

Application No: 21/3438M

Location: LAND TO THE EAST OF ALDERLEY ROAD, WILMSLOW, CHESHIRE

Proposal: Outline planning permission for residential development together with associated infrastructure and open space, with all matters reserved except for means of access off Alderley Road and highway improvements to Alderley Road.

Applicant: Royal London Mutual Insurance Society Limited

Expiry Date: 29-Jul-2022

SUMMARY:

The principle of the erection of dwellings and associated infrastructure on this site is established by CELP Policy LPS 54. This policy allocates the wider Royal London site for development as part of the Local Plan. This allocation includes the provision of 'around 175 dwellings'. The application proposal seeks outline consent for up to 120 of these dwellings, including matters of access. It is noted that an almost identical scheme was approved under 17/5838M, which is still extant.

In consideration of matters of access, the Council's Highway's Officer is satisfied that subject to securing necessary improvement works to the highway, details of which are to be secured by planning condition and the implementation of the access details, the development proposed is acceptable in highways terms.

Matters in relation to layout, scale and appearance are reserved for subsequent approval. As such, there is little consideration of matters in relation to design at this time.

With regards to heritage, concerns are raised in relation to the loss of trees which impact the setting of a grade II listed building and the general lack of information with regards to the impact of the proposed development upon heritage assets. However, as concluded as part of the previous permission on site (17/5838M), most of these concerns can be addressed at reserved matters stage which is when the position of the actual built form is considered. The loss of trees which impact the significance of the listed building has been assessed to be less than substantial. However, it is deemed that the economic, social and environmental benefits of the scheme overall, are sufficient to outweigh this harm.

Matters in relation to landscape are also reserved for subsequent approval. Notwithstanding this, the Council's Landscape Officer advises that they have no objections, subject to conditions and a legal agreement to secure the management of the landscaped areas of the site.

No issues are identified at this stage for other trees and hedgerows, subject to a condition.

No issues are raised for ecology subject to the inclusion of recommended conditions and a S106 Agreement to secure biodiversity net gain.

Archaeology, amenity, flood risk and drainage are also acceptable subject to conditions, where deemed necessary.

To mitigate the impact of the proposed development upon local health, education and indoor sport facilities, commuted sums are required in the event of approval. Affordable housing and open space is also secured through a S106 agreement.

RECOMMENDATION:

APPROVE, subject to a S106 agreement to secure commuted sums towards education, health, indoor sport provision, travel plan monitoring and on-site affordable housing and open space, and conditions

DESCRIPTION OF SITE AND CONTEXT

The application site consists mainly of a piece of land that is located to the north and east of the existing Royal London Campus that is located between Alderley Road and the West Coast Main Line. Part of the application site adjoins Alderley Road between the properties on Whitehall Close and The Coach House. Some trees are located in this part of the site. The site then extends eastwards towards the railway onto open fields. Open land is located to the south of the site. Mature trees are located at various locations throughout the site.

PROPOSAL

This is an outline planning application for residential development (up to 120 dwellings) and matters of 'access' to be determined at this stage. It is a re-submission of 17/5838M which was approved by the Council in December 2018.

The scope of this application has changed since it was submitted. The application was previously a hybrid application seeking part outline permission (as per the current proposals), but also full planning permission for the temporary stockpiling of material and site preparation works. The part of the scheme seeking full planning permission has now been removed from this application. A full re-consultation was undertaken as a result in this change in scope.

RELEVANT HISTORY:

Application site (Land East of Alderley Road)

21/5725M - Reserved matters application including details of layout, landscaping, appearance and scale for a residential development comprising 107 dwellings – Under consideration

21/5115D – Discharge of Condition 10 of 17/5838M – Approved 8th November 2021

21/4365M – Non-Material Amendment to app 17/5838M - Outline permission for residential development, with all matters reserved except for means of access off Alderley Road, highway improvements to Alderley Road, together with associated infrastructure and open space – Approved 7th October 2021

Note: The above application granted permission to re-word condition 10 from 17/5838M to ensure it was less prescriptive

21/2514M - Non-material amendment to existing permission 17/5838M to amend plans listed in condition 3 – Under consideration

17/5838M - Outline permission for residential development, with all matters reserved except for means of access off Alderley Road, highway improvements to Alderley Road, together with associated infrastructure and open space – Approved 5th December 2018

PLANNING POLICY:

Development Plan

The Cheshire East Development Plan policies relevant to this application, currently comprises of; the Cheshire East Local Plan Strategy (CELPS), the Wilmslow Neighbourhood Plan and the Macclesfield Borough Local Plan. More specifically;

Cheshire East Local Plan Strategy 2017 (CELPS)

LPS 54 – Royal London, including land west of Alderley Road, Wilmslow, MP 1 – Presumption in favour of sustainable development, PG 1 – Overall Development Strategy, PG 2 – Settlement hierarchy, PG 7 – Spatial Distribution of Development, SD 1 – Sustainable Development in Cheshire East, SD 2 – Sustainable Development Principles, IN 1 – Infrastructure, IN 2 – Developer contributions, SC 1 – Leisure and Recreation, SC 2 – Outdoor Sports Facilities, SC 3 – Health and Well-Being, SC 4 – Residential Mix, SC 5 – Affordable Homes, SE 1 – Design, SE 2 – Efficient Use of Land, SE 3 – Biodiversity and Geodiversity, SE 4 – The Landscape, SE 5 – Trees, Hedgerows and Woodland, SE 6 – Green Infrastructure, SE 12 – Pollution, Land Contamination and Land Instability, SE 13 – Flood Risk and Water Management, CO 1 – Sustainable Travel and Transport and CO 4 – Travel Plans and Transport Assessments
Appendix C – Parking Standards

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. These policies are set out below.

Macclesfield Borough Local Plan 2004 (MBLP)

Relevant saved policies include:

NE11 – Protection and enhancement of nature conservation interests, NE17 – Nature Conservation in Major Developments, RT5 – Open Space Standards, H9 – Occupation of Affordable Housing, DC3 – Amenity, DC6 – Circulation and Access, DC8 – Landscaping, DC9 – Tree Protection, DC13 & DC14 – Noise Pollution, DC15 – Provision of Facilities, DC17, 19 & 20 – 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, DC63 – Contaminated Land

Wilmslow Neighbourhood Plan 2019 (WNP)

LSP1 – Sustainable Construction, LSP2 – Sustainable Spaces, LSP3 – Sustainable Transport, NE1 – Countryside around the Town, NE2 – River Valley Landscapes, NE3 – Green Links, NE4 – Countryside Access, NE5 – Biodiversity Conservation, TH1 – Gateways into Wilmslow, TH3 – Heritage Assets, TA1 – Residential Parking Standards, TA2 – Congestion and Traffic Flow, TA4 – Access to Schools, TA5 – Cycling in Wilmslow, CR4 – Public Open Space, H2 – Residential Design & H3 -Housing Mix

Other Material Policy Considerations

Emerging Cheshire East Site Allocations and Development Policies Document (“SADPD”)

The Revised Publication Draft SADPD was submitted to the Secretary of State on 29 April 2021. Following the examination hearings and report from the Inspector, Main Modifications were published for consultation between 19 April 2022 and 31 May 2022. The Council has recently published its report of consultation and the Inspector will take the representations into account in preparing his Examination report, which will be issued to the council in due course. The following policies are considered to carry moderate weight in the assessment of the application:

PG9 - Settlement Boundaries, GEN1 - Design principles, GEN5 - Aerodrome safeguarding, ENV1 - Ecological network, ENV2 - Ecological implementation, ENV3 - Landscape character, ENV5 - Landscaping, ENV6 - Trees, hedgerows and woodland implementation, ENV7 - Climate Change, ENV12 - Air quality, ENV13 – Aircraft Noise, ENV14 - Light pollution, ENV15 - New development and existing uses, ENV16 - Surface water management and flood risk, ENV17 - Protecting water resources, HER1 - Heritage assets, HER4 – Listed Buildings, RUR6 - Outdoor sport, leisure and recreation outside of settlement boundaries, HOU1 – Housing Mix, HOU6 – Accessibility and Wheelchair housing standards, HOU10 - Amenity, HOU11 – Residential Standards, HOU12 – Housing density, HOU13 – Housing delivery, INF1 - Cycleways, bridleways and footpaths, INF3 -Highways safety and access, INF6 - Protection of existing and proposed infrastructure and INF9 - Utilities

National Planning Policy Framework (2021 update) (NPPF)

Of particular relevance are chapters in relation to; Achieving sustainable development, Decision making, Delivering a sufficient supply of homes, Building a strong, competitive economy, Ensuring the vitality of town centres, Promoting healthy and safe communities, Promoting sustainable transport, Making efficient use of land, Achieving well design places, Protecting Green Belt land, Meeting the challenge of climate change, flooding and coastal change, Conserving and enhancing the natural environment and Conserving and enhancing the historic environment.

Other

- National Planning Policy Guidance (NPPG)
- Royal London Development Framework (2017) Cheshire East Council Housing Supplementary Planning Document 2022 (SPD)
- Cheshire East Council Design Guide Supplementary Planning Document 2017 (SPD)

CONSULTATIONS (External to Planning)

Head of Strategic Transport (CEC Highways) – No objections, subject to condition securing the implementation of off-site highway improvement measures and a condition ensuring access implementation.

Environmental Protection (CEC) – No objections, subject to the following conditions: Implementation of noise mitigation measures, Submission/approval of electric charging infrastructure details; submission/approval of low emission gas boiler details; submission/approval of a travel plan, submission of an earthworks strategy with the Reserved Matters application; submission/approval of a contaminated land remediation strategy; the submission/approval of a contaminated land verification

report; the submission/approval of a soil verification report for soil to be used for gardens and soft landscaping and that works should stop if contamination is identified. A number of informatives are also proposed.

Public Rights of Way (PROW) Officer – No objection as no PROW are directly impacted by the proposed development. Conditions are requested in respect of submission of a Travel Plan and a scheme for signage for pedestrians and cyclists within the site. Concerns were raised over the lack of detail/feasibility regarding various proposed footpath/cycle links. However, this will be dealt with through a condition in the event of approval

Environment Agency – No objections, subject to the following conditions: Submission/approval of a remediation strategy to deal with the risks associated with contaminated land; Submission/approval of a contaminated land verification report and the Submission/approval of a Construction Environmental Management Plan (CEMP). Informatives are also proposed.

Lead Local Flood Risk Authority (CEC) – No objections, subject to the following conditions: development be carried out in accordance with the submitted Flood Risk Assessment, the submission/approval of a detailed drainage strategy limiting the surface water run-off and an associated management and maintenance plan and the submission/approval of ground levels. A number of informatives are also proposed.

United Utilities – Recommend the following conditions: submission/approval of a surface water and foul water drainage scheme and the submission/approval of a sustainable drainage management and maintenance plan.

Indoor Sport (CEC) – Request a commuted sum of £21,500 to offset the impact of the development.

Education (CEC) – Require a financial contribution to offset the impact of the development upon schools based on the number of dwellings and standard formula.

Housing (CEC) – Require the provision of 30% affordable housing which the applicant has set out they are willing to provide. Based on 120 dwellings, that would be 36 affordable dwellings. This required provision would be secured via S106 Agreement.

ANSA Greenspace (CEC) – No objections, subject to a condition to establish that the 1ha of set-aside land as a future playing pitch is suitable for its ultimate end use & required mitigation if not. In addition, a S106 Agreement is required to; secure the need to submit an Open Space Scheme securing the necessary on-site open space provision (including a LEAP), and Open Space Management Plan and secure a financial contribution in respect of Recreation Open Space (ROS) should the playing pitch not be provided.

Sport England – Support the application recommending the following conditions: Submission/approval of a scheme assessing the ground conditions of the land where the new playing field is proposed and that the playing field be restricted for outdoor sport only.

NHS Cheshire CCG – Request a commuted sum to off-set the impact of the development based on the mix of dwellings that come forward at Reserved Matters Stage.

Natural England – No objections.

Manchester Airport – No objections, subject to a number of conditions including: approval of dust and smoke mitigation, submission/approval of details proposed to prevent birds being attracted to the site, that all exterior lighting be capped at the horizon and that no Solar PV or reflective materials be constructed without permission. A number of informatives are also proposed

Network Rail – No objection in principle, but recommend the applicant get in touch and obtain the agreement of NR outside of the planning process as works are proposed within 10 metre of the rail boundary. Various informatives are also proposed

The Cheshire Archaeology Planning Advisory Service (APAS) – Recommend a condition requiring an implementation programme of archaeological work and the submission/approval of a written scheme of investigation

Cadent Gas Ltd – No objection, subject to an informative relating to apparatus within the vicinity of the site

Wilmslow Town Council – Recommend refusal of the proposed access from Alderley Road. The Town Council favours access to this site and the site to the West of Alderley Road being controlled at the existing traffic light junction, thereby avoiding the need for several junctions.

OTHER REPRESENTATIONS:

Neighbouring units were notified, a site notice was erected, and the proposals were advertised in a local newspaper.

In response to the re-consultation, undertaken due to the change in scope of the application, consultation responses have been received from or behalf of 5 addresses, which include 3 local interest groups. The main concerns/issues raised include:

Procedural

- Why did the Council not insist that the application be withdrawn and re-submitted rather than amended (Hybrid to Outline)
- Why has the original application form been removed from the website
- Why has a revised Design & Access Statement not been provided
- Is procedure being followed
- Question 11 in the application form answers 'No' to whether the site is at risk from flooding – not correct

Principle

- Mistake to allocate the land as a strategic development site
- Should be refused due to a lack of information and lack of clarity with regards to the real purpose and ambition behind the application

Flood Risk and Drainage

- Ground conditions are soft and wet and land is prone to flooding

- That the Flood Risk report submitted by Harefield Farm by LK Consultants is being ignored which highlights the potential for flooding
- A full Flood Risk Assessment should be provided give the history
- A previous drainage and flood risk evaluation undertaken by Weetwood (2017) identified that even with a 2nd culvert, the development site would be 'inundated with flood water' unless the land levels were raised to 72.02 metres AOD (later revised to 72.27m). However, properties at Harefield Farm stand at 71m. Therefore concerns about flooding of these properties from the application site
- Failure to open (or 'daylight') the proposed Culvert and the benefits it will result in such as ecology and blockages

Design

- Need in area is not for 4 & 5-bedroom properties, but retirement properties such as bungalows

Amenity

- Noise - Impact of noise for future residents as a result of proximity to railway line -
- Contaminated Land - Concerning that former landfill is being stockpiled with a view to raising land levels on the site

Ecology

- Proposals conflict with Policy NE5 of the Wilmslow Neighbourhood Plan. More specifically, no justification for off-site provision and how proposals adhere with Section 7 of the Royal London Masterplan which refers to 'enhancing existing green infrastructure across the site and managing the key ecological features'
- Opportunities are being missed to address a net loss in biodiversity as pointed out by Steven Abbott Associates
- Application is lacking re: protection of protected species. Meeting the requirements of NP Plan Policy NE5 are essential

Highways

- Road safety concerns for pedestrians, cyclists and motor users as a result of the position of the proposed access.
- Why can the access, currently with traffic lights into the site be used

In response to the original consultation exercise, comments were received from or on behalf of 13 addresses, including local interest groups, all of which raise objections. The main concerns raised include:

Flood Risk and Drainage

- Existing site subject to notable flooding (photos submitted) and is boggy due to existing culverts not being able to cope during heavy rain

- Concerned that the proposed drainage solution, which includes the raising of land levels by 1.3 metres will exacerbate flood risk off-site, particularly to the north which includes the 9 residencies on 'Harefield Farm', which would be left at a lower land level
- Issues with proposed additional culvert proposed, including ownership
- Flood Risk Review commissioned by residents to demonstrate concerns
- The proposed sports facilities on site is where there is bad flooding. Recommend the ground conditions assessment proposed by condition by Sport England be undertaken prior to the determination of the application
- As such, contrary to Policy SE13 of the CELPS and the NPPF which says development should not exacerbate flooding off-site
- No evidence that other options explored such as the opening-up and improvement of the existing culvert which would provide ecology benefits
- Do not consider that this concern has been adequately addressed by the application when it needs to be, upfront

Landscape

- Impact of earthworks upon the character and beauty of the countryside and valued landscape

Ecology

- Insufficient information provided to show compliance with Policy NE5 of the Wilmslow Neighbourhood Plan

Other matters

- Alderley Edge Parish Council, the neighbouring parish to the south advised that they had No objections and is strongly supportive of the highway improvement on Alderley Road.

OFFICER APPRAISAL

Principle of development

The application site consists of part of LPS 54 (Royal London including land west of Alderley Road, Wilmslow), a site allocated for development by the Cheshire East Local Plan Strategy (CELPS). Emerging SADPD Policy PG9 shows the application site to fall within the Wilmslow Settlement boundary (as a result of the allocation) within which development will be supported where it is in keeping with the scale, role and function of that settlement and not conflict with any other relevant policy in the local plan.

The Cheshire East Council LPS 54 allocation is expected to achieve:

- The retention of the existing Royal London Campus unless buildings become surplus to the requirements of existing occupiers, in which case the council will consider their suitability for reuse or redevelopment for a range of alternative use
- The delivery of around 175 dwellings (around 80 on land to the east of the existing campus, around 20 to the north of the existing campus and around 75 on land west of Alderley Road)

- The provision of 5 ha of employment land for up to around 24,000 square metres of B1 employment space and a hotel
- Incorporation of green infrastructure and the provision of public open space at the southern end of the land west of Alderley Road;
- Retention and extension of the existing Wilmslow High School playing fields for educational use in the area marked as protected open space on the map. This may include additional buildings for education use provided they do not harm the integrity of the open space overall;
- Provision of at least 1 ha of land set aside for use as school playing fields within the land to the east of the existing campus, in addition to the areas marked as protected open space on the map, and an appropriate level of amenity open space and children's play space; and
- Pedestrian and cycle links and associated infrastructure.

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.

The allocation has been broken up into various parcels by previous planning permissions which, cumulatively seek to deliver the above requirements.

The part of the site this application considers is the part that proposes the majority of the housing allocation. As set out above, LPS 54 allocated 'around 175' dwellings for the wider site allocation. This application seeks outline permission for 120 of these on part of the site informally referred to as '*Land to the East of Alderley Road*'.

It should be noted that outline permission (including matters of access) has already been granted on this site for 'no more than 120 dwellings' under permission 17/5838M. This is an extant permission, which has been kept alive by the submission of an associated Reserved Matters application, also under consideration by the Council, ref: 21/5725M. This current application is not directly related or linked to these other applications or permissions in any way.

Therefore, the principle of residential development on this site for no more than / up to 120 dwellings is acceptable, subject to all other matters being satisfied.

Highways (including matters of Access)

Policy CO1 of the CELPS refers to sustainable travel and transport. The policy expects development to reduce the need to travel by; guiding development to sustainable and accessible locations; ensuring development gives priority to walking, cycling and public transport within its design; encourages more flexible working; support improvements to communication technology and support measures that reduce the level of trips made by single occupancy vehicles. It also states that development will improve pedestrian facilities so that walking is attractive for shorter journeys and improve cyclist facilities so that cycling is attractive.

Policy CO2 refers to enabling business growth through transport infrastructure. It states that the Council will support transport infrastructure that will mitigate the potential impact of development proposals including supporting measures to improve walking, cycling and sustainable travel environment on routes relieved of traffic and by supporting schemes outlined within the Transport Delivery Plan.

The crux of Saved Policy DC6 of the MBLP is that development should provide safe and convenient access provision for vehicles, pedestrians, special needs groups, and service/emergency vehicles and to provide safe and convenient facilities for the servicing of businesses.

Policy LSP3 of the Wilmslow Neighbourhood Plan (WNP) sets out that new development will be supported where it can demonstrate it has integrated seamlessly with existing walking or cycling routes, provided safe cycle storage and located to take advantage of public transport. Policy TA1 of the WNP refers to parking standards, Policy TA2 to congestion and traffic flow and Policy TA5 to cycling.

Emerging SADPD Policy INF3 considers highways safety and access and emerging Policy INF1 considers cycleways, bridleways and footpaths.

Only matters of access to the site are to be determined in this application and although an indicative masterplan has been submitted, this is not for approval as it is subject to change at reserved matters stage.

Access

The design of the access, that includes a right-turn lane, is similar to the previous access arrangement. The only change in the design is to accommodate the CEC footway/cycleway scheme that has subsequently been implemented on Alderley Road.

In regard to the new access proposal, it was initially intended that the main site access road into the site would provide a 2-metre footpath on both sides of the road. However, the Council's Highway's Officer recommended that one of the footways be increased in width to 3 metres as a shared footway/cycleway. A satisfactory updated plan showing this (CBO-0467-005 Rev G) was received during the application process.

The road width of the access is consistent with previously agreed access scheme being 6.75m carriageway and 12m radii and is acceptable to serve the development.

Traffic Impact

The traffic impact of a 120 residential scheme on the local highway network was previously considered in application 17/5838M and was considered acceptable subject to the provision of off-site mitigation works on Alderley Road. Given that there are no material changes that have taken place on the road network since the previous permission was granted, the Council's Highway's Officer advises that this application is also considered acceptable subject to the same off-site mitigation works being provided.

Accessibility

The accessibility of the site has improved since the granting of the previous outline permission as a pedestrian/cycle route along Alderley Road has been implemented. The access proposals to the site are the same in this application as the previous outline permission although it is intended that shared pedestrian/cycleway is provided along the main site access.

Highway's summary

This application is for the same number of dwellings (120) as the extant outline consent on the site. The access proposals are very similar to the previous scheme, albeit that there are some minor changes being made to its design.

Mitigation measures on Alderley Road were necessary as a result of the traffic impact of the development and this remains the case in this application. The Council's Highway's Officer advises that a condition to secure these improvements is required in the event of approval. Therefore, the Council's Highway's Officer raises no objections to the application proposals, subject to a condition being attached to secure the works via a S278 Agreement and the implementation of the submitted highways/access plans.

Subject to these conditions, the proposal is deemed to adhere with the requirements of the abovementioned development plan policies and emerging development plan policies in relation to highways.

Design (principle)

All matters of design (layout, scale and appearance) are not sought for permission as part of this application (with regards to the residential element of the scheme). The acceptability of this detail, including residential mix, would be considered at Reserved Matters stage only.

Irrespective of the submitted illustrative layout plan, it has previously been accepted that a scheme for 120 dwellings can be accommodated on this site by an extant permission. Therefore, there can be no technical design objections at this stage.

Heritage

Two listed buildings are located just outside of the application site, these are Fulshaw Hall and its neighbouring building. Both are Grade II listed with the hall currently in use as offices and the other building in use as a staff restaurant. The allocation within the CELPS Policy LPS 54, at point (h) says *'respect for the setting of the listed buildings on Fulshaw Hall.'*

Policy SE7 of the CELPS states that *'All new development should seek to avoid harm to heritage assets and make a positive contribution to the character of Cheshire East's historic and built environment, including the setting of assets and where appropriate, the wider historic environment.'*

Policy TH3 of the WNP refers to heritage assets. It sets out submission requirements for developments that are likely to affect heritage assets and that where any harm is unavoidable it should only be outweighed by clear public benefits.

Emerging SADPD policies HER1 (Heritage assets) & HER4 (Listed buildings) are also material considerations. These policies set out what documentation applications that impact heritage assets should be accompanied by and seek to protect listed buildings.

As part of the previous, similar approval on site, granted under 17/5838M, the officer advised within their committee report that:

'Whilst this (Heritage Statement) is lacking in the assessment on the impact of the proposals on the heritage assets these are issues that can be considered in further detail as part of a future reserved matters application. Therefore, a condition will be included on the decision notice requiring a full heritage assessment to be carried out and submitted with any reserved matters application.'

As part of the application proposals, the Council's Heritage Officer originally objected to the proposed development due to the loss of historic landscaped gardens which form part of the curtilage of a Listed Building (Fulshaw Hall). The Council's Heritage Officer advised that the historic garden should not be built upon with houses without justification in line with NPPF.

The submitted illustrative masterplan *suggests* that approximately 8 houses are proposed within this area, within the curtilage / garden of Fulshaw Hall. However, neither the current nor previous permission definitively proposed housing in any particular location on the site, it simply demonstrated where residential *use* (defined by the key) would be. The consideration as to where it would be appropriate for *built form* to be situated in the context of the listed building would need to be carefully considered as part of a reserved matters application.

The proposed access involves the removal of trees which the Council's Heritage Officer advises are part of the designed setting of the listed building. The trees in question are located to the north of an existing car park, north of the listed building. Another group of trees, closer to the listed building, represent an intervening feature. The applicant's Heritage Consultant and the Council's Heritage Officer disagree with the role these trees play in the significance of the listed building. The applicant's planning consultant advises that these trees are not evident in the context of the listed building because the building is concealed by the other group of trees. Subsequently, the applicant's Heritage Consultant advises that any degree of harm to the listed building would subsequently be very low (very minor on the "less than substantial" scale).

The Council's Heritage Officer has advised that they consider that this harm has been underestimated. The Council's Heritage Officer advises that it is important to note that the guidance on setting and assessment of significance from Historic England, is clear that there does not have to be visual connections or public accessibility or visibility between features for them to contribute positively to their significance.

The harm to the significance of the listed building as a result of the loss of these trees is deemed to be less than substantial. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.

In this instance, these benefits are economic (during the construction period, supply chain benefits, future residents spending money/utilising facilities and services in the area), social (delivery of housing, including 30% affordable housing) and environmental (sustainability of the location within close proximity to services). Another factor is that these trees do not benefit from any formal protection and furthermore, the extant outline can still be progressed which equally results in the loss of these trees.

As such in this instance, it is deemed that the public benefits outweigh the less than substantial harm to the significance of the heritage asset as a result of tree removals.

Additional concerns about the raising of ground levels within the curtilage of the listed building. would be considered at Reserved Matters stage.

The proposed access road involves the removal of a section of the internal kitchen garden walls (curtilage listed) and the remains of potting sheds (curtilage listed), as well as, by implication, boundary walls to the east, which form the curtilage of the gardens. The Council's Heritage Officer advises that these works will require Listed Building Consent (LBC) for their demolition. The applicant has stated that it is not possible to provide full details of the works required or a method statement for the making good of the remaining structures at this stage. The Council's Heritage Officer therefore requests that this detail be conditioned, and a Listed Building Consent application is to be submitted and approved ahead of the implementation of any works affecting the walls.

If this application is approved, the Council's Heritage Officer recommends conditions to ensure a detailed assessment is carried out to fully assess the significance of the assets affected and also the development as whole. Also, an informative that this permission does not grant consent for the works of demolition or alteration relating to the listed buildings and no works to the access can commence until this has been approved.

Subject to these conditions and informatives, the proposals are deemed to adhere with the heritage policies of the development plan and the NPPF.

Archaeology

The Cheshire Archaeology Planning Advisory Service (APAS) have advised that the site has some archaeological potential associated with the historic township boundary between Fulshaw and Bolin Fee, which runs North / South across the eastern half of the application area.

The Council's APAS Officer advises that while the archaeological interest of this feature is not sufficient to generate an objection to the development on archaeological grounds or to require any further pre-determination work, it is recommended that in the event of approval, the site should be subject to a limited programme of archaeological work in order to investigate this feature further and record any archaeological deposits which may be present.

As such, in the event of approval, it is proposed that this be conditioned.

Landscape, trees and hedgerows (principle)

Matters of 'Landscape', which includes matters in relation to trees and hedgerows, are not sought for determination at this stage and represent a Reserved Matter in relation to the proposed residential development. However, they are a consideration in relation to the principle of the development.

Landscape

Policy SD2 of the CELPS states that development will be expected to respect and, where possible, enhance the landscape character of the area. Policy SE4 of the CELPS specifically relates to landscape considerations. It states that all development should conserve the landscape character and quality and where possible, enhance and effectively manage the historic, natural and man-made features that contribute to local distinctiveness. Saved Policies DC8 and DC37 of the MBLP set out what landscaping & landscaping schemes should achieve.

Within Policy LSP2 of the WNP, it is stated that development proposals will be encouraged to avoid the loss of existing mature trees and hedgerows, avoid hard features such as fences and walls in favour of natural planted features & introduce green infrastructure.

Policy NE1 of the WNP sets out that new development should demonstrate how it has sensitively responded to the Wilmslow Landscape Character Assessment. Policy NE2 of the WNP refers to River Valley Landscapes. It details that the site falls within the Lower Farms and Woods, B1 Character Area. Within such locations, it is advised that development should be avoided that introduces built development into visually prominent locations, impinges on woodlands fringing the river valleys, cause erosion or located in areas of flood risk & negatively impact wildlife.

Emerging Policy ENV3 of the SADPD is largely reflective of this policy. Emerging Policy ENV5 of the SADPD sets out what should be included in landscaping plans.

The application is supported by a Supplementary Environmental Statement (ES) including a Landscape and Visual chapter. This document is an update to the ES 2017 and the Addendum ES 2018 that were submitted with outline application 17/5838M.

The Supplementary Landscape and Visual Impact Assessment (LVIA) was carried out by Tyler Grange in general accordance with the Guidelines for Landscape and Visual Assessment 3rd edition (GLVIA3). The landscape and visual receptors, representative viewpoints etc. were agreed with Cheshire East Council.

The Supplementary LVIA considers the current development proposals in light of potential baseline changes that may have occurred since the 2017 ES and 2018 ES Addendum. The main baseline change is that in the 2018 Cheshire East Landscape Character Assessment, the site is no longer within the Lower Wooded Farmland Character Type and Chonar Character Area, it is within the Urban area because it is allocated for development under LPS 54.

On the Parameters Plan, the retained trees and hedges, proposed site access, perimeter landscape buffers, ecology mitigation area, and proposed building storey heights and locations are all the same as that shown on the previously approved parameters plan under 17/5838M. The embedded landscape mitigation remains the same as previously assessed.

The Supplementary LVIA concludes:

'The proposed development for the purposes of this May 2021 ES report has been reviewed in light of the current baseline context and the previously identified landscape and visual impacts and effects noted on the 2017 ES and 2018 ES Addendum. The changes are judged to not impact upon the identified landscape and visual receptors to any greater or lesser extent than the previously assessed scheme, largely due to the limited change from the 2018 and 2018 scheme proposed and limited changes to the baseline conditions'

The Council's Landscape Officer agrees and raises no objections to the proposed development. The Officer recommends the following headline conditions be imposed in the event of approval: submission/approval of landscaping details, landscape implementation, submission/approval of boundary treatment details, submission/approval of levels details, and the submission/approval of earthworks details (x2). In addition, the Officer recommends a requirement to provide a 30-year landscape management plan be included as part of a S106 agreement.

As matters relating to general landscaping (including boundary treatments) are to be considered at reserved matters stage, it is not deemed necessary to include these standard conditions at this juncture. However, conditions in relation to levels and earthworks are more specific to the application site given the likely required site level changes and as such, are deemed necessary to be conditioned so that detail can be considered at reserved matters stage. Subject to these conditions and S106 agreement, it is considered that the proposal would adhere with the relevant abovementioned policies of the development plan.

Trees & Hedgerows

Policy SE5 of the CELPS states that development which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands, that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted. Saved Policy DC9 of the MBLP and emerging Policy ENV6 of the SADPD are largely reflective of this policy.

The supporting Preliminary Arboricultural Impact Assessment (Environment Statement Vol 3 App 5.1) has been provided as an addendum to Statement (Ref 10359_R13C_JP_MM dated 7th Feb 2018) submitted in support of the previous outline application (17/5838M), which was subsequently approved in December 2018. The current Assessment included a baseline tree survey and assessment of tree losses which remains substantially unchanged from the previous approval.

Condition 7 of the previous outline approval required the submission of an updated Arboricultural Impact Assessment and Method Statement to consider the implications for trees at the detailed design stage and is recommended at para 3.5 of the Impact Assessment submitted with this application.

The Council's Tree Officer advises that it is agreed that there are no substantial changes to the baseline tree survey and that the detailed access arrangements also remain largely unchanged. As such, subject to the imposition of a similar condition, the Council's Tree Officer raises no objections. Subject to this condition, the application proposals are deemed to adhere with the relevant tree policies of the development plan.

Ecology

Policy SE3 of the CELPS states that developments that are likely to have a significant adverse impact on a site with legally protected species or priority habitats (to name a few), will not be permitted except where the reason for or benefits of the proposed development outweigh the impact of the development. Saved Policy NE11 of the MBLP is consistent in so far as it states that development which would not adversely affect nature conservation interests will not normally be permitted. Saved Policy NE17 of the MBLP sets out that for all major developments in the countryside, the council will seek improvements for nature conservation.

Policy NE5 of WNP states that development proposals will be supported where they will not adversely affect certain Nature Conservation sites set out on maps within the WNP. The application site does not fall into any of these. Policy NE5 also states that all development should demonstrate a net gain in biodiversity.

Emerging Policy ENV1 of the SADPD relates to ecological networks and Policy ENV2 relates to ecological mitigation.

The application is supported by various ecological appraisals. The acceptability of the various elements of the development in ecology terms is considered below.

Water Voles and Otters

Only a single water vole survey visit was undertaken. Two visits are required by best practice guidelines. However, no evidence of this species was recorded during the updated surveys and earlier surveys of this site. The Council's Nature Conservation Officer therefore advises that on balance, this species is not reasonably likely to be present or affected by the proposed development.

No evidence of Otters was recorded during the submitted surveys. This species is unlikely to be present on site. It may however be in the water course in future. The Council's Nature Conservation Officer therefore recommends that an updated survey be secured by condition if consent is granted.

Furthermore, a condition is suggested requiring the provision and safeguarding of an 8m undeveloped buffer adjacent to the northern ditch to ensure it is satisfactorily retained as part of the proposed development.

Bats

All of the trees assessed for their bat roost potential have been found to have only low potential to support roosting bats. The Council's Nature Conservation Officer advises that roosting bats are therefore not reasonable likely to be affected by any works to these trees.

Whilst the application site offers limited opportunities for roosting bats, bats are likely to commute and forage around the site to some extent. To avoid any adverse impacts on bats resulting from any lighting associated with the development, the Council's Nature Conservation Officer recommends that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Common Toad

Common toad is a priority species and hence a material consideration. The submitted Environmental Statement (ES) advises that the proposed development will result in the loss of breeding habitat (ditch 3) and suitable terrestrial habitat for this species. The Council's Nature Conservation Officer advises that this is likely to have a localised adverse impact upon this species.

Two replacement ponds are shown on the submitted illustrative layout. The Council's Nature Conservation Officer advises that these would provide adequate compensatory breeding habitat for this species. The submitted ES also recommends that gully pots be designed to minimise impacts upon amphibians.

If planning consent is granted a condition would be required to secure the submission of the detailed designs of the ponds and gully pots.

Nesting birds

In the event of approval, a condition to protect nesting/breeding birds is proposed.

Polecat hedgehog and brown hare

These three priority species have been recorded in the broad locality of the application site. Hedgehog and polecat may appear on the application site on at least a transitory basis. The Council's Nature Conservation Officer advises that the proposed development will result in the loss of an area of habitat potentially utilised by these species.

In order to compensate for this loss, the Council's Nature Conservation Officer recommends that the detailed design includes 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.

'Other protected species'

No evidence of 'other protected species' activity was recorded on site during the latest surveys. Based on the current level of activity on site the proposed development is unlikely to have a significant adverse impact upon this species. Activity has however been recorded on this site in the past. Therefore, in the event that planning consent is granted, the Council's Nature Conservation Officer recommends that a condition be attached which requires an updated 'other protected species' survey to be undertaken prior to the commencement of any phase of development.

Trees

The submitted parameters plan now shows the retention of trees and vegetation. In the event that planning permission is granted, a condition is recommended which requires the retention of this existing vegetation as shown.

Hedgerows

Native hedgerows are a priority habitat. The proposed development will result in the loss of a hedgerow (H3) potentially amounting to 180m.

The strategic, indicative, landscape masterplan has been amended to include proposals for the incorporation of 200m of new hedgerow planting. The Council's Nature Conservation Officer advises that, if the loss of existing hedgerow is considered unavoidable, the delivery of compensatory hedgerow planting can be incorporated into the on-site habitat creation and management condition.

Ponds

The proposed development is likely to result in the loss of two small ponds on site. The Council's Nature Conservation Officer advises that the loss of the ponds should be compensated for through the creation of replacement wildlife ponds. These ponds are also required to address the loss of habitat for common toad as discussed above. This matter may then be dealt with by means of an ecological enhancement condition (as referred to later below).

Construction Environmental Management Plan (CEMP)

The submitted ES recommends the production and implementation of a CEMP to safeguard retained habitats and to ensure construction related impacts are minimised. The Council's Nature Conservation Officer therefore recommends that the submission of a CEMP be made a condition in the event that planning consent is granted.

Biodiversity net gain

Policy SE 3(5) of the CELPS requires all developments to aim to positively contribute to the conservation of biodiversity. In order to assess the impacts of the proposed development the applicant has submitted an assessment undertaken using the Defra biodiversity offsetting 'metric' version 2 methodology.

The metric calculation as submitted shows that the proposed development would result in a net loss of biodiversity amounting to -3.63 biodiversity units.

As the proposed development is likely to result in a net loss of biodiversity a Biodiversity Net Gain Strategy that involves off-site habitat creation will be required to ensure that the development delivers a net gain for biodiversity as required by planning policy.

The applicant has provided outline details of habitat creation measures at the Adlington Estate, north of Macclesfield. The Council's Nature Conservation Officer advises that the proposed measures are sufficient to address the loss of biodiversity resulting from the development and deliver a 1.08% biodiversity net gain.

The Council's Nature Conservation Officer recommends that if planning consent is granted, a Section 106 agreement will be required to ensure the submission and implementation of the following: Habitat Creation Method Statement; 30-year adaptive habitat management plan and a 30-year Ecological monitoring strategy. These would need to be informed by the submitted 'Outline Landscape and Ecological Management Plan – offsite' prepared by Tyler Grange dated 10th December 2021.

In order for the development to deliver a net gain for biodiversity, the Council's Nature Conservation Officer has advised that on-site habitat creation and enhancement will also be required, again for a period of 30 years. As such, if planning consent is granted, it is recommended that a condition be imposed to ensure the delivery and management of on-site habitats.

Ecological enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Policy SE3 of the CELPS.

The Council's Nature Conservation Officer therefore recommends that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

Ecology conclusions

The proposed development is deemed to be acceptable in ecology terms, subject to the inclusion of the recommended conditions set out above and a S106 Agreement to secure biodiversity net gain.

Subject to these conditions and a S106, it is considered that the proposal would adhere with the requirements of the ecology policies of the development plan and the NPPF.

Amenity

Policy DC3 of the MBLP states that development should not significantly injure the amenities of adjoining or nearby residential property or sensitive uses due to (amongst other considerations): loss of privacy, sunlight and daylight, an overbearing impact and environmental considerations. Policy DC38 of the MBLP provides minimum separation distances. There is also guidance on separation distances within the Cheshire East Council Design Guide SPD. Saved policies DC13 & DC14 of the MBLP relate to noise pollution and Policy DC63 of the MBLP relates to contaminated land.

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

Emerging policies HOU10 (Amenity), HOU11 (Residential Standards), ENV12 (Air quality), ENV13 (Aircraft noise), ENV14 (Light pollution) and ENV15 (New development and existing uses) of the SADPD are largely reflective of these policies and/or expand upon a number of the amenity considerations.

Neighbouring dwellings and future occupiers

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

Environmental amenity

Contaminated land

The application is for a proposed use that would be particularly vulnerable to the presence of contamination. Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site.

In the event of approval, subject to the following contaminated land conditions, the Council's Contaminated Land Officer raises no objections to the development: submission of an earthworks strategy with the Reserved Matters application; submission/approval of a contaminated land remediation strategy; the submission/approval of a contaminated land verification report; the submission/approval of a soil verification report for soil to be used for gardens and soft landscaping and that works should stop if contamination is identified.

The Environment Agency raise no objections on contaminated land grounds subject to the following conditions: Submission/approval of a remediation strategy to deal with the risks associated with contaminated land; Submission/approval of a contaminated land verification report and the Submission/approval of a Construction Environmental Management Plan (CEMP). Informatives are also proposed.

Noise pollution and air quality

The Council's Environmental Protection Team have raised no objections in relation to these considerations, including the impact of railway noise upon the future occupiers, subject to the following conditions: Implementation of noise mitigation measures, Submission/approval of electric charging infrastructure details; submission/approval of low emission gas boiler details and submission/approval of a travel plan.

It is expected that some noise and 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.

Amenity summary

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

Flood Risk and Drainage

Flood Risk is of particular concern to residents, more specifically the potential of increased off-site flooding beyond the northern boundary as a result of proposed site level increases. The submission sets out that the raising of land levels is required as part of the scheme's flood mitigation. To the far north of the site, it is calculated the ground levels will need to increase in height by between 0.62m and 1.05m relatively close to the curtilages of The Barn, Harefield View, The Granary & Brook Edge.

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

Saved policies DC17, DC19 and DC20 of the MBLP seek to ensure development is not proposed in areas that flood, ensure groundwater resources are not damaged and protect the water quality of watercourses.

Emerging policies ENV16 (Surface water management and flood risk) and ENV17 (Protecting water resources) are largely reflective of these policies.

According to the Environment Agency flood risk maps, the whole of the application site falls within a Flood Zone 1 (FZ1). FZ1 is the lowest of the flood risk category in England and means that the land has less than a 1 in 1,000 annual probability of river flooding.

Despite this, neighbouring objectors have made it clear that localised flooding is more common and have submitted photographs purported to show this. This subsequently requires greater scrutiny.

In support of the application, within Appendix 11 of the submitted Environmental Statement (ES), is the applicant's flood risk documentation. This comprises of:

- Appendix 11.1b – Part 1 - A Flood Risk Assessment (FRA) & Surface Water Drainage Statement, produced by RoC Consulting, dated April 2021
- Appendix 11.1b – Part 2 - An associated 'Proposed Drainage Strategy' Plan (DR-101 Rev E), produced by RoC Consulting, updated June 2021

- Appendix 11.1b – Part 2 - An associated 'Hydraulic Modelling Report', produced by Weetwood, dated August 2017
- Appendix 11.1b – Part 3 – Continuation of associated 'Hydraulic Modelling Report', produced by Weetwood, dated August 2017

Background

To understand the proposed flood risk mitigation on this site, the complex history of the site and the adjacent sites with regards to flooding needs to be understood.

As part of the last outline permission on site, ref: 17/5838M, which is still extant, matters of flood risk were considered and found to be acceptable, subject to conditions proposed by the Environment Agency and the Council's Flood Risk Officer's.

The Council's Flood Risk Officer recommended a condition that no development should take place until a detailed design and associated management and maintenance plan of surface water drainage be submitted for approval. This was conditioned to be in accordance with the submitted Flood Risk Assessment (FRA) as part of permission 17/5838M.

In addition, a Parameter Plan was approved (ref: ALD-AHR-00-ZZ-DR-A-90-PL502 Rev 2), which specified the parts of the site that would form part of the outline drainage strategy. Furthermore, it specified parts of the site would be subject to minimum plot levels, which were to be raised as a result of the FRA recommendations. This was all conditioned as part of 17/5838M.

At a later date, a different drainage strategy was proposed for the application site. This is because the previous outline drainage strategy (within the conditioned FRA), intrinsically linked the drainage of the application site (Land to the East of Alderley Road), with another site, 'Land to the West of Alderley Road', also benefiting from outline consent for housing. The applicant's sought a new strategy so the housing schemes could be independently progressed without relying on each other in terms of their drainage strategies.

To allow this, significant engineering works on the 'Royal London campus' immediately to the south of the application site were approved by Cheshire East Council's Strategic Planning Board, under permission 21/3107M, and an approval was issued in February 2021. This solution was the alternative drainage solution for the current application site. This solution included the creation of attenuation ponds on the Royal London campus itself and temporary stockpiles of earth to be ultimately transferred to the current application site to be used to raise the land levels for flood mitigation purposes.

The drainage strategy proposed by the current application would tie in the drainage of the application site to the approved off-site drainage works to the south, on the Royal London campus. Any flood water from the application site will be channelled southwards towards the attenuation ponds on the Royal London campus.

Neighbouring concerns

An independent flood risk review completed by the LK group was commissioned by local residents because of concerns they had regarding the potential for increased flood risk as a result of the development to their properties to the north of the application site. Upon review, this report makes the following main conclusions:

- High to medium risks of surface water flooding are recorded on the application site adjacent to Harefield Farm
- The source of the flooding is observed to be from overland flow from the watercourse along the northern boundary filling the lower ground level
- If the lower ground level is raised, this surface water could potentially remain adjacent to Harefield Farm, increasing flood risk, unless adequately drained
- The proposed additional culvert drainage is not feasible at present as the head of the proposed culvert would be on 3rd party land. There is the opportunity to divert this away from 3rd party land into the site boundary
- There is potential to open-up the culverted watercourse to enhance the existing watercourses

In response to this Flood Risk report, the agent for the applicant has provided a response (following input from their own drainage consultant), making the following points:

- The flood risk documentation submitted with the application, which includes a Flood Risk Assessment (FRA), recognises the existing flooding associated with the development area. Indeed, hydrological modelling was undertaken to fully understand the extent of the issue
- This modelling data highlighted the need for an additional culvert to be incorporated in the vicinity of the existing culvert to convey flood water flows through the development and will prevent water backing-up in the vicinity of Harefield Farm.
- The hydrological modelling also took into account the level changes proposed within the FRA and includes existing and post-development flood scenarios
- This modelling demonstrated that flooding, post development, would be 'no worse than existing to adjacent properties and land ownerships.'
- The raising of the land levels will not increase flood risk elsewhere because the significant drainage scheme to the south (on the Royal London site approved by SPB under 20/3107M), has been designed to accommodate the floodwater from the application site which it would be channeled to by the proposed additional culvert.
- The residents flood risk review does not include hydraulic modelling work that considers post-development scenarios.
- There are no plans to amend the existing culvert inlet on 3rd party land. The proposed new culvert is located wholly within the land controlled by the applicant
- The exact details of the culvert works (open or underground) will be established as part of the detailed design for the development and the drainage design

Assessment

The Council's Flood Risk Officers have reviewed the application submission documents as well as the independent flood risk review completed by the LK group, commissioned by local concerned residents. In summary, they Council's Flood Risk Officer's raise no objections in principle, subject to conditions. These include that the development proceed in full accordance with the FRA, that an overall detailed strategy / design limiting the surface water run-off to 41.36 l/s, generated by the proposed development and an associated management and maintenance plan be submitted and approved and that ground levels and finished floor levels be approved. The Environment Agency raise no specific flood risk concerns.

In consideration of drainage, United Utilities have advised that they have no objections, subject to the following conditions: submission/approval of a surface water and foul water drainage scheme and the submission/approval of a sustainable drainage management and maintenance plan.

As such, subject to the suggested conditions from the Council’s Flood Risk Officer and United Utilities, the development is deemed to adhere with the abovementioned flood risk and drainage policies of the development plan.

Health

In and around the area covered primarily by the Primary Care Network; CHAW. The GP Practices currently involved, are as follows:

- Alderley Edge Medical Centre
- Chelford Surgery
- The David Lewis Medical Practice
- Handforth Health Centre
- Kenmore Medical Centre
- Wilmslow Health Centre

Combined, there is a Practice Population of 50,198. It is advised that a significant proportion of the GP Practices have a shortfall in the required space. It is advised that increases in housing in and around the surrounding areas have a direct, detrimental impact and therefore mitigation by way of Capital contribution is required. This planning application looks to increase the development in this area by an unknown mix of 120 dwellings. As such, a contribution depending on the final bed mix is required to avoid an objection from the NHS Cheshire CCG.

It is suggested that the Section 106 funding for the planning application under consideration is based on a calculation consisting of a set formula below (inflated for RPI 2022 against 2016 set formula).

<u>No. of Beds</u>	<u>Amount of Occupants</u>	<u>Correlating Cost</u>
1 bed unit	1.4 persons	£612 per 1 bed unit
2 bed unit	2.0 persons	£875 per 2 bed unit
3 bed unit	2.8 persons	£1,225 per 3 bed unit
4 bed unit	3.5 persons	£1,531 per 4 bed unit
5 bed unit	4.8 persons	£2,100 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.

Education

The development of 120 dwellings is expected to generate:

- 22 - Primary children (120 x 0.19)
- 18 - Secondary children (120 x 0.15)
- 1 – Special Educational Needs (SEN) children (120 x 0.51 x 0.023%)

The development is expected to impact on secondary school 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 primary and secondary schools in the area because of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places remains.

The Education Service acknowledges that this is an existing concern, however the 18 secondary age children expected from Land East of Alderley Road, Wilmslow application will exacerbate the shortfall.

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. The Service acknowledges that this is an existing concern, however the 1 child expected from the Land East of Alderley Road application will exacerbate the shortfall.

To alleviate forecast pressures, the following contributions would be required based on 120 dwellings:

$18 \times £17,959 \times 0.91 = £ 294,168$ (Secondary)

$1 \times £50,000 \times 0.91 = £ 45,500$ (SEN)

Total education contribution: £339,668.

Without a secured contribution of £339,668 Children's Services would raise an objection to this application.

As per the previous approval, it is proposed to include the formula within a S106 in the event of approval as opposed to an actual figure. The applicant has agreed to this.

Open Space

Policy SE6 of the CELPS requires all developments to protect and enhance existing open spaces and recreation facilities, encourage improvements in their quality and provide adequate open space (to name a few). In order to assess the adequacy of the open space, a table (13.1) is provided within the subtext of Policy SE6 which sets out open space standards. Saved Policy RT5 of the MBLP also refers to minimum standards for open space provision. Saved Policy DC40 of the MBLP sets out children's play and amenity open space provision requirements. Policy CR4 of the WNP supports development that provide new playing fields for public, private or school use.

Policy LPS54 of the CELPS sets out that as part of the wider Royal London site, the following will be achieved:

5. *Retention and extension of the existing Wilmslow High School playing fields for educational use in the area marked as protected open space on the map. This may include additional buildings for education use provided they do not harm the integrity of the open space overall*
6. *Provision of at least 1 ha of land set aside for use as school playing fields within the land to the east of the existing campus, in addition to the areas marked as protected open space on the map, and an appropriate level of amenity open space and children's play space*

LPS54 requirements

With regards to point 5 above, none of the development subject to this application encroaches into this space.

With regards to point 6, the submitted Parameters Plan identifies a parcel of land, just over 1ha, to the east of the application site, for 'Potential Future Playing Fields'.

Sport England are supportive of the creation of this facility, subject to condition requiring the submission/approval of a scheme assessing the ground conditions of the land and where any issues are identified, that these are mitigated in order to ensure the facility is of an acceptable standard. In addition, a condition is proposed that restricts the playing field use for 'outdoor sport' only. The Council's ANSA Greenspace Officer notes the Sport England comments and the need to establish the site allocated is suitable for playing field use and the submission of a detailed assessment/feasibility scheme and detailed scheme prior to commencement and would echo that requirement.

In response, the applicant has rebutted the proposed condition requiring the submission/approval of ground conditions information/feasibility to ensure that the playing field is of an acceptable standard. The agent for the application states that the applicant does not propose to *provide* the playing fields and there is no policy which requires them to do so. The policy simply requires the '*provision of at least 1 ha of land set aside [Officer emphasis] for use as school playing fields...*'

Furthermore, the agent for the application sets out that as part of the extant outline permission (17/5838M), there were no conditions imposed in relation to the playing field. The S106 Agreement was used as the mechanism to ensure the delivery of the playing field as discussions would need to take place at a later time regarding the transfer of the land to Wilmslow High School and its subsequent management.

There is no evidence that Sport England were consulted on the previous outline application (17/5838M). The S106 Agreement associated with 17/5838M simply required that the land allocated for a playing field be transferred to the Council prior to occupation.

The submitted Parameters Plan identifies a parcel of land, over 1ha to the east of the campus as 'future playing fields'. As such, the requirements of the policy are deemed to be met.

Whilst it is recognised that there will need to be an assessment of some kind to ensure the future playing pitch is of a suitable standard, it is agreed that the responsibility of undertaking that work does not necessarily sit with the applicant. The application simply 'sets-aside' this land for future use in line with the policy requirements.

The feasibility of the site would have been partly considered in the formulation of the CELPS as suggested by the wording of the policy which requires the location of the land to be 'within the land to the east of the existing campus'. It is also a material consideration that the extant outline permission, which is being progressed as a Reserved Matters application (21/5725M) is currently being considered in relation to this original outline, did not require these requirements.

The Council contacted Sport England to ask whether the wording of the proposed condition which requires the submission/approval of an assessment of the ground conditions of the playing pitch (and any subsequent mitigation where necessary) could be changed so its trigger was 'prior to the use' of the new pitch, as opposed to prior to commencement of development. This would ensure that the

responsibility of whom undertakes this work would not necessarily lie with the applicant. Sport England have formerly agreed to this suggestion.

There is a requirement to provide Recreation and Outdoor Sport (ROS) in line with Policy SC2 of the CELPS 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.

Depending on the nature of the discussion in respect of the S106 on the delivery of the playing field, it may be appropriate to waive the contribution for ROS if the Council is gifted the land for the playing field. The S106 agreement will be drafted to ensure delivery of the playing field as part of the development or the ROS financial contribution will have to be made. This approach is considered appropriate at this stage as discussions need to take place over the transfer of the land and with Wilmslow High School over its future management. This was also the approach taken as part of the previous outline approval and associated S106 Agreement.

Subject to the conditions and a S106 agreement which requires that the land allocated for a playing field be transferred to the Council prior to occupation or a ROC contribution, the proposals are deemed to adhere with the open space requirements of Policy LPS54.

Indoor sport

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.

Point 5 of Policy SC1 states that *“Make sure that appropriate developments contribute, through land assembly and financial contributions, to new or improved facilities where development will increase demand and / or there is a recognised shortage of local leisure, community and recreation facilities”*.

Point 3 of Policy SC2 states *“Make sure that major residential developments contribute, through land assembly and financial contributions, to new or improved sports facilities where development will increase demand and/or there is a recognised shortage”*.

The Council's Indoor Sport Officer has advised that the development proposals will increase the need for local indoor leisure provision and as such, a financial contribution should be sought towards Wilmslow Leisure Centre being the nearest provision.

The Indoor Built Facility Strategy has identified that for Wilmslow there should be a focus on improvement of provision as set out in the Strategy. 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 may not be sufficient to require substantial indoor facility investment through capital build (although some of the new population may use the existing swimming pool and sports hall facilities at Wilmslow Leisure Centre, there is currently a need to improve the quality and number of health and fitness provision to accommodate localised demand for indoor physical activity.

Based upon the usual method of calculation the total contribution requested is £21,500

The applicant has agreed to a financial contribution in respect of this matter.

Other POS requirements

The application acknowledges the requirement, in addition to the 1ha of playing field set-out above, for the provision of Public Open Space (Children's play, amenity open space) and Green Infrastructure (*G/ – landscape buffers, green corridors – useable/big enough*).

As part of the previous, extant permission on site, a condition was imposed which required, as part of any reserved matters application, that full details of the proposed open space be laid out and submitted. In addition, the S106 Agreement required the submission/approval of an Open Space scheme which should include: the size, location and type of Open Space, the specification of such works, details of a LEAP. In addition, there was a requirement to provide an Open Space Management Plan.

In the event of approval, it is proposed to once again secure the required provision by this mechanism.

Open Space conclusions

The submitted Parameter's Plan sets out the position of the 1ha of school playing fields. This is reflective of the position and size approved as part of the previous outline permission (17/5838M).

A contribution of £1,000 per market dwelling is required for all market dwellings to account for Recreation Open Space (ROS). Depending on the nature of the discussion in respect of the S106 on the delivery of the playing field, it may be appropriate to waive the contribution for ROS if the Council is gifted the land for the playing field. The S106 agreement will be drafted to ensure delivery of the playing field as part of the development, or the ROS financial contribution will have to be made.

A contribution is required to offset the impact of the development upon indoor sport provision in the area.

With regards to requirements in relation to Public Open Space, Children's Play, amenity open space and Green Infrastructure, there is a requirement to provide the full-policy compliant provision. However, the specifics of this detail would not be agreed until Reserved Matters stage. For completeness, in the event of approval, as per the previous extant permission, it is proposed that the detail of this and its requirement be secured via a means of planning condition and S106 agreement. This will also require the approval of an Open Space Management Plan.

Subject to conditions and a S106 agreement to secure the necessary on-site provision and contributions, the development is deemed to adhere with the Open Space requirements of Policy LPS54 and the general Open Space requirements within the abovementioned open space policies.

Affordable Housing

Policy SC5 of the CELPS 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. Saved Policy H9 of the MBLP considers matters in relation to the occupation of affordable housing.

This application triggers the requirement to provide 30% on-site affordable housing unless otherwise justified. Based on the delivery of 120 dwellings, this would amount to a requirement of 36 units. Based on the policy referenced split, this would amount to 23 units (65%) being provided as affordable rent and 13 units (35%) being intermediate tenure.

In consideration of need, Cheshire Homechoice has a list of those waiting for an affordable dwelling. There are 526 people waiting for such a home in Wilmslow. Of these, the demand is for 1-bed (253 people), 2-bed (155 people), 3-bed (84 people), 4-bed (20 people) and 5-bed (14 people).

Within the submitted Design and Access statement it is advised that there will be 30% Affordable Provision. However, they have not provided an Affordable Housing Scheme as so the proposed split between Social, Affordable or Intermediate rent is unknown. However, this would be agreed at Reserved Matters Stage.

The applicant has agreed to the provision 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.

Manchester Airport

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

The Safeguarding Authority for Manchester Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. Upon review, Manchester Airport raise no objections, subject to a number of conditions including; approval of dust and smoke mitigation, submission/approval of details proposed to prevent birds being attracted to the site, that all exterior lighting be capped at the horizon and that no Solar PV or reflective materials be constructed without permission. A number of informatives are also proposed.

Other matters

Network Rail and Cadent Gas recommend informatives in the event of approval.

Objector's concerns

In response to various concerns/issues raised by objectors which have not been addressed as part of this assessment;

In response to why the Council did not insist that the application be withdrawn and re-submitted once the scope of the application changes from a hybrid application to a straight outline application (including access). This was done as a result of discussions to overcome issues highlighted during the assessment process. The Council are required to be positive and proactive in the assessment of planning application as set out within the NPPF.

The original application form has been removed from the website for the benefit of clarity as the scope of the application has changed during the assessment process and the application now only relates to the development set out in the updated form and it is this development for which a re-consultation exercise has been undertaken.

Although preferable, an updated Design and Access Statement is not deemed an essential requirement of the application in order to make an informed decision on the application proposals.

Although the applicant has completed 'No' in response to question 11 on the application form as to whether the site is at risk of flooding, the Council are aware of the flooding history on the site and matters of flooding have carefully been considered as part of this assessment.

Heads of Terms

In the event of approval, a S106 agreement is proposed to secure the following:

Open Space

- A commuted sum (based on the number of dwellings that are ultimately approved) towards off-site Indoor Sport provision/improvements
- The provision of an Open Space scheme securing the necessary on-site Open Space requirements
- The provision of an Open Space & LEAP Management Plan
- Contribution towards Recreation Open Space (ROS) £1,000 per open market house or transfer of the playing field

Education

- A commuted sum towards offsetting the impact of the development upon local education facilities, based on a standard formula with the exact figure to be agreed based on the number of dwellings that are ultimately approved.

Affordable housing

- To secure 30% on-site affordable housing provision and the necessary tenure split

Health

- A commuted sum towards offsetting the impact of the development upon local health care facilities, based on a standard formula with the exact figure to be agreed based on the number of dwellings that are ultimately approved.

Ecology & Landscape

- To secure the submission & implementation of:
 - Habitat Creation Method Statement
 - 30-year adaptive habitat/landscape management plan
 - 30-year ecological monitoring strategy
 - Biodiversity metric to evidence that the proposals deliver a net gain for biodiversity

Environmental Protection/Public Rights of Way

- A commuted sum of £5000 towards travel plan monitoring

Levy (CIL) Regulations

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

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

The Open Space contribution requirement towards off-site indoor sport provision/improvements, along with securing the necessary on-site Public Open Space requirements, management plan and transfer to playing field land or Recreation Open Space (ROS) contribution is all deemed to be necessary, fair and reasonable in relation to the development. This is because all the provision that is secured is required either to be policy compliant or to off-set the impact of the proposed development.

The requirement to provide a financial contribution towards education and health improvements is deemed to be necessary, fair and reasonable in relation to the development. This is because the contributions have been identified to offset the impact of the development upon these facilities based on known provision and need using a set formula which incorporates that need.

The requirement to secure 30% on-site affordable housing is deemed to be necessary, fair and reasonable in relation to the development. This is because the level of provision is a policy requirement as a result of the number of dwellings proposed.

The ecological & landscape requirement to provide habitat creation, habitat and landscape management and monitoring is deemed to be necessary, fair and reasonable in relation to the development. This is required to ensure an effective biodiversity net gain as a result of the development as required by policy and to ensure the effective long-term management of the landscaped areas of the site.

The contribution towards the monitoring of a required Travel Plan is deemed necessary, fair and reasonable in relation to the development to ensure that it is being effectively implemented.

The requirements are therefore considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

Conclusions

The principle of the erection of dwellings and associated infrastructure on this site is established by CELP Policy LPS 54. This policy allocates the wider Royal London site for development as part of the Local Plan. This allocation includes the provision of 'around 175 dwellings'. The application proposal seeks outline consent for up to 120 of these dwellings, including matters of access. It is noted that an almost identical scheme was approved under 17/5838M, which is still extant.

In consideration of matters of access, the Council's Highway's Officer is satisfied that subject to securing necessary improvement works to the highway, details of which are to be secured by planning

condition and the implementation of the access details, the development proposed is acceptable in highways terms.

Matters in relation to layout, scale and appearance are reserved for subsequent approval. As such, there is little consideration of matters in relation to design at this time.

With regards to heritage, concerns are raised in relation to the loss of trees which impact the setting of a grade II listed building and the general lack of information with regards to the impact of the proposed development upon heritage assets. However, as concluded as part of the previous permission on site (17/5838M), most of these concerns can be addressed at reserved matters stage which is when the position of the actual built form is considered. The loss of trees which impact the significance of the listed building has been assessed to be less than substantial. However, it is deemed that the economic, social and environmental benefits of the scheme overall, are sufficient to outweigh this harm.

Matters in relation to landscape are also reserved for subsequent approval. Notwithstanding this, the Council's Landscape Officer advises that they have no objections, subject to conditions and a legal agreement to secure the management of the landscaped areas of the site.

No issues are identified at this stage for other trees and hedgerows, subject to a condition.

No issues are raised for ecology subject to the inclusion of recommended conditions and a S106 Agreement to secure biodiversity net gain.

Archaeology, amenity, flood risk and drainage are also acceptable subject to conditions, where deemed necessary.

To mitigate the impact of the proposed development upon local health, education and indoor sport facilities, commuted sums are required in the event of approval. Affordable housing and open space is also secured through a S106 agreement.

RECOMMENDATIONS

APPROVE subject to a S106 Agreement to secure:

S106	Amount	Trigger
Affordable Housing – on-site provision	30% of total number of dwellings	Provided no later than the occupation of 50% of the open market dwellings
Public Open Space, Recreation and Outdoor Sports & Indoor Sport – Commuted sum and on-site provision	Indoor Sport commuted sum - Amount to be determined based on standard formula and by number of dwellings that ultimately gain approval	Prior to occupation of any dwellings

	<p>Provision of an 'Open Space Scheme' which secures the necessary on-site provision</p> <p>Open Space Management Plan</p> <p>The requirement to transfer allocated 'playing pitch' and associated mechanism.</p> <p>If not transferred/gifted:</p> <p>Provision of £1,000 per market dwelling towards off-site Recreation Open Space (ROS)</p>	<p>Open Space Scheme - Prior to commencement</p> <p>Prior to occupation of any dwellings</p> <p>Prior to occupation of any dwellings</p> <p>Prior to occupation of any dwellings</p>
Education – Commuted sum	Amount to be determined based on standard formula and by number of dwellings that ultimately gain approval	Prior to occupation of any of the development
Health – Commuted sum	Amount to be determined based on standard formula and by number of dwellings that ultimately gain approval	Prior to occupation of any of the development
Ecology & Landscape – to secure habitat creation, management and monitoring	<p>Submission & implementation requirement to provide:</p> <ul style="list-style-type: none"> - Habitat Creation Method Statement - 30-year habitat & Landscape management plan - 30-year ecological 	Prior to commencement

	monitoring strategy - Biodiversity metric	
Travel Plan Monitoring	£5,000 towards Travel Plan monitoring	Prior to occupation of any dwellings

And the following conditions:

- 1. Outline (commencement of development)**
- 2. Requirement to submit Reserved Matters application**
- 3. Time limit on submission of Reserved Matters**
- 4. Approved plans**
- 5. Highway Improvement works – implementation**
- 6. Implementation of access**
- 7. No more than 120 dwellings**
- 8. Submission of a Heritage Impact Assessment with Reserved Matters**
- 9. Submission/approval of a scheme of archaeological work**
- 10. Submission/approval of pedestrian and cycle signage**
- 11. Submission/approval of details of proposed cycle/pedestrian links with Reserved Matters**
- 12. Submission of levels details with Reserved Matters**
- 13. Submission of earthworks details/strategy (reservation, storage, re-use and importation of soils) with reserved matters**
- 14. Submission of earthworks details (minimum subsoil requirements) with reserved matters**
- 15. Submission of an updated Arboricultural Impact Assessment (AIA) with reserved matters**
- 16. Submission/approval of updated Water Vole and Otter survey**
- 17. An 8-metre undeveloped buffer to be maintained along the ditch located on the northern boundary**
- 18. Submission/approval of external lighting scheme which should be capped at horizon**
- 19. Submission of proposed ponds and gully pots with reserved matters**
- 20. Retention of retained trees and vegetation on Parameter Plan**
- 21. Nesting birds**
- 22. Submission/approval of an updated ‘other protected species’ survey**
- 23. Submission/approval of a Construction Environmental Management Plan (CEMP) to include a) recommendations in table 8.1 of Environmental Statement and b) mitigation measures to prevent pollution of controlled water receptors c) dust and smoke mitigation**
- 24. Submission of a habitat creation method statement, an ecological strategy and a 30-year adaptive habitat management plan with reserved matters**
- 25. Submission of a strategy for biodiversity/ecological enhancement (including 200 metres of native hedgerows) with reserved matters**
- 26. Submission/approval of a contaminated land remediation strategy**
- 27. Submission/approval of a contaminated land verification report**
- 28. Submission/approval of imported soil verification report**
- 29. Works should stop if contamination is identified**
- 30. Implementation of noise mitigation measures**

- 31. Submission/approval of electric charging infrastructure details**
- 32. Submission/approval of a travel plan**
- 33. Development proceed in accordance with Flood Risk Assessment**
- 34. Submission/approval of an overall detailed drainage strategy / design limiting the surface water run-off to 41.36 l/s, generated by the proposed development & an associated management and maintenance plan**
- 35. Submission/approval of a surface water and foul water drainage scheme**
- 36. Submission/approval of a sustainable drainage management and maintenance plan**
- 37. Submission/approval of a scheme assessing the ground conditions of the land where the new playing field is proposed**
- 38. The set-aside playing field be restricted for outdoor sport only**
- 39. Submission of full details of the children's play area and how the wider open space will be laid out, in addition to Green Infrastructure with reserved matters**
- 40. Submission/approval of a Bird Hazard Management Plan**
- 41. No solar photovoltaics be installed without prior approval**

In order to give proper effect to the Strategic Planning Board's intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.

