

**Cheshire East Local Plan**

**Site Allocations and Development Policies Document**

**Hearing Position Statement on behalf of Peel Land  
and Property**

**Representor no. 719710**

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# 1. Matter 2-Planning for Growth

**Question 11c) – Is it (Policy PG8) positively prepared and justified in the light of existing commitments and windfall development to meet the indicative level of housing development for LSC’s set in policy PG7, rather than allocating additional sites at the LSC’s?**

- 1.1 Draft Policy PG8 is not positively prepared nor consistent with national policy, in relying very heavily upon windfall sites to meet the residual housing requirement for LSC’s. Reliance upon windfall to deliver future open market and affordable housing is an essentially passive and not a positive, plan led approach because the location, sustainability and timing of such sites is unknown. It is the antithesis of the plan led approach, especially when there are sustainable sites identifiable now, which can deliver the required housing, both open market and affordable.
- 1.2 The uncertainty surrounding future windfall delivery, both in absolute numeric terms and in its spatial distribution, is well illustrated by the wording of the policy itself, which says that “**it is expected** that the housing element will be addressed by windfall going forward...”. A similarly tentative approach is reflected in the Council’s evidence base<sup>1</sup> which says only that there “is a **reasonable prospect** that in the order of 3,500 dwellings will come forward at LSC’s by 2030 without making site allocations at LSC’s”.
- 1.3 Reliance upon *expectation* and *likelihood* is the antithesis of a plan led system. It is particularly inappropriate at a time of national housing crisis (explained in successive housing White Papers). Whilst the Council considers it cannot demonstrate the exceptional circumstances required under national policy to release Green Belt land for housing (and Peel does not wish to express a view on this), it should nevertheless take advantage of sustainable opportunities to positively and proactively identify other land which is suitable for housing on previously developed land within LSC’s which do not necessitate Green Belt release. Such sites would provide certainty that the minimum level of housing provision within LSC’s as set out in PG7 will be met and, should this level (which is neither a ceiling nor a cap) be exceeded by the end of the Plan period as a result of acceptable windfall delivery, this is a positive outcome delivering significant land use planning benefits.
- 1.4 Peel’s position is explained further in its previous representations<sup>2</sup>.

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<sup>1</sup> See for example para 4.62 of ED05 the provision of housing and employment land and the approach to spatial distribution August 2020

<sup>2</sup> See representations 201223 (MOB1) and PG12, and the accompanying Ilford Way Mobberley Masterplan Framework Document (November 2020).

**(Question 12 – are the other policies in the LPS and SADPD sufficiently flexible to enable the remaining part of the indicative level of housing development for LSC’s, set out in PG7, to be met from further windfall sites? Is there any substantive evidence of opportunities for further windfall development on sites within the proposed Settlement and Village Infill Boundaries?)**

- 1.5 Whilst there is some flexibility in current policy this brings with it scope for uncertainty and ambiguity. For example, Local Plan Strategy policy PG2 identifies that in LSC’s “small scale development” to meet local needs and priorities will be supported where they contribute to the creation and maintenance of sustainable communities. This leaves open for debate what precisely “small scale development” might mean. It is particularly pertinent in the case of Peel’s landholding at Mobberley, which comprises some 16.7 hectares of brownfield land sustainably located within the defined settlement boundary which is ripe for redevelopment within the Plan period. This potential tension must be resolved or else sustainable windfall housing sites (on previously developed sites inside LSC settlement boundaries) could be frustrated by the unclear reference to “small scale” in PG2. There is no reason to restrict the scale of sustainable windfall sites. On the contrary, they need to be maximised as a source of supply in the Plan period to meet the *minimum* housing requirement.
- 1.6 There is also potential for tension with other policies. For example, Local Plan Strategy policy EG3 looks to protect existing employment sites (which Peel’s landholding would currently comprise) from other alternative uses, including residential (other than in the circumstances prescribed by the policy). This policy, which adopts an essentially restrictive approach to the reuse of existing employment land, even where it is embedded within a Settlement Boundary such as at Mobberley, could act to frustrate proposals for the site to contribute to the acknowledged housing need in LSC’s, notwithstanding its sustainable location at the heart of the Mobberley LSC.
- 1.7 In relation to the second part of this question ED05 highlights that there has been a significant contribution from windfall developments since the start of the Plan period.<sup>3</sup> However most of this occurred on sites many of which were allowed on appeal when the Council had no up to date Development Plan and could not demonstrate a 5 year housing land supply (hence were not allocated, and thus classified as windfall). There is no evidence of a meaningful supply of sites within LSC Settlement boundaries now; table 11 of ED05 also shows that commitments are very low in all LSC’s with the exception of Haslingdon and Holmes Chapel, which saw a volume of appeal led development on greenfield sites which are currently being built out. In Mobberley there is identified commitments of only 2 housing units. <sup>4</sup>

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<sup>3</sup> See ED05 para 3.25

<sup>4</sup> Table 11 ED05

- 1.8 In contrast Peel wish to draw to the Inspector’s attention the evidence of a substantial, underutilised brownfield site within Mobberley, which is available for redevelopment in the immediate future, as set out in representations to the Revised Publication Draft Plan.<sup>5</sup> This scale of urban opportunity is extremely rare in Cheshire East and particularly so within the northern LSC’s which are inset within the North Cheshire Green Belt. An approach to this scale and importance of site which relies upon it being brought forward as a windfall opportunity, with a requirement to navigate policies PG2 and EG3 before housing delivery on even a part of the site could be assured, is neither justified nor does it amount to a positively prepared plan.
- 1.9 Securing consent to a meaningful windfall development also relies upon the application of policy SE2 (Efficient Use of Land) as the gateway to a planning permission. This is a generic policy, not focussed on any particular types of development proposal, and there is no specific policy which encourages windfall housing on brownfield suitable sites. When SE2 is read against EG3, as discussed above, it creates significant uncertainty over the outcome for housing proposals on existing employment land. By contrast, chapter 12 NPPF requires that policies “make as much use as possible of previously developed or brownfield land”<sup>6</sup>. These issues would be overcome by a site-specific policy applied to the land at Mobberley, which is fully justified in this case.

***Question 13 – is there a need for further site allocations at the LSC’s to be included in the SADPD to ensure the indicative level of housing development set in PG7 of the LPS will met in full and the need for affordable housing addressed, in particular at settlements within the North Cheshire Green Belt?***

- 1.10 Yes. Peel note the Council’s position (set out in background paper ED05) that demonstrating exceptional circumstances for Green belt release for housing allocations is a high test. However, that test is not applicable to urban, previously developed land within the settlement boundaries of sustainable settlements, such as Peel’s landholding at Mobberley. Allocating a site such as Peel’s brownfield landholding has no implications for the Council’s strategic position regarding the Green Belt.
- 1.11 The draft DPD, whilst not proposing any Green Belt release for housing or employment allocations, does however promote the allocation of new housing sites<sup>7</sup>. Hence positively allocating suitable

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<sup>5</sup> See representations 201223 (MOB1) and PG12, and the accompanying Ilford Way Mobberley Masterplan Framework Document (November 2020)

<sup>6</sup> See NPPF 119 – save where there would be conflict with other policies

<sup>7</sup> See allocations MID2; MID3; PYT1, 2, 3 and 4.

brownfield land for housing, as opposed to relying upon windfall development, would not be inconsistent with the DPD's strategy.

1.12 We consider that, in order for the Plan to be positively prepared, and particularly in circumstances where a large, sustainably located, underutilised brownfield site is ripe for redevelopment and is being actively promoted by the landowners, the Council should adopt a much more positive and plan-led approach to redevelopment (as accepted and advanced in previous versions of the Plan). This could also confer additional benefits, including ensuring a comprehensive approach is taken to this opportunity site, as was required under the previously promoted site-specific policy MOB1. The Plan should promote a policy approach designed to actively encourage its redevelopment, and thereby help secure full delivery of the residual housing requirement of policy PG7. Adopting this approach using Peel's landholding would have no consequences for the Green Belt but it would provide guidance, certainty and an incentive for brownfield regeneration (consistent with NPPF Chapter 12).

1.13 Affordable housing continues to be a major challenge in Cheshire East, where affordability is acute. A strategy which relies upon windfall housing will make a limited, if any, contribution to affordable housing delivery within LSC's. Local Plan Strategy policy FC5 requires affordable housing in LSC's only in cases of development of 11 or more dwellings. In Mobberley there have been only 9 completions in the LPS Plan Period up to March 2020, and 2 further homes committed but not yet implemented<sup>8</sup>. Self-evidently none of these very small developments have or will contribute any affordable housing toward local needs. Conversely a site allocation of Peel's land in Mobberley would be expected to contribute 30% affordable housing in line with policy FC5 and thereby make a meaningful contribution to the high level of affordable needs which exist locally.

1.14 The Council has said<sup>9</sup> that allocating further land for housing at LSC's "would likely require land outside Settlement Boundaries". Peel has demonstrated that this is not the case at Mobberley, as was evidenced by the Council's previous approach to this site under draft policy MOB1. But this comment just serves to emphasise the rarity of such sites and the need for their future to be positively considered as part of the Plan.

***Question 15 – is the identification of additional safeguarded land at the LSC's justified to meet the longer term development requirements of the Borough, taking account of the expectations of the LPS, the potential for the development requirements of Cheshire East beyond 2030 to change under the standard method for calculating local housing need, and the requirement in***

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<sup>8</sup> Table 11 of ED05

<sup>9</sup> In its 30 July 2021 response to the Inspector's initial questions, at para 15

***Para 140 of the NPPF that Green Belt boundaries should only be altered where justified by exceptional circumstances?***

- 1.15 Peel agree with CEC that safeguarded land should be identified at the LSC's in order to be consistent with the LPS and the provisions of the NPPF. The need for changes to Green Belt boundaries was clearly established through the LPS strategic policies, and detailed amendments can appropriately now be made through non-strategic policies<sup>10</sup>. However, before exceptional circumstances can be concluded to exist, the LPA should be able to demonstrate that it has examined *fully* all reasonable options for meeting the identified need (NPPF 140). This expressly includes making "*as much use as possible of suitable brownfield sites and under-utilised land*" (NPPF 140(a)). This is consistent with NPPF Chapter 12. There is quite clearly a sequential approach to meeting the identified need for housing. The redevelopment of Peel's previously developed site *inside* the settlement boundary is a clear sequential priority to Green Belt release. The site should therefore be allocated in favour of any and all Green Belt sites (see former policy MOB 1).
- 1.16 Further or alternatively, whilst safeguarded land has been designated in the LPS in the higher order settlements, no provision was made for LSC's which was considered to be the role of this DPD. Given that the LSC's are tightly constrained (indeed "shrink wrapped") by the Green Belt currently, it is important, for reasons of sustainability, to ensure that post-Plan development needs can be met without necessitating Green Belt release again at that time (see NPPF 143(c)). Safeguarded land will act as a reservoir for potential future (as yet unforeseen) development needs (of all types) for these settlements and thereby ensuring the permanence of the Green Belt (consistent with NPPF Ch. 13).
- 1.17 Whilst housing is an important component of future needs, it is not the entirety of them. Employment, retail, leisure, education and other activities (perhaps some not yet identified) will also require land into the future, to ensure the ongoing sustainability and prosperity of these smaller settlements.
- 1.18 From a housing perspective, whilst the Standard Method has recently been amended, there is no certainty that this will represent the Government's long-term position, which is subject to further review and refinement (and maybe even fundamental reform, again). Thus, the long-term planning of the Green Belt boundary should not be influenced unduly by the (not infrequent) changes to the method of calculating local housing need. Peel therefore supports the Council's approach and considers that the principle of exceptional circumstances have been demonstrated to allow

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<sup>10</sup> NPPF para 140

safeguarded land to be identified, in order to ensure the longevity of the Green Belt boundary well beyond the Plan period, in line with the requirements of the NPPF (para 143e).

- 1.19 Pending it being released for development, safeguarded land can be adequately protected under policy PG4.

***Question 16 – is the selection and distribution of sites for designation as Safeguarded Land at the LSC’s, as set out in the Local Service Centres Safeguarded Land Distribution Report and the Settlement Reports, based on a robust methodology and justified by proportionate evidence and is it consistent with the LPS and National Policy?***

- 1.20 We do not consider that the evidence base as presented in document ED53 has robustly justified the sites selected in the Revised Draft Publication Plan. It is flawed and unsound. ED53 calculates an initial requirement of safeguarded land amounting to 2.16 hectares in Mobberley.<sup>11</sup> It concludes that there are no suitable sites for meeting this need in Mobberley. In Chelford, the Council calculates a requirement of 2.55 hectares and identifies land off Knutsford Road extending to 0.58 hectares as suitable. As a consequence, para 7.7 states that there is an unmet requirement of 4.13 hectares (2.16 hectares in Mobberley and 1.97 hectares in Chelford) due to there being no suitable sites in Mobberley and the remaining suitable sites in Chelford being too large for the remaining Chelford requirement (and not suitable for sub division).
- 1.21 Section 8 of ED53 (page 52) considers a number of revised options, before selecting a final Preferred Option, which redistributes all Mobberley’s unmet requirement to Chelford, adding to the existing Chelford requirement to produce an overall revised total of 4.71 hectares<sup>12</sup>.
- 1.22 As a consequence, the draft Plan’s proposed allocation of safeguarded land at Chelford exceeds the Council’s assessed requirement for the settlement by some 85%. The justification for progressing this option is set out in summary at table 9.2 of ED53, which says that it allows the overall safeguarded requirement to be met, enables Chelford to meet its own requirement and provides for Mobberley’s unmet requirement on the most suitable site available.
- 1.23 Peel fundamentally disagrees with this assertion. The Council’s choice is not justified as it is based on incorrect and inaccurate information, as is demonstrated in Peel’s original representations to draft Policy PG12 as briefly summarised below. Moreover, and fundamentally, the Plan’s approach to meet Mobberley’s longer term needs in another settlement, which is less sustainable and on

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<sup>11</sup> Table 7.1 para 7.6 of ED53

<sup>12</sup> See table 9.1 at page 59

land which is not well related to the urban area, is neither justified nor consistent with national policy when there is a suitable site adjacent to Mobberley itself.

- 1.24 In short, the evidence which the Council has used to assess land opportunities in Mobberley and specifically the suitability of Peel's Land holding for safeguarding purposes is deeply flawed. The relevant information on which the Council has reached key decisions is presented in the Mobberley Settlement Report<sup>13</sup> which considers Peel's greenfield objection site (referenced CFS355- see Map 2 at page 31 of ED37).
- 1.25 When the Peel land is evaluated in detail it scores generally positively on most factors and where there are site specific issues identified (for example, potential for heritage impacts in relation to the Mobberley Conservation Area) the Council correctly acknowledges such impacts can be mitigated. The Council's heritage assessment at page 88 of ED37 correctly concludes that, with mitigation development of site CFS355 would have only a slight adverse impact on heritage significance. There is thus no basis to exclude the site on heritage grounds.
- 1.26 Similar comments regarding the potential for mitigation are noted in respect of aircraft noise where the Council explicitly say that "suitable noise control measures would be required in the context of any residential development". This does not rule out of the site in terms of future development potential, and Peel's evidence<sup>14</sup> demonstrates that a housing scheme could be designed which meets the requirements of the Council's emerging noise policy (ENV13). There is no technical evidence and/or analysis to the contrary and detailed discussions are currently underway with the Council's EHO over suitable design and mitigation measures. Any proposals for the site will need to demonstrate compliance with noise policy ENV13 (as adopted in due course).
- 1.27 Major errors occur, however, in relation to the Council's assertion that highways access has been identified as a fundamental issue<sup>15</sup>. The correct position is that the site can be readily accessed via Peel's brownfield site (currently occupied by employment activity) which adjoins it immediately to the west. There is also a negative comment in relation to "compatible neighbouring uses" which is assumed to be a reference the United Utilities' wastewater treatment plant to the north<sup>16</sup>. However, specialist work commissioned by Peel from Redmore Environmental which carried out an odour assessment, following consultation with United Utilities, demonstrates that the plant does **not** affect the development potential (for housing purposes) of **any** of the area proposed as

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<sup>13</sup> ED37

<sup>14</sup> Please see the Ilford Way Mobberley, Masterplan Development Framework, November 2020 appended to Peel's representations to the Revised Publication Plan and also the Site Suitability Report December 2020 by BAP acoustic consultants to Peel.

<sup>15</sup> See ED37 para 4.73 and 4.79 which compounds the error

<sup>16</sup> See ED 37 para 4.71



safeguarded land and therefore this does not represent any constraint to its future (longer term) residential development. There is no evidence to the contrary; in fact, the Council acknowledge this is not a significant constraint (see ED37 para 4.71).

- 1.28 The Council also asserts that the site is significantly larger than the residual requirement. However, although the Council states that the site does not have any internal boundaries and therefore could not be sub-divided, this is also demonstrated to be inaccurate, as there is a hedgerow which divides the wider landholding represented by CFS355, and this hedgerow forms a clear and adequate long-term defensible boundary for a new Green Belt to be delineated.<sup>17</sup>
- 1.29 In summary, the site-specific factors which appear to have led the Council to conclude that there are no suitable parcels of land for safeguarding in Mobberley, itself an important and sustainable LCS, are manifestly incorrect. Thus, the decision to direct all Mobberley's "share" of safeguarded land to Chelford is plainly not justified by the evidence. The statement at para 7.5 of ED53, namely that "...it can be concluded that Mobberley cannot accommodate any safeguarded land" which explicitly lead to the need to develop further Options (Revised Options B and C) has been arrived at on a false premise, leading to an unsound approach towards safeguarding in the draft Plan.
- 1.30 This can and should be remedied by making a Safeguarded Land allocation covering Peel's land adjacent to its brownfield landholding in Mobberley (site ref CFS355), either in whole or relating to the western portion of CFS355 only.

***Question 18 – have exceptional circumstances for removing each of the 8 safeguarded land sites being fully evidenced and justified, and are the sites defined by boundaries using physical features that are recognisable and likely to be permanent?***

- 1.31 Peel do not consider that the safeguarded land at Chelford (0.58 hectares at Knutsford Rd and 4.63 hectares at Land east of Chelford railway station totalling 5.21 hectares) are justified, nor are there any exceptional circumstances to sustain this level of Green Belt release at Chelford).
- 1.32 It logically follows that exceptional circumstances have not been demonstrated for the significant release of Green Belt land at Chelford, when this Revised Option (ie to "over provide" at Chelford) only became necessary, and was introduced at the last stage of the site selection process, because of a (flawed) understanding of land availability/suitability at Mobberley, which previous stages of the site selection process would otherwise have directed the safeguarded land release to

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<sup>17</sup> Please refer to the aerial image at para 2.13 of Peels representation to PG12

- 1.33 Aside from the flawed rationale for Chelford receiving all of Mobberley's proportion of safeguarded land in preference to sites immediately adjacent to Mobberley (discussed above), the main area at Chelford selected for safeguarding is remote from the urban form of the village, separated from it by the West Coast main railway line and with pedestrian access only possible via a narrow pavement along the busy main road as it bridges over the railway line. There is no scope for off road cycle lanes over the current rail bridge.
- 1.34 As will be evident from the relevant proposals map (see page 40 of the Council's Draft Policies Map), the main area proposed as safeguarded land at Chelford (CFD2) represents a significant incursion into the open countryside (currently in the Green Belt) south of the West Coast railway line and entirely separate from the existing built form of Chelford village to which is poorly related and connected. The contrast with Peel's site immediately adjacent to Mobberley village with its centrally located local services and facilities within an easy walk could not be more stark. The Plan is manifestly unsound.
- 1.35 In terms of Changes Sought, Peel seek (i) the inclusion of a positive, mixed use allocation policy covering its brownfield landownership at Mobberley, referenced MOB1, in terms similar to those set out in its representations to the Revised Publication Plan<sup>18</sup> and (ii) identification of its open land to the immediate east of the brownfield site as Safeguarded Land under policy PG12 and we would respectfully invite the Inspector to recommend appropriate Main Modifications to the Council accordingly.

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<sup>18</sup> See representations 201223 (MOB1) and PG12, and the accompanying Ilford Way Mobberley Masterplan Framework Document (November 2020)

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