordable units to be constructed to HCA Design and Quality Standards (2007) and Level 3 of the Code for Sustainable Homes (2007).

Community Infrastructure Levy (CIL) Regulations

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

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

The provision of affordable housing, financial contributions towards public open space provision, and off site ecological mitigation, 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.

The Traffic regulation order is necessary in the interests of highway safety.

The development would result in increased demand for school places at the schools within the catchment area which have very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards secondary school education is required based upon the number of units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

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

CONCLUSIONS

The site is located within an area identified as safeguarded land in the Local Plan. The safeguarded land policy (GC7) is considered to be out of date and whilst there may be outstanding objections to the local plan allocation of this strategic site (CS25), given the stage of its preparation some weight has to be afforded to it. Prematurity is a matter that has been raised in other cases across the Borough, and is a material consideration, however, this has not been found to justify a reason for refusal in other similar applications or appeals, and is not in this case for the reasons outlined above. The principle of the development can therefore be accepted subject to there being no significant adverse impacts arising from it.

Paragraph 14 of the Framework therefore applies where it states that planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole. The Government has made it clear in the Framework that there is a presumption in favour of new development, except where this would compromise key sustainability principles.

Whilst comments from the arboricultural officer are awaited, no significant adverse impacts are currently identified. Matters relating to the design, amenity, highways, the public right of way, ecology, air quality and noise impact can be adequately dealt with through the use of conditions and the s106 agreement, which will deliver a range of benefits, including affordable housing, contributions towards improving the Browns Lane public open space, and footpath improvements. Although there would be some visual impact resulting from the loss of a greenfield site, it is considered that due to the relationship with existing urban form, this would not be so significantly adverse to justify a refusal of planning permission.

The proposal is a sustainable form of development, and in the absence of any identified significant adverse impacts a recommendation of approval is made, subject to the receipt of comments from the arboricultural officer, the heads of terms identified above, and the following conditions.

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 Strategic and Economic Planning 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.

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

Application for Full Planning

RECOMMENDATION:

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. A32HA - Submission of construction method statement
7. A08OP - Ground levels to be submitted
8. A30HA - Protection of highway from mud and debris
9. A23GR - Pile Driving
10. A22GR - Pile Driving
11. Scheme to limit the surface water run-off to be submitted
12. Scheme to manage the risk of flooding from overland flow of surface water to be submitted
13. Scheme for the provision and management of compensatory habitat creation to be submitted
14. Site shall be drained on a separate system
15. Programme of archaeological work in accordance with a written scheme of investigation to be submitted
16. Development to proceed in accordance with the recommendation made by the submitted Bat Survey and Pond Scoping Survey Report
17. Breeding birds survey to be submitted
18. Proposals for the incorporation of features into the scheme suitable for use by breeding birds to be submitted
19. Detailed suite of design and construction drawings for footpath widening and carriageway narrowing, roundabout arm improvement, footpath to Varden Bridge
20. Full residential travel plan to be submitted
21. Obscure glazing - details to be submitted
22. Implementation of noise mitigation measures
23. Details of bin storage facilities to be submitted
24. Environmental Management Plan to be submitted to minimise impacts of dust arising through construction

25. Supplementary investigation and Risk Assessment to be submitted (contaminated land)
26. Details of a minimum 10% reduction in energy use through a building fabric first approach to be submitted.
27. Details of management arrangements for open space, landscape areas and landscape buffer to Overhill Lane to be submitted
28. Lighting details to public right of way across open space to be submitted

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