

**Examination of the Cheshire East Local Plan Site
Allocations and Development Policies Document
(SADPD)**

**Response to Matter 2: Planning for Growth
Land to the North of Beech Road, Alderley Edge
on behalf of Mr & Mrs Sims (ID498918)**

September 2021

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For and on behalf of Avison Young (UK) Limited

1. Introduction

- 1.1 This Hearing Statement has been prepared by Avison Young on behalf of Mr and Mrs Sims ('our client') in relation to **Matter 2: Planning for Growth** of the Examination of the Cheshire East Local Plan Site Allocations and Development Policies Document ('SADPD'). It has been prepared in the context of our client's land to the North of Beech Road, Alderley Edge ('the site') which was previously included as a draft residential allocation (Ref: ALD 4) in a previous draft of the SADPD (Publication Draft 2019). However, the proposed draft allocation was subsequently dropped from the revised Publication Draft SADPD 2020. The site is therefore currently proposed to remain within the Green Belt.
- 1.2 The site is located immediately adjacent to the settlement boundary of Alderley Edge and extends to approximately 2.9 hectares. The site is extremely well related to established residential development and is bound to the west by the mainline railway. It is in a very sustainable location, within walking distance of Alderley Edge Town Centre which offers a variety of facilities and services.
- 1.1 Our client seeks a modification to the SADPD to include the reintroduction of Draft Policy PG 11 (Green Belt Boundaries) to include the removal of the site from the Green Belt and the inclusion of the previous draft housing allocation for the site (Ref: ALD 4). This would return the site to the status it held in the 2019 SADPD Publication Draft and would allow this site to make a significant positive contribution towards meeting Cheshire East Council's ('CEC's') overall and affordable housing needs early in the Plan period.
- 1.2 Matter 2 of the Inspectors' Matters, Issues and Questions ('MIQs') explores CEC's approach to planning for growth. Most pertinent in the context of this site is the approach to development and safeguarded land in Local Service Centres ('LSCs') which include Alderley Edge.
- 1.3 Avison Young has been actively promoting the site as a suitable site for residential development at all key stages of the Local Plan process to date and several previous representations relating to the site have been made (Rep ID 498918 dated 21 Aug 2019 and 18 Dec 2020). In these previous representations, our client has submitted Development Documents which provide an overview of the need and appropriateness of residential development at the site. These documents set out the planning, design and sustainable development principles for future development at the site and have been robustly informed by a series of technical studies that have been undertaken, which demonstrate the capability and deliverability of the scheme proposed. This Hearing Statement responds directly to the relevant Inspectors' MIQs, however, it should be read in conjunction with those previous representations.

2. Response to Matter 2: Planning for Growth

2.1 This section of this Hearing Statement sets out the relevant Matter 2 issues and questions within the Inspectors' MIQs to which our client wishes to provide a response, including identifying elements/issues that render the plan unsound in the context of NPPF Paragraph 35, and how these should be resolved to make the plan sound.

Development at Local Service Centres (Policy PG 8 and Site HCH 1)

11) Is Policy PG 8 consistent with the strategy in the LPS for growth and the spatial distribution of development at the LSCs, and with the relevant provisions of national policy? In particular:

- a) Should it include a disaggregation of the indicative levels of development for the LSCs, of 3,500 dwellings and 7ha of employment land, to individual settlements, in order to ensure decisions are plan-led and that the needs of individual settlements are met?**
- b) Should it set out indicative housing levels for designated neighbourhood areas, to provide an effective framework for neighbourhood plans?**
- c) Is it positively prepared and justified in relying on existing commitments and windfall development to meet the indicative level of housing development for LSCs, set in Policy PG 7, rather than allocating additional sites at the LSCs?**

2.2 Policy PG8 (Development at Local Service Centres) sets out the level of development expected to be accommodated within LSCs over the plan period as 7ha of employment land and 3,500 new homes.

2.3 As opposed to previous iterations of the SADPD, this policy does not however, go on to set out specific targets for each LSC. Instead this policy relies on the housing element of these development targets to be addressed solely by windfall sites going forward; an approach which we consider to be deeply flawed. We consider that these high-level targets should be disaggregated for individual settlements to ensure that there is a sustainable spatial distribution of new development that meets specific needs of settlements and is appropriate to their size, location and characteristics.

2.4 The latest published housing monitoring for CEC is contained within the supporting evidence base report '*The provision of housing and employment land and the approach to spatial distribution*' which underpins Policy PG8. In this report it states that as of March 2020 out of the anticipated 3,500 dwellings, only 2,007 have been completed. Out of these completions Alderley Edge only accounts for 90 of these dwellings, contributing merely 4% to the overall supply since 2010. This evidence base

report goes on to set out the commitments and allocations (without permission) which are anticipated to help the Council meet the total 3,500 homes as set out by the Local Plan. However, even with these housing figures included the supply still only equates to 3,210 homes, 165 of which are anticipated within Alderley Edge.

- 2.5 The Council state that this final figure is considered to lie 'in the order' of 3,500 and it is on this basis the Council deems this reduced figure acceptable in their evidence base report. It must however, be noted that the figure of 3,500 dwellings in the LSCs has always been quoted under Policy PG8 as "neither a ceiling nor a target" and therefore it should be considered, in line with the emphasis of at Paragraph 74 of the NPPF, that the 3,500 dwellings should be taken as a **minimum** target for housing within LSCs, and the Council should be striving to achieve beyond this number.
- 2.6 Alderley Edge, as demonstrated within our previous representations and within the attached Development Documents, is an extremely sustainable Centre and rivals many of Cheshire's larger towns with its facilities and transport connections. Alderley Edge should be a top performer in the provision of development and should be providing a steady supply of housing to enable sustainable growth within this area, however it is heavily constrained due to the "shrink wrapping effect" of Green Belt boundaries which have limited the ability for housing development to come forward over many years, crippling the areas growth potential, driving housing prices and making for an unaffordable housing area. As such, completions in Alderley Edge since 2010 have been predominantly delivered through the development of singular homes, representing piecemeal development, inconsistent with the need to deliver comprehensive housing schemes that can actually deliver an appropriate mix of sustainable housing, including affordable homes. However, there are also examples of apartment developments e.g. application ref: 16/4087M for 4no. apartments to replace a former single detached dwelling. Whilst such developments may add to the diversity of housing stock in Alderley Edge, relying on the densification of existing sites within the settlement to create more, smaller homes fails to acknowledge that the demographic profile of the borough is expected to change throughout the plan period as a result of an ageing population. Providing a mix of housing to cater towards both families and the elderly is important to meet the borough's housing needs.
- 2.7 Furthermore, there is clearly evidence of housing developments on unallocated sites in Alderley Edge being refused by Members despite recommendations for approval from Officers. Application ref: 19/0684M for 6no. dwellings on land off Heyes Lane went to committee on 4th November 2020 but was refused on the basis of pedestrian access and visual amenity, despite these issues being addressed by technical officers. Similarly, application ref: 20/4003M for a replacement dwelling was refused based upon concerns over impact on the Green Belt and residential amenity. Both decisions have subsequently been appealed (Appeal refs: 3266426 and 3268648). Appeal ref: 3266426 was

dismissed on 16th June 2021 on the basis harm the character and appearance of the area. Appeal ref: 3268648 was allowed on 16th August 2021 as the Inspector deemed that the replacement dwelling did not constitute inappropriate development in the Green Belt.

2.8 These examples highlight not only how housing supply has stalled over the years within this LSC but how windfall sites can be easily dismissed by Members, even in the face of Officer's positive recommendations. This forces applicants to go down the appeal route. In these examples, the scheme for 6no. dwellings was dismissed by the Inspector and whilst the replacement dwelling appeal was allowed, it doesn't actually provide any net contribution to the overall housing supply. Taking such applications to appeal results in substantial delays to delivery and relies upon the applicants having the time, money and will to appeal. Clearly, relying upon housing delivery through appeals rather than the Council's own plan-making and decision taking process is not the correct approach and provides very little certainty of success. Both PPG and PINS guidance on planning appeals make clear that appeals should be a last resort and that applicants and LPAs should do everything they can to work constructively and avoid the need to appeal.

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 LSCs, set in Policy PG 7, 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?

2.9 Paragraph 71 of the NPPF states that where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. As demonstrated in our response to Questions 11 above, we do not consider it justified that housing for LSCs should solely rely on windfall sites, as evidence clearly suggests that this strategy is not always successful, nor straightforward and therefore leaves a large amount of housing unaccounted for within these Centres without a clear way forward.

2.10 No substantive evidence has been provided by CEC regarding the certainty of delivery from windfall sites and Alderley Edge is clearly heavily constrained in terms of the availability of deliverable windfall sites which can actually make a meaningful contribution towards overall housing and affordable housing need. This policy should therefore consider all reasonable alternatives with more certainty of delivery, namely reverting back to the previous iterations of the SADPD whereby specific allocated targets were given to each LSC, which translated into deliverable and sustainable site allocations for housing.

13) Is there a need for further site allocations for housing at the LSCs to be included in the SADPD to ensure the indicative level of housing development set in Policy PG 7 of the LPS will be met

in full and the need for affordable housing addressed, in particular at settlements within the North Cheshire Green Belt?

- 2.11 As demonstrated in our response to Questions 11 and 12 above, it has been demonstrated by the Council's own evidence that Cheshire East is already anticipating that the total 3,500 homes set for LSCs will not be realised. The Council are therefore already foreseeing an under supply in the delivery of housing in LSCs which will undoubtedly diminish further based upon progress to date and the uncertainty surrounding the availability and deliverability of windfall sites.
- 2.12 Alderley Edge is a highly sustainable settlement which is heavily constrained by Green Belt and should be CEC's top priority for sustainable housing growth given the current pressures on its housing supply and limited contribution to the overall housing target as demonstrated in the Council's evidence base, as well as acute affordability issues in the area. Allocations should thus be re-introduced off the back of these housing targets to identify the most sustainable and suitable sites for housing development in Alderley Edge that can deliver more comprehensive residential schemes to provide an appropriate mix of housing, including much-needed affordable homes.
- 2.13 The previous draft housing allocation 'Land north of Beech Road' (Ref: ALD 4) should be included in this re-allocation of sites given its sustainable location, proposed contribution to the housing supply (including affordable housing), deliverability, anticipated design and wider economic, social and environmental benefits as set out in the attached Development Documents.

Safeguarded Land at LSCs (Policy PG 12)

15) Is the identification of additional safeguarded land at the LSCs 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 paragraph 140 of the NPPF that Green Belt boundaries should only be altered where justified by exceptional circumstances?

- 2.14 The previous 2019 Publication Draft of the SADPD included Draft Policy PG 11 (Green Belt Boundaries) which proposed to make changes to the Green Belt boundary in Cheshire East, including the allocation of 'Land north of Beech Road' (Ref: ALD 4). This policy supported the statement made within the Local Plan Strategy (2017) which states at Paragraph 8.42:

"There are significant identified needs for market and affordable housing land provision within Cheshire East...in the north of the borough, there is very little scope to meet these needs from towns and villages inset

*within the Green Belt boundary... consequently there are not sufficient sites likely to be available to deliver enough market and affordable housing to meet **anywhere near** the identified housing needs... without alterations to the detailed Green Belt boundaries, the amount of new development that could be planned for in the north of the borough would be very low. It is considered that such low level of development would have severe consequences... the importance of allocating land to go some way to meeting the identified development needs in the north of the borough, combined with the consequences for sustainable development of not doing so, **constitutes the exceptional circumstances required to justify alteration of the existing detailed Green Belt boundaries**, whilst maintaining the overall general extent of the Green Belt”.*

- 2.15 Draft Policy PG 11 subsequently went on to highlight the importance of allocating land to meet the identified need within the north of the Borough in agreement with the above statement and reiterated the consequences of not doing so within the Green Belt at Paragraph 2.16.
- 2.16 Given the above statements from the Council it is therefore clear that the exceptional circumstances exist to make changes to the Green Belt boundaries and there is a need for housing allocations within the Green Belt in order to meet the Borough’s housing needs in the LSCs. It is therefore extremely concerning and surprising that the Council have u-turned on this stance within the Revised SADPD and we do not consider that there is sufficient evidence to suggest how the removal of these previously proposed Green Belt allocations will be compensated for.
- 2.17 Despite removing Policy PG 11 and its associated Green Belt site allocations, the Council has chosen to retain Policy PG 12 as drafted, which sets out areas defined as ‘Safeguarded Land’ between the urban area and inner boundary of the Green Belt that may be required to meet longer-term development needs. Our client supports this policy insofar as it identifies additional land that may be required for development however we do not consider that the sites which have been selected are justified, in particular for Alderley Edge.
- 2.18 The sites that have been listed in this policy are predominantly the same as those listed in the previous 2019 iteration of the Draft SADPD. This would be considered robust as these are informed by supporting evidence but only if the sites allocated for removal from the Green Belt as per Draft Policy PG 11 had been carried forward. The sites which were selected under Draft Policy PG 11 were rigorously tested during the previous Draft of the SADPD and were therefore chosen based upon them being the most appropriate sites to be removed from the Green Belt due to a number of factors including sustainability merits, technical assessments and impact on the Green Belt. The sites identified within Draft Policy PG 12 which have been carried forward as Safeguarded Land therefore

can only represent less appropriate sites for Green Belt release and development by virtue of their classification in the previous SADPD where they were not considered fit for allocation.

2.19 This is most concerning for the land identified within Draft Policy PG 12 for Alderley Edge for which ALD 3 'Land at Ryleys Farm, west of Sutton Road' has been retained as Safeguarded Land but the adjacent land, and previously favoured site which had an allocation for Green Belt release (ALD 2 'Ryleys Farm, north of Chelford Road'), has been removed.

2.20 It is therefore clear that a sheer lack of proper consideration has been given to the sites identified for Safeguarded Land under Draft Policy PG 12. Whilst it is our strong view that the site at land North of Beech Road should be allocated now to meet immediate development needs, at the very least should the Council choose not make any allocations, the sites previously identified as appropriate for Green Belt release and development under Draft Policy PG 11 (including our client's site) should take first priority in the identification of Safeguarded Land, in accordance with the Council's own evidence.

16) Is the selection and distribution of sites for designation as Safeguarded Land at the LSCs, as set out in the Local Service Centres Safeguarded Land Distribution Report and the Settlement Reports for Alderley Edge, Bollington, Chelford, Disley, Mobberley and Prestbury, based on a robust methodology and justified by proportionate evidence and is it consistent with the LPS and national policy?

2.21 As detailed in our response to Question 15 above, we consider that the selection and distribution of safeguarded sites would be considered as informed by robust and proportionate evidence, but only if the Green Belt allocations as per Draft Policy PG 11 had also been carried forward. In the context of the proposed removal of Policy PG 11 and its associated Green Belt site allocations, the Council has chosen to prioritise sites for future developments needs which its own evidence demonstrates are not the best and most appropriate sites for Green Belt release. This is a wholly negligent and illogical approach which contradicts the evidence base underpinning the SADPD.

18) Have exceptional circumstances for removing each of the eight Safeguarded Land sites from the Green Belt been fully evidenced and justified, and are the sites defined by boundaries using physical features that are recognisable and likely to be permanent?

2.22 The Council has acknowledged through both the adopted Local Plan Strategy and previous iterations of the emerging SADPD that the exceptional circumstances exist to make changes to the Green Belt boundaries in Cheshire East, in accordance with Paragraph 140 of the NPPF. In the previous 2019 iteration of the SADPD, the Council's strategy involved identifying both site allocations and safeguarded land allocations to meet both immediate and long-term development needs, an

approach which was supported by our client. This involved a detailed and robust site assessment process which identified the sites most suitable for Green Belt release (including our client's site).

- 2.23 The Council's subsequent u-turn on its position on Green Belt release is one that is deeply concerning and we do not consider has been fully evidenced and justified. Whilst we have not undertaken a detailed assessment of all of the proposed safeguarded sites against the 5 purposes of the Green Belt (as set out at Paragraph 138 of the NPPF) , in particular to determine the strength and permanence of their boundaries, it is clear that the safeguarded sites were weaker performing sites in terms of their suitability for Green Belt release and therefore likely possess characteristics which may cast doubt upon their performance against the 5 purposes. In contrast, as demonstrated in detail in the previous representations and Development Documents, the land North of Beech Road does not contribute to the five purposes for the reasons detailed below:

To Check Unrestricted Sprawl

- 2.24 The land is extremely well related to the existing development to the south and is bounded to the west by allotments and the West Coast Main line. The eastern and northern boundaries are defined by vegetation and Whitehall Brook.

To Prevent Neighbourhood Towns Merging

- 2.25 There are no immediately adjacent neighbouring towns lying to any boundary of the site. The closest town is Wilmslow to the north of the site however, significant additional land lies between the proposed site and Wilmslow, as well as strong, defensible boundaries making the site a logical extension to the existing settlement.

To Safeguard the Countryside

- 2.26 The site is very well related to the existing residential development and other built form such as the railway to the west. The land is adjacent to extensive areas of countryside and it is considered there is no need to safeguard this land as countryside, given the benefits of developing this site will outweigh any impacts of retaining it in its current form.

To Preserve the Setting and Special Character of a Historic Town

- 2.27 There are no statutory or non-statutory designated heritage assets within the boundary of the site and the surrounding urban area of Alderley Edge is not considered an historic town. The removal of the site from the Green Belt would therefore not contravene the purpose of preserving the setting and character of Alderley Edge.

To Assist in Urban Regeneration

- 2.28 There are very few brownfield sites available for redevelopment to accommodate the future housing requirements of this borough, particularly in Alderley Edge, hence the need for sensitive Green Belt release. As such, the removal of the site from the Green Belt would not conflict with this purpose of assisting in urban regeneration.
- 2.29 In summary, exceptional circumstances have been demonstrated to justify changes to the Green Belt boundaries however the Council's approach to identifying safeguarded sites is not sufficient or appropriate and contradicts its own evidence. When considering sites for Green Belt release for either immediate allocations or safeguarded land, the Council should first prioritise sites such as the land North of Beech Road which was previously subject to a draft housing allocation and has been demonstrated to be entirely suitable for Green Belt release when tested against the five purposes. Furthermore, the site represents a wholly logical extension to the existing settlement and will enable a high-quality residential development to come forward which would make a positive contribution to the Borough and Alderley Edge's market and affordable housing requirements and would deliver a series of economic, social and environmental benefits.

Overall Comments on Soundness in respect of Matter 2

- 2.30 In conclusion, when considering the tests of soundness set out in NPPF Paragraph 35, the Plan as submitted is not sound as it is **not positively prepared, not justified, not effective and not consistent with national policy**, because:
- i) The Council's revised approach to meeting housing needs in LSCs is wholly reliant on windfall sites. This strategy is deeply flawed and based on the evidence and past performance as set out above, the housing land supply for Cheshire East is likely to diminish further which will in turn cause significant impacts on the ability for the Council to meet its objectively assessed need (OAN) sustainably. Relying on smaller, piecemeal developments in sustainable 'shrink-wrapped' centres such as Alderley Edge also means that the delivery of affordable housing in this important LSC is compromised.
 - ii) Whilst the Council itself has previously acknowledged that exceptional circumstances have been demonstrated to justify changes to the Green Belt boundaries, its decision to u-turn on this approach and not allocate Green Belt sites is deeply concerning and insufficient evidence has been provided to explain how the removal of these allocations will be compensated for.
 - iii) The Council's approach to identifying safeguarded sites is not appropriate and contradicts its own evidence as it involves prioritising sites for development that by the Council's own admission, are

less suitable for Green Belt release than the sites (including our client's site) which was proposed to be allocated for housing in the 2019 iteration of the SADPD.

2.31 In order to make the plan sound in this regard, the Council should:

- i) Revert back to the approach proposed within the previous 2019 iteration of the SADPD whereby specific allocated targets were given to each LSC, which translated into deliverable and sustainable site allocations for housing rather than just having an overall target and relying on windfall sites to meet need in the LSCs. 3,500 dwellings should be taken as a minimum goal for housing within LSCs and the Council should be striving to achieve beyond this number.
- ii) Reintroduce Policy PG 11 (Green Belt Boundaries) to include the removal of the site from the Green Belt and the inclusion of the previous draft housing allocation for the site (Ref: ALD 4). This would return the site to the status it held in the 2019 SADPD and would allow this site to make a significant positive contribution towards meeting the Council's overall and affordable housing needs early in the Plan period.
- iii) In the event that the Council / Inspector choose not to allocate Green Belt sites for development now (a deeply flawed approach as aforementioned) but choose to allocate safeguarded sites for future development, then at the very least, the land North of Beech Road should be removed from the Green Belt and safeguarded through the SADPD. This approach would be consistent with the Council's own evidence and the evidence presented by our client which clearly demonstrates that the site is in a highly sustainable location and is wholly suitable for Green Belt release.

