

Application No: 17/5837M

Location: Land West Of, ALDERLEY ROAD, WILMSLOW

Proposal: Outline permission for residential development, with all matters reserved expect for means of access off Alderley Road, together with associated infrastructure and open space

Applicant: Royal London Mutual Insurance Society Ltd

Expiry Date: 30-Mar-2018

SUMMARY

The site is allocated within the Local Plan for residential use as part of the site identified as LPS54. This application is only for the parcel of land located to the west of Alderley Road. The development accords with the Local Plan policy relating to its allocation by providing housing.

The applicant is providing financial contributions required in order to make the development acceptable and is providing the full amount of affordable housing on site which is essential in order to make the development sustainable in the future. It is considered that the proposals are environmental, socially and economically sustainable and accord with the development plan and the framework. The site is sustainably located within the town and the proposals represent an efficient use of the land.

As the application is in outline certain matters are left unresolved at this stage and will be fully addressed as part of any future reserved matters application.

Cheshire East is currently able to demonstrate a 5 year supply of housing however this proposal will make a valuable contribution in maintaining this position.

It has been demonstrated the development will not have a detrimental impact on the local highway network, the trees on and around the site or to local ecology. Although some matters must be dealt with by way of conditions at this stage.

It is considered that the proposal represents sustainable development and accords with the development plan policies outlined in the report and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for approval.

SUMMARY RECOMMENDATION

Approve subject to Section 106 Agreement

PROPOSAL

The application is for outline permission for residential development, with all matters reserved except for means of access off Alderley Road, together with associated infrastructure and open space.

Layout, scale, appearance and landscaping are reserved for future approval.

SITE DESCRIPTION

The application site consists of a piece of agricultural land located between Alderley Road along the eastern boundary and residential properties along the northern and western boundaries. Fulshaw Park South forms the southern boundary of the site. The site rises in ground level from Alderley Road towards the residential properties to the west. A number of trees are located within the site, some of which are protected and a hedge is located along the boundary with Alderley Road.

RELEVANT HISTORY

The site has been subject to applications in the past; however they are not relevant to the consideration of this application.

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Cheshire East Local Plan Strategy

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement Hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SE1 Design

SE2 Efficient use of land

SE 3 Biodiversity and Geodiversity

SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland

SE 6 Green Infrastructure

SE 13 Flood Risk and Water Management

CO 1 Sustainable Travel and Transport

CO 4 Travel Plans and Transport Assessments

SC 1 Leisure and Recreation

SC 2 Outdoor Sports Facilities
SC 3 Health and Well Being
SC 4 Residential Mix
SC 5 Affordable Homes
IN 1 Infrastructure
IN 2 Developer Contributions

Directly relevant to this site is the following allocation for the entire site:

- Site LPS 54 Royal London including land west of Alderley Road, Wilmslow.

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. Macclesfield Borough Local Plan policies are set out below.

NE3 – Protection of Local Landscapes
NE11 – Protection and enhancement of nature conservation interests
NE17 – Nature Conservation in Major Developments
RT5 – Open Space Standards
DC3 – Amenity
DC6 – Circulation and Access
DC8 – Landscaping
DC9 – Tree Protection
DC15 – Provision of Facilities
DC17 – Water Resources
DC35 – Materials and Finishes
DC36 – Road Layouts and Circulation
DC37 – Landscaping
DC38 – Space Light and Privacy
DC40 – Children’s Play Provision and Amenity Space
DC41 – Infill Housing Development

Other Material Considerations:

National Planning Practice Guidance (NPPG)

CONSULTATIONS

Environmental Health – No objection. Conditions have been requested relating to noise, air quality electric vehicle charging points and contamination. These will be included on any approval.

United Utilities – No objections. Conditions have been requested in respect of surface water drainage from the site and that the site shall be drained on separate systems.

Highways – No objection. The comments made by the highway engineer and all highway matters are addressed in full later in this report.

Environment Agency – No objection.

Housing Strategy – No objection. The development triggers an affordable housing requirement and this matter is addressed in detail later in this report.

Flood Risk - A response is awaited and will be reported in an update report.

Education – No objection. This is based upon the applicant committing to pay a financial contribution for the provision of additional school places generated by the development.

ANSA (Open Space) – No objection. This is subject to a financial contribution being agreed in respect of recreation open space, indoor recreation provision and the detailed layout going forward providing a LEAP and the required amount of open space within the site based on the number of units proposed.

Countryside Rights of Way – No objection. Conditions are requested in respect of submission of a Travel Plan and a scheme for signage for pedestrians and cyclists within the site.

VIEWS OF THE PARISH / TOWN COUNCIL

Wilmslow Town Council – *Wilmslow Town Council's Planning Committee recommend refusal of this proposal and is opposed to this development.*

OTHER REPRESENTATIONS

Representations were received from 86 properties. The main points of objection relate to the following;

- Impact of the proposal on highway safety and an increase in traffic in an already congested area.
- Too many access points along Alderley Road
- The site was meant to be protected from development.
- Loss of an open field
- The site is in the Green Belt
- The site is subject to a covenant restricting development.
- Local schools are already over-subscribed.
- Impact on protected species that use the site.
- Lack of capacity in local doctors and dental practices.
- The affordable housing is not really affordable
- No need for additional housing
- The proposal doesn't meet all the requirements of the local plan policy.
- The proposal should comply with the Wilmslow Neighbourhood Plan.
- Loss of trees and hedgerows
- Increased risk of flooding

The following points in support of the proposals were also made;

- Welcome the provision of affordable housing within the development.
- Increase in footpath and cycle routes is welcomed

- Local housing market is too constrained.

APPRAISAL

Key Issues

- Principle of development
- Sustainability
- Affordable Housing and Housing Mix
- Education
- Public Open Space and Recreation
- Access to Health Facilities
- Residential Amenity
- Impact on Local Highway Network / Access
- Design and Layout
- Ecology
- Impact on Trees / Hedgerows
- Flood Risk
- Economic Sustainability
- Section 106 agreement
- CIL Regulations
- Representations
- Conclusions
- Recommendation

PRINCIPLE OF DEVELOPMENT

On 27th July the Council adopted the Cheshire East Local Plan Strategy. Accordingly the new Local Plan now forms part of the statutory development plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *“where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.”* This is the test that legislation prescribes should be employed on planning decision making.

The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means *“approving development proposals that accord with the development plan without delay”*.

As a consequence where development accords with the adopted Local Plan Strategy the starting point should normally be that it should be approved – and approved promptly.

The Inspector’s Report on the Local Plan was published on 20 June 2017 and signalled the Inspector’s agreement to the plans and policies of the Local Plan Strategy. The Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

“I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years”

The Inspector's conclusion that the Council had a 5 year supply of deliverable housing land was based on the housing land supply position as at 31 March 2016.

Following the adoption of the Local Plan Strategy, the Council released its annual Housing Monitoring Update, in August 2017. It sets out the housing land supply as at 31 March 2017 and identified a deliverable housing land supply of 5.45 years.

On 8 November 2017, an appeal against the decision of the Council to refuse outline planning permission for up to 400 homes at White Moss Quarry, Alsager (WMQ) was dismissed due to the scheme's conflict with the Local Plan settlement hierarchy and its spatial distribution of development.

However, in his decision letter, the WMQ Inspector did not come to a clear conclusion whether Cheshire East had a five year supply of deliverable housing land. His view was that it was either slightly above or slightly below the required 5 years (4.96 to 5.07 years). In this context, the Inspector engaged the 'tilted balance' set out in the 4th Bullet point of paragraph 14 of the National Planning Policy Framework (NPPF). This introduces a presumption that planning permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

On 4 January 2018, an appeal against the non-determination of an outline planning permission for up to 100 homes at Park Road, Willaston was dismissed due to conflict with Local Plan policies that sought to protect designated Green Gap, open countryside and rural character. The Inspector also took the view that the housing land supply was either marginally above or below the required 5 years (4.93 to 5.01 years). On this basis, he adopted a 'precautionary approach' and assumed a worst case position in similarly engaging the 'tilted balance' under paragraph 14 of the Framework.

The Council is continuing to update its evidence regarding housing land supply to ensure that decisions are taken in the light of the most robust evidence available and taking account of recent case law. The Council believes it can demonstrate a five year supply and will accordingly be presenting further updated evidence at the forthcoming Stapeley Inquiry.

For the purpose of determining current planning applications it is therefore the Council's position that there is a five year supply of deliverable housing land.

The application site consists of part of the LPS 54 allocation (land to the west of Alderley Road) that was a site released from the Green Belt in order to assist the Council in achieving a five year supply of housing. Therefore the principle of residential development is acceptable in this location and subject to all other matters being satisfied the application should be determined without delay.

In addition to around 175 dwellings across the whole allocation and around 75 dwellings on this part of the site the development is expected to deliver the following in respect of this parcel of the site;

- Incorporation of green infrastructure and the provision of public open space at the southern end of the land west of Alderley Road;
- Improve pedestrian and cycling links in the area.
- High quality design and appropriate landscaping / green infrastructure should be provided within the site in order to preserve the character of the area and ensure an acceptable relationship between residential and employment uses. The design must respect the site's location as a key entrance into Wilmslow.
- A new public open space at the southern end of land west of Alderley Road
- Retention and enhancement of features within the site that are of amenity value, where feasible, specifically the mature wooded area to the west of the site, the brook, the ponds that are present, and the tree and hedge lined frontages to Alderley Road.
- Provide health and education contributions.
- Provide affordable housing in line with SC5.

The Royal London Development Framework was endorsed by Cabinet on 10 October 2017. This framework is a guide in determining planning applications on the whole of the Royal London site. The application site is identified in the framework as being developed for residential use and therefore the application is in compliance with this framework.

SUSTAINABILITY

Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay. There are three strands to sustainability, social, economic and environmental.

Social sustainability

AFFORDABLE HOUSING

The Cheshire East Local Plan Policy SC5 states in Settlements with a population of 3,000 or more the percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. A ratio of 65/35 between social rented and intermediate housing is required.

The SHMA 2013 shows the majority of the demand in the Sub Area of Handforth and Wilmslow Per Year until 2018, is for 49x 3 and 5x 4 bedroom General Needs dwellings. The SHMA also shows a need for 13x 1 bedroom and 3 x 2 bedroom dwellings for Older Persons. This can be via bungalows, lifetime homes, cottage style flats and flats.

The current number of those on the Cheshire Homechoice waiting list with Wilmslow as their first choice is 123. This can be broken down to 53x 1 bedroom, 44x 2 bedroom, 19x 3 bedroom and 7x 4 bedroom dwellings, therefore a mix of 1, 2, 3 and 4 bedroom dwellings for General Needs and 1 and 2 bedroom dwellings for Older Persons on this site would be acceptable.

This is a proposed development of around 60 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 18 dwellings to be provided as affordable dwellings. 12 units should be provided as Affordable rent and 6 units as Intermediate tenure. The applicant has agreed to make this provision.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration. This issue will be addressed through the reserved matters application.

The affordable housing should be provided no later than occupation of 50% of the open market dwellings and this will be addressed within the s106 agreement. The s106 agreement also ensures the following;

- requires the affordable units to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

Given the above the proposal complies with the requirements of Local Plan Policy SC5.

EDUCATION PROVISION

The Local Plan is expected to deliver 36,000 houses in Cheshire East; which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a special educational need. This development of around 60 dwellings is expected to generate the following need:

10 primary children (60×0.19) – 1 SEN (Special Education Need)

9 secondary children (60×0.15)

1 SEN children ($60 \times 0.51 \times 0.023\%$)

The development is expected to impact on both secondary school and SEN places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school and SEN school places still remains.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. This is an existing concern, however the 3 children expected from this development will exacerbate the shortfall. The 2 SEN children who are thought to be of mainstream education age have been removed from the calculations above to avoid double counting. The remaining 1 SEN child is

expected to be 1 Early Year Foundation Status (EYFS) child. The Service does not claim for EYFS or Sixth Form at present therefore those children cannot be removed from the calculation above.

To alleviate forecast pressures, the following contributions would be required:

$9 \times £17,959 \times 0.91 = £147,084.00$ (secondary)

$1 \times £50,000 \times 0.91 = £45,500.00$ (SEN)

Total education contribution: £192,584.00.

The contribution has been agreed by the applicant and is subject to change when the final form of development is known and will be delivered through the s106 agreement.

PUBLIC OPEN SPACE AND RECREATION

Until the housing schedule is finalised it is not possible to accurately calculate the Public Open Space (POS) requirements. However, in line with the Policy SE6 of the CEC Local Plan, there is a public open space requirement of 40m² per family dwelling. On a development of this size it would be expected all of this space on site.

Play must be provided as part of this development, either within the residential area or within the proposed area of POS. Any play area should not be located directly adjacent to a busy main road or restricted to areas beneath retained mature trees. Further consideration on how the POS can be laid out and what features it can comfortably contain is required and this will be included as a condition that requires these details to be submitted as part of any subsequent reserved matters application.

Amenity greenspace should be functional and flexible space, adaptable over time and should reflect local heritage/culture/wildlife to create distinctive, high quality spaces that compliment and strengthen the identity of the overall development and wider community as well and encouraging community cohesion. They should be large enough to accommodate informal recreation activities without disturbing residents of neighbouring properties. Therefore narrow buffers around the perimeter will not be considered amenity green space.

There is a requirement to provide Recreation and Outdoor Sport (ROS) in line with Policy SC2 of the Local Plan and the playing Pitch Strategy. In this instance the developer has opted to make a contribution rather than on-site provision. This contribution will equate to £1,000 per dwelling (excluding the affordable properties) with the final contribution determined upon the final number of properties on site. At the moment options are being assessed to determine where this contribution will be spent.

Policies SC1 and SC2 of the Local Plan Strategy provide a clear development plan policy basis to require developments to provide or contribute towards both outdoor and indoor recreation

The Indoor Built Facility Strategy has identified that any existing shortfalls for Wilmslow should look to focus on improvement of provision at Wilmslow Leisure Centre. Whilst new developments should not be required to address an existing shortfall of provision, they should

ensure that this situation is not worsened by ensuring that it fully addresses its own impact in terms of the additional demand for indoor leisure provision that it directly gives rise to. Furthermore, whilst the strategy acknowledges that the increased demand is not sufficient to require substantial indoor facility investment through capital build there is currently a need to improve the quality and number of health and fitness stations at Wilmslow Leisure Centre to accommodate localised demand for indoor physical activity.

The requirement is calculated as follows:

- 60 houses at 1.61 people per residence = a population increase of 97
- The annual Sport England Active People Survey Results for 2016 showed 42.7% participation rate for Cheshire East. = 41 additional “active population” due to the new development in Handforth
- Based on an industry average of 25 users per piece of health & fitness equipment this equates to an additional 2) stations. Therefore a requirement exists for a contribution of £8,330.

The applicant has accepted the need for this contribution although the level of contribution may change based on the number of houses eventually approved on site. The contribution will be delivered through the s106 agreement.

ACCESS TO HEALTH FACILITIES

Eastern Cheshire has the fastest growing over 65 and over 85 populations in the North West with more than one in five people being over 65 which will become nearer to one in four people by 2021. The number of very elderly people is growing even more rapidly, with a higher estimated average annual growth rate when compared to England (2.7% vs. 2.3%). The overall population is forecast to grow by 28,000 (14%) by 2035.

Both Kenmore Medical Centre and Wilmslow Health Centre are open to further development of their sites for the benefit of the local patient population, and there is an expectation that further development will be needed in order to meet the projected increase in local population over the next 5-10 years. Both GP practices are therefore actively engaged with the CCG in investigating potential primary care estates development opportunities. Both GP practices have identified estates development work which, if funding can be sourced, would allow for further expansion and greater utilisation of the buildings. The s106 contribution would go towards the construction of a raised parking structure in order to meet the increased demand for car parking spaces in the Wilmslow Health Centre car park and the development of a large first floor void space into usable clinical space at the Wilmslow Health Centre.

It is suggested that the Section 106 funding for the planning application under consideration is based on a calculation consisting of occupancy x number of units in the development x £360. This is based on guidance provided to other CCG areas by NHS Property Services.

Size of Unit	Occupancy Assumptions Based on Size of Unit	Health Need/Sum Requested per unit
1 bed unit	1.4 persons	£504 per 1 bed unit
2 bed unit	2.0 persons	£720 per 2 bed unit

3 bed unit	2.8 persons	£1008 per 3 bed unit
4 bed unit	3.5 persons	£1260 per 4 bed unit
5 bed unit	4.8 persons	£1728 per 5 bed unit

The applicant has agreed to a financial contribution in respect of this issue and this will be based on the number and size of dwellings that come forward as part of the reserved matters application.

RESIDENTIAL AMENITY

In order for the proposals to be acceptable, it is important that they do not have a detrimental impact on the amenities of existing residents. Local Plan policies DC3, DC38 and H13 seek to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property.

Many of the issues relating to overlooking, impact on privacy, and overshadowing will be addressed as part of any reserved matters application. Highway matters are addressed separately in this report.

Environmental Health has commented on the application and has raised no objections with regard to contaminated land, air quality or noise and vibration subject to conditions. It is inevitable that some disturbance will occur as part of the construction process. However this will be for a temporary period only and separate legislation is in place to ensure this does not occur.

Social Sustainability Conclusion

The proposals for the residential development will make an affordable housing contribution through the provision of 18 units of the correct tenure. The scheme does make a valuable contribution towards affordable housing which will be secured through a Section 106 agreement.

The proposed development will make a full education contribution, health contribution and will make a contribution towards open space, indoor recreation and outdoor sport. The affordable housing provision will meet the requirements

Overall the provision of a reasonable mix of housing for the community as part of a large strategic allocation along with on site affordable housing and education and open space and outdoor recreation contributions which can be provided by the development are considered to be socially sustainable.

Environmental sustainability

IMPACT ON HIGHWAY NETWORK/ACCESS

There is a single point of access proposed for this site, a ghost island priority junction arrangement that includes a pedestrian island. The 1.5m wide advisory cycle lanes on both

sides have been retained with the right turn lane. The submitted design is in accordance with DMRB (Design Manual for Road and Bridges) and has been subject to safety audit, the proposed access is considered acceptable. This access arrangement has also to be considered with the access to the residential site to the east of Alderley Road in place. The applicant has submitted an access drawing that indicates the two ghost right turn lanes operating together, this arrangement has also be subject to a safety audit and does operate acceptably in combination.

A development framework has been prepared for the Royal London Campus that covers the whole of the site, this includes a indicative masterplan of site layout. In addition, to this application there is a current application submitted for up to 120 dwellings within the Royal London Campus on land to the east of Alderley Road. In addition to the Transport Assessment the applicant has submitted a further Transport Addendum on transport matters.

Although this application has relatively small numbers in terms of dwellings the assessment needs to take into account the committed office development on the Royal London campus and also the other residential application that has been submitted. The scope of impact of the development was agreed with the applicant and considers that principal junctions on Alderley Road that would likely be affected by the development traffic.

As part of the new office scheme approval, a mitigation scheme was agreed for Alderley Road that increased the number of approach lanes southbound to the Melrose Way roundabout thereby improving capacity on the arm that experienced the longest delay. As there is uncertainty that this scheme will in fact come forward, this application has assessed the impact without this mitigation in place and considered the existing road network.

The capacity assessments undertaken at the Royal London site accesses show that the development has a very small impact on the junctions between 1% and 2% and these would work within capacity. Similarly, the impact at the Bedells Lane roundabout is small and whilst the junction will be operating at capacity in 2022 with the combined residential developments added, the impacts are not considered significant.

The A34 Melrose Way roundabout does suffer from congestion, especially during the evening peak where long queues form. The base capacity assessment undertaken confirms that the junction would operate over capacity in 2022 with long queues on the Alderley Road north arm of the junction. The base plus combined development assessment does increase queue lengths in 2022 but this is a limited impact of 10 vehicles and adds only 2 vehicles if just this application is considered. The other arms of the Melrose Way roundabout are largely unaffected by the development traffic and operate at capacity in 2022.

In summary, the traffic impact of the combined developments is confined to the A34 Melrose Way roundabout and in particular the Alderley Road (N) approach. The junction already has capacity problems on this approach and it the extent of the impact from the developments that needs to be considered. Although this development proposal will increase the queue lengths it is only a very minor impact and does not constitute a severe impact to warrant a traffic impact reason for refusal.

Highway Conclusion

The principal highway consideration arising from this application is the impact the site will have on existing congestion levels on Alderley Road. The capacity assessments undertaken show that Alderley Road approach to the Melrose Way roundabout has significant queues in the evening peak hour without the mitigation measures agreed as part of the office development.

The level of congestion on Alderley Road is a concern to the Highway Authority although it is not considered that an objection can be sustained on traffic impact grounds, as this development of 60 units on its own will add some 2-3 vehicles to the queue lengths in the peak and is well within the daily variation in traffic that uses Alderley Road.

The access proposals to the site are acceptable and does include a provision for pedestrian to cross Alderley Road, the existing on carriageway cycle provision is unaffected by the access proposals.

In summary, there are no highway objections to the development, the access details will be subject to a S278 Agreement to be implemented by the applicant.

DESIGN AND LAYOUT

The importance of securing high quality design is specified within the Framework. Paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

This approach is fully consistent with CELPS Policy SE1 and the recently adopted Cheshire East Design Guide.

The application is in outline and details of layout, scale and appearance will be dealt with as part of any reserved matters application.

The illustrative site plan shows a layout that is unacceptable and contrary to the adopted Design Guide. It shows no incorporation of green infrastructure and proposes the use of standard house types. The site is located along a main route into Wilmslow so it would be expected that any design solution would be of the highest quality.

The Design Guide advocates submission and agreement of a design code and as a result a condition will be included on any approval. This will be required to be submitted in advance of any reserved matters application. A condition is also required in relation to materials.

Given the stage the proposals are at the proposals are acceptable subject to the above conditions.

ECOLOGY

The application is accompanied by a comprehensive ecological assessment within the Environmental Statement that addresses the following issues;

Badger

No badger setts were recorded on site during the surveys submitted to inform the ES but some evidence of badger foraging activity was present. The proposed development is therefore likely to result in the loss of an area of badger foraging habitat. This impact is likely to be relatively minor, but would lead to a more significant cumulative impact on badgers when the development to the east of Alderley Road is also considered. The impacts of this loss would be partially mitigated through the retention of part of the site as public open space.

As the status of badgers on a site can change within a short timescale a condition will be included on the decision notice requiring an updated badger survey to be undertaken in support of any future reserved matters application.

Bats

A single tree (T10) was identified as having potential to support roosting bats. No evidence of roosting bats was recorded during detailed surveys of this tree. It is therefore unlikely bats will be directly affected by the proposed development.

A low/Moderate level of bat activity was recorded on site. The diversity of bat species and the level of activity recorded is as would be expected for a site of this type. The submitted ES anticipates a minor adverse impact on bats which are considered to be of Local value in the absence of mitigation.

In order to mitigate the potential impacts of the proposed development upon roosting bats it is important that any detailed design proposed at the reserved matters stage seeks to retain boundary features and provide additional native planting in the open space area. Wildlife sensitive lighting would also be required to minimise impacts on bats.

Great Crested Newts

No evidence of great crested newts was recorded during the submitted surveys, therefore it is unlikely to be affected by the proposed development.

Common Toad

This priority species was recorded during the submitted reptile surveys. The proposed development will result in the loss of an area of low quality habitat potentially utilised by this species. In order to provide compensation for this loss and provide an enhancement for biodiversity in general a wildlife pond should be provided within the open space scheme. This matter can be dealt with by means of an ecological enhancement condition.

Hedgerows

Native species hedgerows are a priority habitat and hence a material consideration. The proposed access points off Alderley Road are likely to result in the loss of sections of hedgerow. In the event that outline permission is granted it must be ensured that adequate compensatory planting is provided at the reserved matters stage to address any losses. This matter may be dealt with by means of an ecological enhancement condition.

Hedgehog and Pole Cat

These two priority species have been recorded in the broad locality of the application site and may appear on the application site on at least a transitory basis. The proposed development will result in the loss of an area of low quality habitat potentially utilised by these species. The detailed design should include features for these two species. In the event that outline permission is granted this matter may be dealt with by means of an ecological enhancement condition.

Ecology Conclusion

The proposal will not have a detrimental impact on any protected species, subject to the inclusion of the following conditions;

- Updated badger survey to be submitted in support of any future reserved matters application.
- Wildlife friendly lighting
- Submission of ecological enhancement strategy.

IMPACT ON TREES/HEDGEROWS

Part of the site specific principles of the strategic site designation identify the requirement for high quality design and appropriate landscaping/green infrastructure to be provided to preserve the character of the area; and the retention and enhancement of features within the site that are of amenity value, where feasible - including the tree and hedge lined frontages to Alderley Road.

Selected trees within the site are afforded protection by the Wilmslow Urban District Council (Fulshaw Park) No.2 Tree Preservation Order 1972 and are a material consideration in this application.

The application is supported by a Preliminary Arboricultural Impact Assessment (ES Volume 3 Appendix 5.1) which follows the format of BS5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*. The Tree Survey at para 3.8 has identified 51 individual trees, 3 groups of trees and 5 hedgerows. Since the Order was made a number of protected trees have been removed or died and only four individual trees (Oak T30, Oak T31, Oak T33 and Ash T34) now remain. These trees are located to the south of the site within the proposed designated open space and are broadly unaffected by the proposals.

The proposed access will utilise the existing field access off Alderley Road which will require widening and Alderley Road reconfigured to include localised widening and realignment of the pavement. The realignment will result in the loss of three unprotected trees, a London Plane T8, Oak T9 within the hedgerow and Whitebeam T13 located on the highway verge. Whilst both the Oak and London Plane are prominent road frontage features, both are heavily covered in ivy. The submitted Arboricultural Assessment states that these are moderate (B) category trees, however they are not significant or outstanding specimens and their loss can be adequately compensated elsewhere.

The impact of the development on the remaining trees will be considered as part of the reserved matters application. As it stands there are no constraints to the retention of these trees and a condition will be included on the decision notice that the reserved matters application shall be supported by an Arboricultural Impact Assessment.

FLOOD RISK

The site is classified as Very Low Risk (former EA Flood Zone 1), which is land that has a less than 0.1% chance of flooding (less than 1:1000). The Environment Agency and the Council's Flood Risk Team have considered the submitted Flood Risk Assessment and further submitted information and have raised no objections to the proposals. A condition has been requested that requires the submission of a detailed strategy for surface water drainage and this will be included on the decision notice.

United Utilities have commented on the application and raised no objections to the proposals subject to the above condition.

Environmental sustainability conclusions

It is considered that the proposed development is environmentally sustainable. The proposed design of the site is acceptable, there are conditions required in respect environmental matters raised above.

Economic Sustainability

Employment

The proposed development will provide employment in the short term during the clearance and construction of the development in the area.

Economy of the wider area

The addition of 60 units within the town will undoubtedly boost the economy in the local area through the increased use of shops and services making them more sustainable, which is especially important in Wilmslow Town Centre to be sustainable into the future. Additional population can create more demand for local services, increasing the likelihood that they will be retained into the future and improvements and investment made.

Economic sustainability conclusions

The proposals will result in additional employment in the sort term through the construction of the site along with an economic boost locally through the increase in population to this area of the town. It is considered that the proposals will make efficient use of the site which is part of a wider strategic allocation.

SECTION 106

A section 106 agreement will accompany the application and is required to secure the following:

- Provision of 30% affordable units, of these dwellings 65% will be social rented and 35% intermediate housing.

- Educational contribution towards secondary and SEN provision of £192,584 based on 60 dwellings being built on site.
- Contribution towards ROS £1,000 per open market house.
- Contribution towards health provision, the final figure is dependent on the number and size of properties that come forward at reserved matters.
- Contribution towards indoor recreation of £8,330 based on 60 dwellings being built on site.
- Management Plan for the on-site public open space and LEAP
- Contribution for monitoring of Travel Plan £5,000

CIL REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following: a) Necessary to make the development acceptable in planning terms; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified meet the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

COMMENT ON REPRESENTATIONS

The majority of the points of objection have been addressed in the main body of the report or are issues that will be considered as part of the future reserved matters application.

A number of representations objected on the grounds the site is within the Green Belt and therefore should not be developed. However, on adoption of the Local Plan the site was removed from the Green Belt and is now allocated for residential use.

One issue raised in a number of representations was the potential presence of a restrictive covenant that restricts development on the site. A covenant is a restriction on what can be done with land or property. Planning permission can be granted for development that breaches the terms of a restrictive covenant but the granting of planning permission does not over-ride the covenant itself. A landowner or developer with a planning permission may still be unable to develop land because of a restrictive covenant. Whether a covenant is enforceable or not is not a matter for the Council to determine or become involved in.

Numerous representations made the point the development should be considered against the Wilmslow Neighbourhood Plan. However the Neighbourhood Plan is at a relatively early stage in its preparation and no detailed policies have yet to be produced, therefore the application cannot be considered against the emerging Neighbourhood Plan.

CONCLUSION AND PLANNING BALANCE

The site forms the part of the allocated site LPS54. The proposed development accords with the Local Plan policy relating to its allocation by providing housing and all the other policy requirements. Shortfalls in health and education provision are mitigated through financial contributions to improve existing facilities. The applicant is providing further financial contributions in order to make the development acceptable and is providing the full amount of affordable housing on site which is essential in order to make developments sustainable in the future. It is considered that the proposals are environmental, socially and economically sustainable and accord with the development plan and the framework. The site is sustainably located within the town and the proposals represent an efficient use of the land.

Cheshire East is currently able to demonstrate a 5 year supply of housing however this proposal will make a valuable contribution in maintaining this position.

It is considered that the proposal represents sustainable development and accords with the development plan policies mentioned in the policies section of this report and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for approval.

RECOMMENDATION

Approve subject to a legal agreement to secure the following and the conditions listed below.

- Provision of 30% affordable units, of these dwellings 65% will be social rented and 35% intermediate housing.
- Educational contribution towards secondary and SEN provision of £192,584 based on 60 dwellings being built on site.
- Contribution towards ROS £1,000 per open market house.
- Contribution towards health provision, the final figure is dependent on the number and size of properties that come forward at reserved matters.
- Contribution towards indoor recreation of £8,330 based on 60 dwellings being built on site.
- Management Plan for the on-site public open space and LEAP
- Contribution for monitoring of Travel Plan £5,000

And the following conditions:-

1. Standard contaminated land condition
2. Importation of soil
3. Unexpected contamination
4. Positive and proactive
5. Time period to implement permission.

6. Approve reserved matters details
7. Plans
8. Details of surface water drainage
9. Pedestrian and cycle signage
10. Submission and implementation of Travel Plan
11. Submit arboricultural impact assessment
12. Implement access
13. Levels
14. Carry out development as per the FRA
15. Construction environment management plan
16. Bat friendly lighting scheme
17. Ecological enhancement strategy
18. Landscape and habitat management plan
19. Boundary details
20. Dust control
21. Provision of Electric Vehicle Charging Points
22. Updated otter and badger survey
23. Implement noise recommendations
24. Implement landscaping scheme
25. Noise Impact Assessment as part of RM application.
26. Details of materials
27. Details of play area
28. Retention of hedgerows
29. Submission of design guide prior to submission of reserved matters application

In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) 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 Board's decision.

