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Ms Yvonne Parker

Your Ref:

Our Ref: APP/C4235/W/23/3325351

24 January 2024

Dear Ms Parker,

Town and Country Planning Act 1990
Appeal by MAN Energy Solutions UK Limited
Site Address: Mirrlees Fields, Stockport, SK2 7DR

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

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The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

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Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

John Legg

John Legg

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Appeal Decision

Inquiry Held on 31 October; 1-2 November; 7-9 November; 14 November 2023
Site visit made on 30 October and 14 November 2023

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24/01/2024

Appeal Ref: APP/C4235/W/23/3325351

Mirrlees Fields, Stockport

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by MAN Energy Solutions UK Limited against the decision of Stockport Metropolitan Borough Council.
- The application Ref DC/081719, dated 1 September 2021, was refused by notice dated 27 January 2023.
- The development proposed is described as 'outline planning application with all matters reserved proposing the erection of a residential development for up to 200 dwellings, with associated landscaping, site infrastructure and the provision of new public open space'.

Decision

1. The appeal is allowed and outline planning permission (with all matters reserved) is granted for the erection of a residential development for up to 200 dwellings, with associated landscaping, site infrastructure and the provision of new public open space at Mirrlees Fields, Stockport in accordance with the terms of the application, Ref DC/081719, dated 1 September 2021, and the plans submitted with it, subject to the conditions set out in the attached schedule.

PRELIMINARY MATTERS

The Appeal Site and the Proposed Development

2. The appeal site extends to around 26.88ha and comprises an irregular shaped parcel of land known as Mirrlees Fields, which is mainly privately owned by the appellant. The majority of the site is allocated as a Strategic Open Space under saved Policy UOS1.2 of the Stockport Unitary Development Plan (UDP) (2006) and a Green Chain under Policy NE3.1 of the UDP. The formal recreational use of the appeal site by employees of the appellant continued until 1986; however, the use has been abandoned.
3. Following refusal of the application, the appeal site has been fenced off by the appellant to prevent public access other than people using the linear route of footpaths which cross the appeal site. The Council and the appellant agree that there is currently no legal public access to the site other than from the defined route of the footpaths and that there is a permitted development right to erect a 2m high fence around the perimeter of the land within the appellant's private ownership.
4. Trees along the western and northern boundaries and in the south-eastern area of the appeal site are covered by two area Tree Preservation Orders (TPOs). There is a railway line to the south west of the appeal site, beyond which is established residential development and Bramhall Moor Technology Park. The appellant's offices and warehouses lie adjacent to the south east. Residential development lies to the west and east.

5. The appellant seeks planning permission for the development described above, with the residential element comprising 50% affordable housing. The application was made in outline with all matters being reserved for future consideration.
6. Prior to the Inquiry, the appellant submitted a revised plan showing an amended red line boundary following a Land Registry search which identified a number of residential occupiers as owning land within the application red line boundary. The purpose of the Plan is to correct a small boundary anomaly and the difference is virtually imperceptible on the plan. I am, therefore, satisfied that the revised plan does not substantially alter the nature of the proposal and that parties would not be prejudiced by my taking account of the revised plan. I have, therefore, done so in writing this decision.

PROCEDURAL MATTERS

7. The Inquiry sat for 7 days. I made one unaccompanied visit to the site and surrounding area on 30 October 2023 and an accompanied site visit on 14 November 2023. I have altered the description of the development in the decision paragraph to make it more concise.
8. A local community group known as 'Protect Mirrlees Fields From Development' (PMFFD) appeared and gave evidence at the inquiry, having been granted Rule 6(6) status.
9. The appellant and Council submitted 10 Statements of Common Ground (SoCG) to the Inquiry addressing matters including arboriculture (CD8.1); Design (CD8.2); Ecology (CD8.3); Highways (CD8.4); Affordable Housing (CD8.5); Open Space Townscape and Visual (CD8.6); Social Infrastructure (CD8.7); Planning (CD8.8); and Housing Land Supply (CD8.9). A further SoCG was submitted by the appellant and the Rule 6(6) Party – PMFFD (CD8.10).
10. Following the Inquiry the appellant submitted a Planning Obligation, dated 22 November 2023, made under s106 of the Town and Country Planning Act 1990. The "s106 obligation" is made in the form of an agreement with the Council, and its undertakings are addressed later in this decision.
11. A revised National Planning Policy Framework (the Framework) came into force on 19 December 2023. The main parties have had the opportunity to comment on the revised Framework. I have considered these comments and the implications of the revised Framework in my reasoning below.
12. The Council refused the application on the grounds of the loss of strategic open and natural green space in an area of open space deficiency.

Main Issue

13. Taking into account the above, I consider that the main issue in this appeal is the effect of the proposal on the supply of open space.

Open Space

OPEN SPACE – SUPPLY AND VALUE

14. Mirrlees Fields ('the Fields') have a history of recreational use stretching back over a century. The site was first laid out as a 9-hole golf course and parts of the Fields were also laid out as football and cricket pitches. Formal recreational use of the Fields ceased in the 1980s; however, they have since been used for nearly forty years by the general public for informal recreation, until recently when the site was fenced off by the appellant.

15. The schedule at paragraph 7.9 of the supporting text to Policy UOS1.2 of the UDP identifies that the Mirrlees area is an extensive stretch of open ground including grassland, semi-natural areas of nature conservation interests and recreational uses. It goes on to say that it makes a major contribution to the Green Chain network and significant visual contribution to the urban fabric. A valuable open lung within a largely suburban area.
16. The Open Space Assessment Report (OSAR) (2017) (CD4.16) and the Open Space Standards Paper (OSSP) (2017) (CD4.17) form the evidence base for the future provision for open space in the area. The OSSP records quantitative shortfalls across the Borough for a number of typologies of open space. The Stepping Hill Area is deficient in natural and semi-natural greenspace at 1.16ha per 1000 population below the recommended standard of 1.8ha per 1000 population. The Fields is the only site of this typology in Stepping Hill. Deficiencies also exist for parks and gardens, amenity greenspace and allotments. Table 5.2 of the OSAR identifies a quality score for the Fields of 47.9% and a value score of 40.9%, a natural/semi-natural greenspace of both high quality and high value.
17. Attention is drawn to paragraph 6 of the OSSP which states that "open space must be a defined site with clearly identifiable boundaries, freely accessible for members of the public to access and use and meets one of the open space typologies set out in the following table". Notwithstanding this definition, the OSSP and OSAR are not policy, and the site meets the definition of Open Space in the Glossary to the Framework and remains designated open space in the UDP.
18. The definition of 'open space' in the Framework includes land which offers important opportunities for sport and recreation and land which can act as a visual amenity. The Council and appellant agreed that there can be 2 types of 'important opportunities': land which provides a present opportunity for sport etc and a site without lawful access which could provide a future opportunity for sport and recreation if public access is allowed, and the site is laid out for it. The Council and appellant also agreed that recreation can be considered in two ways: active recreation and passive recreation. The latter being where the public may look across a site of open space.
19. Reference is made to the *Renew Developments Limited vs Welsh Ministers*¹ in which Stephen Richards LJ considered that 'when planning permission is sought for a development, the policy must be applied to the open space existing at the time of the decision whether to grant permission'. However, the conclusions of Stephen Richards LJ relate to the circumstances and development plan policies of that specific case. In any event, the Council and appellant agree that the appeal site is designated open space in the Development Plan and that the site forms 'existing open space of public value'.
20. In terms of historical use, access has largely been tolerated by the landowner for a considerable period. Prior to the fence being erected the public value of the site as 'open space', within the meaning of the Framework, included active recreational use of the Fields, even though the general use of the Fields was not authorised. Furthermore, there has been some lawful access to the site via agreement for organised events. This historical access to the site has influenced the public's perception of its value and it is clear from the submissions of PMFFD that the open space has been and still is highly valued by the public. Consequently, I do not consider that the historical public value of the site can be entirely disregarded; however, less weight should be attached to it due to the unlawful nature of some of this historical use.

¹ *Renew Land Developments v Welsh Ministers* [2020] EWCA Civ 143 (CD5.26)

21. In terms of its present use, the effect of fencing the public footpaths is that recreation is restricted to active recreation on the four Public Rights of Way (PRoW) traversing the site and passive recreation and amenity/visual amenity as you pass and re-pass along certain parts of the PRoW, from which the site is visible. Notably, there are views from PRoW 126S over the 'Big Field' towards the Mirrlees Oak.
22. Consequently, the public value of the site as open space is derived from the ability to pass and repass along the PRoW, the appreciation of the site from certain distinct lengths of the PRoW from which the site can be experienced and also the historical use of the site, in particular, but not limited to, where this has been agreed with the appellant.

EFFECT OF THE DEVELOPMENT ON THE SUPPLY AND VALUE OF OPEN SPACE

23. The proposal would result in a direct loss of more than 4.4ha of the sole source of supply of natural/semi-natural greenspace in the Stepping Hill area. There would also be a proportion (as yet undetermined) of the 3.41ha proposed as residential amenity open space which would result in a further loss of the natural/semi-natural greenspace typology. This would equate to around 20-25% of the current supply of natural/semi-natural greenspace. As this is the only source of supply in the area, the deficit would also increase by a similar proportion. The proposal would, therefore, have a significant quantitative impact on the supply of designated open space in the area.
24. However, whilst there would be a quantitative loss of designated open space, this open space is currently private other than the PRoW which traverse the site. The development would result in around 21.71ha (around 80% of the appeal site) becoming publicly accessible in the form of Public Open Space, comprising of 3.41ha of Formal Amenity Space and dedicated Informal Public Open Space (IPOS) (18.30ha). The latter would be transferred to, and managed by the Land Trust or similar body and fully funded by a contribution payable by the appellant to the Land Trust and secured by a planning obligation.
25. All existing PRoW would be retained with the exception of PRoW 126S (part of the Fred Perry Way) which would either be retained in its current position or diverted so that it crosses through the central area of the formal amenity space within the housing area. There would be a qualitative impact as users would be able to see the housing area from parts of the PRoW network. However, this would only relate to around 360m from PRoW 126S and views would be of a high-quality scheme. Furthermore, the site is in a predominately urban area and those views would not, therefore, be unexpected. Moreover, the proposal would offer new PRoW routes as well as the improvement to several existing PRoW.
26. A Land Use and Building Heights Parameter Plan indicates that 200 homes would be situated in the south-west corner of the site. The proposed housing would be situated in a large area of grassland which is less ecologically diverse than the ecologically rich portions of the site to the north and east of the appeal site. The housing would be surrounded on three sides by urban or suburban development and on the least ecologically sensitive part of the site. The proposal would also result in the implementation of managed ecology and landscape enhancements, including the planting of 267 new native trees and achieving a minimum of 10% Biodiversity Net Gain (BNG).
27. Based on the indicative housing mix in the Design and Access Statement, the requirement for Children's Play would be 0.6ha and the requirement for formal recreational space would be 1.3ha resulting in an overall requirement of 1.9ha to meet the needs of the residential development proposed. The proposed Residential Amenity Public Open Space would address the 0.6ha requirement for Children's Play which provides a central area within the housing development which would include a 0.36ha

Local Equipped Area for Play (LEAP). Furthermore, the proposal would include an additional 3.05 ha of Residential Amenity Public Open Space totalling 3.41ha. The formal recreational space would be met by way of a commuted sum to contribute towards off-site provision.

28. There is no requirement in the UDP or the Open Space Provision and Commuted Payments Supplementary Planning Document (SPD) to provide natural/semi-natural greenspace arising from new housing development. Nonetheless, there is no dispute that there is a deficit of -1.16ha per 1,000 in that typology in the Stepping Hill area when judged against the 1.8ha per 1,000 Fields in Trust (FiT) standard. Neither is there any dispute that there would be a direct loss of at least 4.4ha of designated open space. However, the designated open space, can only be appreciated from certain points of the PRoW which traverse the site at present.
29. Whilst there would be a loss of at least 4.4ha of designated open space, it is nevertheless, agreed between the Council and the appellant that the development would enable around 21.71ha of private land to be made available for public and recreational use (18.30ha informal open space; 3.41ha residential amenity open space) and secure the transfer of the informal open space to the Land Trust to manage and maintain in perpetuity for residents and the public (CD8.8, SoCG Planning). Furthermore, the retained and improved open space would continue to provide health and wellbeing benefits to the local community.

NATIONAL POLICY

30. The approach to open space, sport and recreation in the revised Framework has not altered. Paragraph 103 of the Framework (previously paragraph 99) states that existing open space, sports and recreational buildings and land, including playing fields should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirement; b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
31. Building housing on 4.4ha of existing open space would be in conflict with criterion a) of paragraph 103 of the Framework as an assessment has not been undertaken which shows the land as surplus to requirement. Criterion b) requires consideration of whether the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. There is consensus between the main parties that the site is in a suitable location.
32. The Council contends that the quantitative loss of open space cannot be mitigated by the qualitative improvements proposed by the appellant. However, the appellant suggests that 'equivalent' does not necessarily mean the same in either quantitative or qualitative terms. It does so with reference to the Brommell² case which concluded that whether or not provision is equivalent or better should be judged in terms of both quality and quantity. The case clarified that the overall requirement is that the open space land lost must be made up for and whether or not that requirement is met is a matter of planning judgement, having regard to both the quantity of what is to be provided and the quality, but allowing (in an appropriate case) for one to be set off against the other. The case also established that qualitative improvements to the open space which is left can provide 'equivalent or better' provision.
33. I acknowledge that the proposal would result in the loss of at least 4.4ha of designated public open space. However, the proposal would result in public access to

² R(Brommell) v Reading BC & Anr [2018] EWHC 3529 (Admin)

the retained area of land beyond the PRoW which is not at present lawfully accessible. Furthermore, there would be improvement to the retained area in terms of ecology; landscaping; the improvement of public footpaths and potential additional footpaths across the site. I consider that opening public access to the remainder of the site and the associated qualitative improvements would off-set the net loss of more than 4.4ha of designated open space. In my judgement, given the significant proposed improvements to ecology, landscaping, and improvements to the PRoW, the provision would be at least equivalent to the existing position. Hence criterion b) is met.

34. Criterion c) requires that the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. However, the development is not 'alternative sports or recreation provision' as the recreational aspect of the scheme is only part of the development and as housing is clearly not alternative sports and recreational provision. However, the proposal meets criterion b) and hence no conflict arises with paragraph 103 of the Framework overall.

DEVELOPMENT PLAN POLICIES

35. The site is designated as Strategic Open Space by Saved Policy UOS1.2 'Protection of Strategic Open Space' of the UDP. The policy allows only limited development in these areas. It is common ground that the development of 200 dwellings is not limited development and that conflict would arise with this aspect of the policy. Conflict also arises with the second element of the policy as it applies only to the 'limited development' allowed by the first element. It is agreed by the main parties that there is no conflict with criteria (i) – (iii) in the third element of the policy. Nevertheless, there is conflict with Policy UOS1.2 overall.
36. Policy NE3.1 'Protection and Enhancement of Green Chains' seeks to prevent development which would detract from the wildlife or recreation value of the Green Chain; however, the Policy does not necessarily prohibit new development. The key factor would be to avoid impedance to wildlife movement or recreational use and to maintain the continuity of routes or habitats. The Council and appellant agree that there would be no issue with ecology. As set out at paragraph 29 above, the proposal would secure public access in perpetuity to 21.7ha of the appeal site. Furthermore, PRoW 126s would either stay in its current position or be diverted in a route agreed with the Council. Furthermore, there would be improvements to the existing PRoW and potential additional new routes. Consequently, I do not consider that overall, the proposal would detract from the recreation value of the Green Chain. Consequently, the proposal does not conflict with Policy NE3.1 of the UDP.
37. Part 3 of Policy CS8 of the Council's Core Strategy (CS) Development Plan Document (2011) is relevant to the appeal proposal. The proposal would not safeguard the permanence or integrity of the *entirety* of the open space; however, I acknowledge that it would secure public access to the remainder of the site in perpetuity. The Policy recognises that there may be situations in which other factors determine that the need to continue to protect existing assets are outweighed by the interests of achieving sustainable communities and that the objective of achieving sustainable communities may be best served by the development of limited areas of open space. However, the development would involve more than a 'limited area of open space' and hence conflict arises with paragraph 3.290 of the Policy.
38. Whilst the fourth part of the policy allows for circumstances where satisfying overriding community needs; this only applies where an open space study identifies a relative higher provision of recreational open space within a committee area which is clearly not the case here. Consequently, conflict arises with this element of the policy and indeed Policy CS8 overall.

39. In conclusion, the proposal would result in the loss of 4.4ha of designated open space and Green Chain. However, overall, the development would guarantee greater public access across the remainder of the appeal site, alongside management and maintenance of the site in perpetuity. Furthermore, the proposal would result in significant ecological and landscape improvements together with improvements to the PRoW. Taking the specific circumstances of the case into account, the proposal would provide equivalent open space to off-set the loss of designated open space, the majority of which is not publicly accessible.
40. Whilst I have concluded that the proposal would not conflict with Policy NE3.1; the proposal conflicts with Policy UOS1.2 and Policy CS8 of the CS. Due to its conflict with two key policies, I consider that the proposal conflicts with the development plan as a whole.

OTHER CONSIDERATIONS

Housing need

41. The relevant 5YHLS period for the purpose of this appeal is 1st April 2023 to 31 March 2028. As the Core Strategy was adopted prior to the first Framework and is more than 5 years old, the 5YHLS should be calculated against the local housing need utilising the standard method set out in the Planning Practice Guidance (PPG). The 5YHLS should be calculated against the base requirement of 1,125 dwellings per annum (dpa). Under the previous Framework, a 5% buffer applied which resulted in a requirement of 5,906 dwellings, equivalent to 1,181 dpa. However, a 5% or 10% buffer no longer applies under the revised Framework and so the five-year housing requirement is 5,625 dwellings, equivalent to 1,125 dpa.
42. The Council's Housing Delivery Test (HDT) results are agreed as 75% in 2018; 74% in 2019; and 92% in 2020 and 2021. The 2022 HDT results (published 19 December 2023) are 87% and so an Action Plan is required. The Council prepared an Action Plan in 2020 but not in subsequent years.

Housing Supply

43. Whilst there is agreement between the main parties that there is an absence of a 5YHLS; there is disagreement as to the extent of the shortfall. There were 13 sites initially in dispute; however, during the Housing Round Table Session (RTS) the Council conceded two sites. As a buffer is no longer required, the Council's position is that there is now a 4.29 year supply and the appellant considers there is a 2.77 year supply.
44. Whilst there has been an under-delivery of housing in the area resulting in smaller sites coming forward at a slower rate, affected by the overall economy and housing market; there has been a significant increase in town centre delivery boosted partly by prior approvals. There has been a general increase in costs and inflation which has affected the viability of development; however, the perception of Stockport as a growing market and an increase in value in the town centre has resulted in an increasingly high quality of schemes in the town centre.
45. The appellant refers to three appeal decisions³ which it considers set out certain principles in terms of the evidence as to whether a site is 'deliverable'. The retrospective justification of sites by reliance on evidence postdating the Housing Land Statement or the agreed base date (the Woolpit decision⁴) is acceptable, so long as the site is one which was originally included in the supply. Furthermore, there can be

³ CD9.3.2 paragraphs 3.12-3.21

⁴ CD5.19 Green Road, Woolpit (appeal reference 3194926)

no objection to utilising the most up to date evidence of delivery. Provided this is the case, there is no risk of resetting the base date to the date of the Inquiry discussion.

46. The appellant contends that it is not sufficient for Councils to provide agreement from landowners and promoters that their intention is to bring sites forward (Gleneagles Way appeal decision⁵). However, there is no finding in the decision that such evidence automatically carries no weight, just that the evidence in that case was insufficient.
47. Furthermore, as the Court of Appeal held in *St. Modwen Development⁶ Ltd* at paragraph 38, a “realistic prospect” does not require “certainty” or even “probability” but primarily goes to a site’s “capability of being delivered within 5 years”. In any event, I have utilised the definition of ‘deliverable’ in the Glossary to the Framework, which has not altered in the revised version, and the guidance in the PPG in reaching my conclusions on the deliverability of sites below. Sites are considered as either ‘category A’ or ‘category B’ sites as described in the Glossary.

Rock Row

48. The site has planning permission for 52 dwellings, with 31 within the existing building, and 21 newly proposed apartments. The developer confirmed that a material start was made on site in the summer of 2023. Consequently, the site has an extant planning permission and is a ‘Category A’ site.
49. Condition 1 of the permission requires the commencement of the development by 31 January 2021; however, this would not preclude the development coming forward. An application was approved in 2021 to vary a number of conditions to allow for a phased delivery of the scheme. Whilst there have been some issues relating to a party wall with the neighbouring listed theatre, the developer confirmed that there is a commitment to deliver the scheme. Temporary commercial uses for the building are being sought in the short-term; however, works would be needed to accommodate those temporary uses which would be consistent with the residential conversion. The occupiers would be on a short-term lease and would not preclude the residential element coming forward in the timescale suggested (2026/27). In the absence of cogent evidence to the contrary, I consider that there is a realistic prospect of housing being delivered within 5 years.

2-6 Churchgate

50. The site has planning permission for 24 dwellings. The developer commenced site clearance and groundworks before going into receivership. Landwood Group have been appointed to sell the site and are currently negotiating with interested parties. The appellant contends that the site is unviable as the developer has gone into receivership and in the absence of a land sale. However, the Council confirmed that conversations were on-going with several interested parties in relation to the sale of the land demonstrating evidence of competition. Furthermore, the previous owner was prepared to provide more affordable housing than required which would not indicate a viability issue with this particular site. The site has an extant planning permission and so falls within Category A of the Framework definition. In the absence of cogent information to the contrary, I consider that there is a realistic prospect of the site coming forward within 5 years.

32-36 Lower Hillgate

51. The site has an extant planning permission for 22 dwellings and a material start has been made on site. The owner was discharging planning conditions in 2022. The site

⁵ CD5.18 APP/Z1510/V17/3180729 Land east of Gleneagles Way, Hatfield

⁶ *St Modwen Development Limited v Secretary of State for Communities and Local Government and Others* [2017] EWCA Civ 1643

is now being marketed for sale by auction which the appellant suggests is a sign that it is not viable/deliverable. However, the site is situated in a good location, and has only recently gone onto the market. Furthermore, there is no reason why the site would not be attractive to small housebuilders. The site has extant planning permission and in the absence of cogent evidence to the contrary, I consider that there is a realistic prospect of the site coming forward within 5 years.

Royal George Village

52. The site has full planning permission for 442 dwellings. Pre-commencement conditions have been discharged for phases 1 and 2a. The original developer has gone into administration; however, meetings have taken place with a new owner who indicates that they intend to commence works late 2023/early 2024 and build out the live consent. The site is supported by a grant of £8.116m from the Greater Manchester Combined Authority (GMCA) Brownfield Land Grant which needs to be drawn down by 31 March 2024 and so there is significant incentive for the developer to complete the development. The developer has a good track record of delivering schemes in town centre locations and whilst the site was not implemented at the base date; it did have planning permission. Due to the presence of the grant; an extant planning permission; the developer's clear intention to develop the site based on the current planning permission; and in the absence of cogent evidence to the contrary, I consider that there is a realistic prospect of the site coming forward within 5 years.

Former Greenhale House

53. The site previously had planning permission for 164 dwellings; however, this lapsed in 2022 and so the site is a 'category b' site. The site is about to go on the market to find a developer; however, this process had not yet commenced. Whilst Coldwell Banker Richard Ellis (CBRE) indicated that there would be strong interest in the site from developers, there is no firm evidence to suggest that there is progress toward the submission of a planning application. Taking account of the need to prepare and submit a planning application, receive planning permission, discharge conditions and the lead in times on site; it would be optimistic for completions to materialise within five years. The site is not, therefore, deliverable within the time period.

Sainsbury's Warren Street

54. The site has a resolution to grant planning permission for 563 dwellings subject to a s106 obligation and so is a 'category b' site. Amstone are a residential development company who bought the site in 2021 and who have a strong track record of deliverability. Once permission is secured it is the intention to engage the construction market and deliver the scheme. Discussions are underway with residential operators and institutional investors regarding the scheme. It is the intention to deliver the scheme in two phases: the first phase for 180 units in 2024/2025 and a second phase of 280 units in 2026/27 and a final phase completing in 2027. The deliverability of the site is challenged based on the vacant supermarket needing to be demolished; the fact that the existing car park remains in use and on viability grounds. However, there are no constraints beyond normal brownfield redevelopment. Furthermore, there is no requirement to provide affordable housing.

55. Firm progress has been made to determining the planning application, site assessment work has been undertaken to support the planning application and a viability appraisal was submitted with the planning application- the developer confirmed at the RTS that there are no viability issues. In principle, I am satisfied that there is sufficient evidence to justify that some development will occur within the 5- year period. However, given the need to demolish the existing supermarket building and undertake site preparation; I consider that it would be more realistic for first completions to appear in 2025/2026 with around 180 units followed by 280 units in 2026/2027 with

the remainder being completed beyond the 5YHLS Period. Consequently, I consider that there is a realistic prospect of the site yielding 460 dwellings in the 5YHLS period.

Piccadilly Car Park

56. The site has a resolution to grant planning permission in 2021 for 98 dwellings. The Council's case officer for the application expected s106 issues to be resolved imminently. Euro Car Parks operates the site and are on a 30-day rolling contract and so their presence would not unduly delay the project. The developer confirmed that agreements with prospective partners for delivery were at legal stages and that there are no constraints to delivery. The developer indicates that they intend to commence works on the site within the 3 years of permission being granted. However, the developer was unable to confirm a date for first completions and the units are placed at year 5. Any slippage would take the site out of the 5-year period. Consequently, I do not consider that there is firm evidence that the site would deliver output within the first 5 years.

Chestergate/King Street

57. A full planning application for 144 dwellings was submitted on 11 April 2023. A GMCA brownfield land fund of £2.88m has been secured and Homes England funding has been agreed. The appellant considers that there is not clear evidence of deliverability. However, the Council confirmed that pre-application concerns regarding the design have been addressed and that as the developer is a Registered Social Landlord, affordable housing can be addressed by condition rather than a s106 obligation which will simplify and speed up the consideration of the s106 obligation.

58. The planning application is expected to be determined imminently. Site assessment work has informed the submission of the planning application. The terms of the brownfield land grant require the whole grant to be drawn down by March 2024 which provides an incentive to deliver in a timely manner. Furthermore, the development will be part funded by Homes England. The developer, Great Places has a good track record of delivering and is ready to commence development in 2025/26 following the grant of planning permission, following an 18 month build programme. Given the progress towards securing planning permission, the availability of grant funding and the presence of a developer, I consider that there is a reasonable prospect that the site will be delivered within the 5YHLS period.

Stockport 8

59. Stockport 8 is owned by the Council following land assembly which is part of the wider Strategic Regeneration Framework for the Mayoral Development Corporation Land, Town Centre West. English Cities Fund has been appointed as the Council's Joint Venture development partner. Their design team are anticipating submitting a hybrid planning application in Summer 2024. The Council anticipate that 200 dwellings would be delivered in 2026/27.

60. I acknowledge that there is a clear commitment to bring the site forward; however, a planning application is not anticipated until just under a year from now. Furthermore, the site is not available now as it is occupied by the Bus Depot which would need to relocate to another site. Whilst a site has been found for the Bus Depot, I understand that planning permission would be required for this. Consequently, the suggested timescales are overly optimistic and the site would not yield housing completions within the five-year period.

Conclusion on housing need and supply

61. Consequently, based on the above, I find that the Council's 5YHLS is 4,256 dwellings, equivalent to 3.78 years, a significant shortfall against the requirement.

Affordable Housing

62. Policy CS3 of the CS sets an overall strategic affordable housing target of 50% of total provision. Development Management (DM) Policy H-3 requires a minimum of 50% affordable housing on sites located on urban open space. The proposal would provide 50% affordable housing and so accords with the Policy H-3 in this regard. Policy H-3 requires 75% of the affordable housing to be intermediate housing for Stockport residents with the remaining 25% as social rented housing.
63. The Council accepts that H3 is out of date, which was acknowledged in the Seashell Trust appeal⁷. In that case the Secretary of State (SoS) considered that the policy is out of date insofar as it has not been tested for viability at the plan-making stage. However, the SoS recognised that the policy has synergy with the Framework as it aims to maximise affordable housing provision and, therefore, accorded the policy significant weight and I agree with this assessment.
64. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. A material consideration of direct relevance to the appeal proposal is the SoS's Written Ministerial Statement (WMS) (CD4.45) and the subsequent alterations to the PPG which introduced changes to national planning policy (effective 28 June 2021) that require a minimum of 25% of all homes delivered through developer contributions to comprise 'First Homes' to be sold at a discount of 30% of market value. The policies in the WMS are Government Policy and, therefore, a material consideration to which very considerable weight should be attached. Paragraph 6 of the revised Framework clarifies that the WMS may be material alongside other statements of Government Policy. In addition, whilst the revised Framework does not amend the definition of affordable housing in Annex 2, a new footnote (81) has been added which clarifies that the definition should be read in conjunction with relevant policy contained in the WMS. The appellant considers that affordable housing should be in accordance with the WMS.
65. The most recent Housing Needs Assessment (HNA) (2019) covers the period 2018/19 to 2022/23. Between 2018/19 and 2022/23 the HNA identified a requirement for an additional 549 dpa in Stockport, equating to a total requirement of 2,745 affordable dwellings across the study period (Table ES1). In the same period, a total of 510 affordable houses were completed resulting in shortfall of 2,235 affordable dwellings over the HNA period. A requirement of 176 affordable dwellings annually was identified for the township of 'Hazel Grove, Davenport (East), Heavily, Offerton (West)' (2018/2019 to 2022/23) equating to a requirement of 880 affordable dwellings across the study period within this sub-area. Within the township it is recommended that 39.3% should be affordable/social rented while 69.7% should be intermediate tenure. Any intermediate tenure should be delivered as shared ownership units, in line with the Council's delivery model set out in its 'Affordable Housing Requirements in Stockport' (AHRs)– Explanatory Note (CD4.1) (2022).
66. Whilst the appellant challenges the methodology of the HNA 2019 its own evidence suggests a need for in excess of 1,000 affordable dpa, greater than the Council's figure of 549 affordable dpa. Even based on the Council's lower figure there is a considerable need for affordable housing, a matter to which I attach very significant weight.
67. Following the affordable housing RTS the main parties prepared an affordable housing supply note (CO6). Taking account of this note (corrected to amend an error) and my assessment of housing land supply above, I conclude that the supply of affordable housing is only 1,043 units for the 5YHLS period, a significant shortfall.

⁷ Appeal reference: APP/C4235/W/18/3205559

68. In response to the WMS, the Council prepared a 'First Homes Policy Position Statement' (FHPPS) (CD4.5) (2022) however, the document merely summarises the WMS. Neither the FHPPS nor the AHRS have been subject to consultation or independent examination. Nevertheless, the overall aim of the AHRS is to maximise the provision of affordable housing and, in that regard, it is consistent with the Framework. I, therefore, attach some, albeit limited weight to it in my Decision.
69. The AHRS links the maximum price of shared ownership units to wages in the Borough as the means of providing units which are affordable. The method is set out in detail in the AHRS and so is not repeated here. A First Home product would set a price at a maximum of 70% of the market value of the property. Table 2 of the Council's Rebuttal (CD10.2.4) to the Technical Statement (CD9.1.6) shows the average prices of sales for a range of housing types in the area covered by Davenport/Heavily/Great Moor/Stepping Hill/Offerton, based on the most recent (Sep 2023) data from the HM Land Registry.
70. The maximum shared ownership price for a 3-bedroom, semi-detached property would be £105,899. However, a semi-detached property in this area with a First Homes discount would be more than twice the cost (£228,337). To purchase such a property would require an income of approximately £62,000 pa. This represents someone who would be earning over 50% more than the average full-time wage in Stockport (£40,426). Consequently, due to the significant difference between increased market housing costs and wage increases, the Council consider that First Homes are unaffordable in the area.
71. The appellant's Technical Statement (Paragraphs 2.33; 2.54; 2.55) recognises that median house prices to earnings ratio for Stockport is high (10.06 Stockport; 9.06 England 2021) comparable to England and the north west which indicates a significant issue with regards to the affordability of owner occupation. Although there was an improvement in the lower quartile affordability ratio across the market between 2021 and 2022 in Stockport, this represented an improvement in affordability of just 1%. In 2022 the lower quartile house price ratio was still 8.94 times lower quartile earnings. The appellant's own evidence, therefore, supports the Council's position that there is a significant difference between market housing costs and wage increases and that there is an affordability issue with regards to owner occupation. Consequently, based on the evidence before me in this particular case, I consider that First Homes would not deliver properties that would be genuinely affordable in this area. As such, the Council's proposed tenure mix of 70% shared ownership and 30% social rented as reflected in Policy H3 would better meet the significant need for affordable housing.
72. As a result, there is a conflict between Government Policy and development plan policy in respect of First Homes/tenure mix. The WMS is a material consideration of very considerable weight, however, based upon the particular circumstances of this case, the WMS does not outweigh the relevant development plan policy. Policy H-3 was deemed to be out of date as it had not been subject to a viability assessment. However, that does not say that the 50% requirement is unviable and indeed viability has not been raised by the appellant in this case. For the reasons stated above, I afford the policy significant weight. Moreover, I accord the substantial shortfall of affordable housing in the area very significant weight.

Ecology

73. The appeal site comprises grassland and woodland, with scattered trees, ponds and small watercourse. The Ecological Assessment Report (CD1.41) prepared by the appellant's ecology consultants identified a number of key ecological features which

are set out in Appendix 1 to the appellant's ecology proof of evidence (CD9.4.1) and so are not repeated here.

74. A range of ecological surveys have been undertaken including desk studies; phase 1 habitat survey (CD1.41), detailed vegetation surveys of grassland habitats (CD1.41) and detailed habitat condition surveys of woodland and grassland to inform the Ecological Assessment Report (CD1.41) and BNG assessment (CD1.31). These Ecological assessments have been undertaken in an iterative way, including in response to requests for further information raised by statutory consultees.
75. The EA identifies a number of potential impacts arising from the development including the removal of trees to facilitate the access road; potential impacts on the ponds during construction; the loss of neutral grassland habitat to the development (less species rich and lower biodiversity value than in the north which is to be retained); potential impact to bats, birds and other species.
76. The desk study confirmed that no statutory or non-statutory wildlife sites would be directly affected by the proposed development. Potential indirect impacts to the Lady Brook Site of Biological Importance will be avoided by the implementation of pollution prevention measures through a Construction Environmental Management Plan (CEMP).
77. The desk study and habitat surveys led to the location of the proposed development within the large area of open grassland in the southern part of the appeal site. The majority of woodland habitat has been avoided through the siting of the development. Where this has not been possible, mitigation is proposed to ensure the continued protection of retained woodland and long term compensation and enhancement of woodland habitats will be delivered through an appropriate management regime as set out in section 3 of the OLEMP (CD1.59) and recreational management together with the compensatory planting of 267 trees (compared to loss of 19). Bat and bird roosting and nesting habitat will be avoided as far as possible.
78. The majority of the more diverse areas of neutral grassland have been avoided through careful design of the development. The development will, however, result in the loss of neutral, less species rich neutral grassland and generally lower biodiversity value than elsewhere on the site. Mitigation for the loss of the grassland would ensure that all retained areas of grassland, outside of the development and within the appeal site, would protect against direct impacts and improve the quality of the remaining grassland (OLEMP). Scrub and hedge planting is also proposed with the aim of encouraging habitat connectivity to aid species dispersal.
79. Bat and bird roosting and nesting habitat would be avoided as far as possible; but if this is not possible impact would be mitigated by suitable alternative nesting habitat in the form of woodland and mature trees. Compensatory and enhanced habitat would be provided in the form of wildlife towers, bat roosts and bird nest boxes. Impacts to small mammals including hedgehog would be avoided through pre-work checks and compensatory and enhancement measures for hedgehog would include management of the surrounding woodland and grassland habitat, including hedgehog friendly measures within the development such as gaps under garden fencing etc. Measures to enhance grassland would ensure habitat for invertebrates is maintained and would mitigate for the loss of suitable habitat due to the development.
80. Taken together the proposed habitat management and enhancement measures are expected to lead to a BNG of 12.85% according to the DEFRA Metric 3.0 (CD1.32 and CD1.34) and an increase of 5.54 hedgerow units.
81. PMFFD has raised a number of issues relating to the ecological impact of the proposal, relying on the comments of the Cheshire Wildlife Trust (CWT). It considers that the appellant has failed to apply the precautionary approach as purported to be required

by the Environment Act (2023); that the proposals fail to deliver a BNG of at least 10% and assess the BNG as 0.48% as suggested by CWT; and the effect of the development on Green Chains.

82. Firstly, there is no requirement in the EA for ecologists or decision makers to apply the precautionary principle. Moreover, whilst the development seeks to provide more than 10% BNG, there is not yet a requirement to do so. The Framework requires a net gain, which on either the appellant's or CWT's figures it would provide. The criticisms of the BNG calculation are based on the flawed application of the precautionary principle. In any event the concerns raised by the CWT were addressed by the Appellant's ecology consultant in an updated metric; the Greater Manchester Ecology Unit (GMEU) responses to the Council's ecologist; and the Council ecologist (CD3.2) and the Planning Officers of the Council (CD3.2). The BNG calculation of 12.85% is agreed by the appellant's ecology advisor, the Council's nature conservation officer, GMEU Senior Ecologist, and the Council's planners and Members. There is no cogent evidence before me which would lead me to reach a different conclusion.
83. Concerns were also raised in relation to the increased recreational use of the retained part of the site; however, the OLEMP (CD1.59) specifically identifies the need to introduce measures to manage and minimise recreational impacts and it is considered that this can be delivered through the implementation of a detailed management plan for the site.
84. The proposed development is situated within former sports fields which are of limited species diversity and structure and have historically been subject to high levels of disturbance from unauthorised dog walking. As such the area is considered to be of low value as dispersal habitat. Improvements to grassland and woodland habitats as part of the proposals would require active management which would in turn improve the Green Chain which passes through the site. The proposals would also include a new pond which would provide additional habitat for amphibians. In addition, wildlife towers, bat and bird boxes would be installed within the development and appeal site. Further measures to improve connectivity and permeability for wildlife are set out in the OLEMP in line with the ecological aspirations of Policy NE3, Green Chains.
85. Consequently, on the significant evidence before me, with mitigation, I do not consider that the proposal would cause harm to the ecology of the site. Moreover, I attach significant weight to the environmental benefits of the proposal and the proposed BNG of 12.85%.

Arboriculture

86. Based on the indicative layout, the proposed development would require the removal of 1 category A tree; 12 individual category B specimens; 25 Category B tree from woodland; 6 Category C trees; and 1 Category U specimen in order to facilitate the proposed access from Mirrlees Drive. Some of the trees to be removed are within the Woodsmoor Tree Preservation Order.
87. The GMEU highlighted that T1, an Oak which is proposed for removal, could be described as 'veteran'. 'Veteran Trees: a guide to good management' (English Nature/Veteran Trees Initiative) (CD4.32), Section 2.1.2 lists 14 characteristic features of a veteran tree, noting 'the more the tree has the stronger the indication that it is a veteran tree'. The appellant and the Council agree that the tree only has two of those features: major trunk cavities or progressive hollowing and bark loss. None of the other characteristics apply.
88. Paragraph 180 of the Framework states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or

veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists. The glossary of the Framework defines a veteran tree as 'a tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value'. The use of the word 'and' means that all three characteristics are required for a tree to be a veteran tree, not just one. Neither the age (82-138 years) nor the size (girth of 2.073), below the Woodland Trust and Natural England thresholds of T1 would meet the recognised thresholds for a veteran tree. Consequently, paragraph 180c of the Framework does not apply.

89. PMFFD refer to paragraph 032 of the PPG which states that 'veteran trees may not be very old, but exhibit decay features such as branch death or hollowing'. It goes onto say that 'not all these three characteristics are needed to make a tree ancient or veteran as the characteristic will vary from species to species'. However, in the case of conflict between the Framework and the PPG, there is significant caselaw⁸ which confirms the primacy of the Framework.
90. Moreover, the tree has very significant structural defects and some canopy die-back. There is a substantial opening in the main stem, with associated hollowing and it may be subject to failure in the short term. Consequently, I consider that it would be unreasonable to insist on its retention. The main parties agree that none of the other trees to be removed are veteran specimens.
91. In order to mitigate for the loss of the trees it is proposed to plant 267 new native trees on site and also make a financial contribution to completely fund three Climate Action Now projects in the Stepping Hill Committee area, including the planting of 1,150 new trees on greenspace sites, orchard creation at Chester Road playing field and Torkington Park, which includes planting 150 new fruit trees per site, and Wildflower meadow creation at Woodsmoor Playing Field. I consider that the compensation strategy is more than sufficient to mitigate for the loss of T1 and other trees. Even if T1 was a potentially veteran tree, I consider that the poor condition and limited lifespan of the tree and the wider benefits of the scheme would constitute the wholly exceptional reasons for the loss of the tree.

Public Rights of Way

92. There are several public rights of way within the site, 124s, 126s and 127s. The appellant has proposed a package of measures to make improvements to Public Footpaths 126S and 124S. As this is an outline application, the exact details would be determined at the reserved matters stage.
93. The Housing Master Plan (CD1.3) and PRoW Improvement Plan (CD1.20) show a potential route for the realignment of a section of the PRoW 126S, a Strategic Recreation Route known as the Fred Perry Way. PMFFD consider that the realignment would be contrary to paragraph 7.8 of DEFRA Circular 1/09 which states that alternative alignments should avoid the use of estate roads wherever possible and that preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic. However, Policy CS10 post-dates the circular and does not restrict PRoW from using estate roads.
94. The application is made in outline and so the exact route would be determined at reserved matters stage. Nevertheless, the plans show that the footpath could be re-routed along a proposed area of open space which would be consistent with Policy CS10 which requires walking routes to be aesthetic, away from main roads and typically with greenery. Furthermore, a condition requires the route of the 126S to be retained along its existing alignment or along a new alignment to be agreed with the Council, together with proposed improvements. Were PRoW 126s to remain in its

⁸ Page 24 Appellant's closing submissions

current position, the proposed housing development would only be visible from around 360m of its length. Consequently, I am satisfied that an appropriate route for the re-alignment of 126s can be agreed at the reserved matters stage which would be consistent with Policy CS10 and Policies L1.7 and L1.8 of the UDP which seek to avoid the loss of PRow and safeguard the strategic recreation value of strategic recreation routes.

95. Taking account of the proposed package of improvements to the PRow within the site, I consider that they would represent a benefit to which I attach significant weight.

Design

96. Whilst an outline application, the Council and appellant agree that a planning condition could be imposed which would require any future reserved matters applications to be brought forward in accordance with the Design Code (CD1.40) and Land Use and Building Heights Parameters Plan (CD1.10). A high quality of development is to be welcomed, and indeed it would comply with paragraph 131 of the revised Framework; however, in my view this would merely be required to ensure a policy compliant scheme as opposed to being a benefit and as such attracts neutral weight.

Density

97. The development would deliver up to 200 dwellings at a density of 45dph in accordance with Policy CS3 of the CS. Paragraph 130 of the revised Framework states that significant uplifts in density may be inappropriate; however, the Council and appellant agree that the proposed density is suitable for the site. Given the nature of the surrounding residential area and good accessibility, I agree. Nevertheless, I attach neutral weight to this factor in my Decision.

Sustainable modes of travel

98. It is agreed between the Council and the appellant that subject to planning conditions and the s106 obligation the development would be accessible using sustainable modes of travel. However, this would be a requirement for any development and, therefore, only attracts neutral weight in my Decision.

Landscape and Visual Impact

99. A Townscape and Visual Assessment (CD1.67) was undertaken to support the application. The Open Space, Townscape and Visual SoCG (CD8.6) sets out the agreed landscape/townscape effects between the Council and the appellant. The TVA identifies that the impact to the users of the Fred Perry Way would be moderate adverse at the section of the PRow 126s which overlooks the green. Overall, the impact to the landscape character of the site is assessed to be minor adverse. The adverse effects on landscape elements, landscape character and visual amenity are localised, essentially to the boundaries of the housing area. The Council and the appellant agree that there would be no unacceptable harm, and that the impacts identified in the TVA are 'deemed to be acceptable'.
100. The appeal site is surrounded on three sides by residential development and has a limited visual envelope which is constrained to the boundary of the housing. Consequently, I agree that any landscape/visual impacts would be localised and acceptable. These factors attract neutral weight in my decision.

Economic

101. The Council and the appellant agree (CD8.8) that the proposal would support temporary jobs on-site and in the wider economy per annum over the 3.5 year build programme and generate gross value added (GVA) during the 3.5 year construction

period. In addition, it would generate spend in the Stockport local authority area during the 3.5 year construction period from on-site construction workers. Furthermore, the proposal would generate spend in the local area from future occupiers of the development.

102. It would provide homes for people that are economically active and generate first occupation expenditure within 18 months from the proposed new dwellings once fully built and occupied. Additional Council Tax revenue would also be generated from the construction of new homes.
103. The proposal would create funding for the management and maintenance of the Informal Open Space, in the form of a one-off commuted sum payment of £1,537,278 which would be invested, and the income would be spent locally on the management and maintenance of the POS. I agree with the Council that this is not an economic benefit in its own right; it is simply a mechanism to enable the Land Trust to manage and maintain the open space in the future as opposed to going into the local economy. Nevertheless, I afford the economic benefits of the proposal significant weight in my Decision.

Fall Back Position

104. The Council and the appellant agree that the appellant has permitted development (PD) rights to erect a 2m boundary fence around the site and that the fence could be impermeable.
105. The appellant is incurring around £20,000 annual costs in maintaining the Fields to address the issue of anti-social behaviour and also must hold public liability insurance to address the risk of injury to trespassers. I acknowledge that these are modest costs for a company like the appellant. Additional information provided by the appellant (AP6) indicates that the cost of erecting an approximately 2km fence would be in the region of £150,000. This would be compared to the ongoing costs of repairing the broken sections of the existing stock fence (around £1,500 per month). Furthermore, there would be a need to maintain the fields in a reasonable condition in any event.
106. Nevertheless, the Council accepts, in its submissions and in cross-examination that there is a real prospect of the fall-back position occurring, i.e. more than theoretical. Furthermore, the appellant could sell the site as it no longer wishes to own and manage it. It is reasonable to assume that it would be sold for best value on the open market. Moreover, despite research carried out into alternative futures for the Fields (CD7.3), there is no evidence that local residents or local organisations/trusts could buy and manage the site. Consequently, I consider that there is a more than theoretical prospect of the fall-back position occurring.
107. Were the fall-back position to be implemented, the fence would effectively corridor the PRow. The Council and the appellant agree that the public could pass and repass along the PRow but they could not see or experience the open space, save for the openness above a 2m high fence, situated either side of a 2m wide PRow corridor. Under the fall-back position, there would be no lawful public access to the site and there would be no ecological enhancement work or ongoing ecological management or maintenance, landscape improvements; improvements to the PRow etc. The fall-back position would, therefore, seriously limit the site's value as a future opportunity for recreation. Consequently, I consider that the fall-back position would be worse than the current position and significantly worse than that proposed by the appeal.
108. Even if the appellant did not enact the fall-back position and retained and repaired/reinforced the lower existing 1m high fence, whilst there would be views of the open space from certain points, there would still be no lawful access to the site

and none of the improvements or benefits of the scheme as referred to above. Consequently, I consider that the status quo would be worse than that proposed by the development the subject of this appeal.

109. I, therefore, attach significant weight to the fall-back position in my Decision.

S106 Obligation

110. The s106 obligation is made in the form of a deed. It sets out obligations by the appellant to provide affordable housing; informal open space (IOS); residential amenity open space management; education contribution; recreation and amenity open space contribution; climate action now contribution; parking restriction Traffic Regulation Order (TRO) contribution.
111. The First Schedule relates to the IOS and secures the works required to bring the IOS up to standard; the transfer of the freehold of the IOS to the IOS body; the management and maintenance of the IOS in perpetuity; and dedicating the IOS as public open space in perpetuity. I am satisfied that this obligation is necessary to offset and mitigate the loss of designated open space which would arise as a direct result of the development and to ensure that the open space would be managed and maintained in a way that can balance the needs of recreation with the ecological interests of the site. The IOS commuted sum is an endowment which has been calculated for the specific site, the details of which are set out at AP7. The endowment is invested and income for the investment drawn down monthly to meet site related expenditure. I am, therefore, satisfied that the obligation and contribution are necessary, directly related and fairly and reasonably related in scale and kind to the development.
112. The Second Schedule requires the housing area owner to submit the Residential Amenity Open Space Management Plan and confirm details of the management of the space. The need for this requirement arises directly from the development and it is necessary to secure the long-term management of the space in perpetuity for the benefit of future occupiers. The obligation is, therefore, necessary, directly related and fairly and reasonably related in scale and kind to the development.
113. Schedule 3 and Schedule 4 relate to the provision of affordable housing. Schedule 3 relates to the provision of First Homes and schedule 4 relates to the Council's proposed tenure mix. As set out above, the development should provide for affordable housing in accordance with the Council's preferred tenure mix. Consequently, Schedule 4 is engaged, and Schedule 3 does not apply. Schedule 4 requires that 50% of the dwellings within the development will be affordable comprising 30% social rented and 70% shared ownership units in accordance with Policy CS3 and DM Policy H-3 of the CS. The affordable housing is required to ensure that the development is policy compliant and meets the high need for affordable housing in Stockport.
114. Schedule 5 requires the Housing Area Owner to pay an Education Contribution. As set out in the CIL Compliance Statement (CO4.1) the development would place additional demand on primary, secondary and SEND education places within the catchment area. The financial contribution is determined by a formula (set out in CO4.3) based on the scale of development and the identified need for school places in the catchment area. As such I am satisfied that the contribution is necessary and directly related in scale and kind to the development.
115. Schedule 6 requires the Housing Area Owner to pay a Recreation and Amenity Open Space contribution. The provision of on-site public open space, including children's play is required to meet the recreational and amenity needs of future occupiers and to comply with Policy SIE-2 of the CS, particularly as there is a quantitative deficiency of

both formal open space and children's play provision in the area. Schedule 6 requires the first Reserved Matters application to include a scheme for the provision of the amount/location, delivery and future management and maintenance of the on-site open space. The open space would be provided in accordance with the FiT standard. Provision would, therefore, be proportionate to the scale of the development. The calculation of the contribution would be in accordance with the Open Space Provision and Commuted Payments' SPD taking account of the population of the development and any on-site provision.

116. New off-site planting is necessary to mitigate the loss Green infrastructure and the effects of climate change, in accordance with Policies CS1 and CS8 of the CS. Consequently, schedule 7 requires the Housing Area Owner to pay a 'Climate Action Now' contribution to fund projects for new tree planting, an orchard and a wildflower meadow in the locality. The contribution has been calculated with reference to the costs of planting (vegetation; labour; and materials), as set out in the CIL Compliance Statement. On this basis, I am satisfied that the contribution is necessary to make the development acceptable and directly related in scale and kind to the development.
117. Schedule 8 requires the Housing Area Owner to pay a TRO contribution (£7,500) and the Emergency Access Measures TRO Contribution (£9,500) to cover the costs of TROs in connection with the provision of parking restrictions on Mirrlees Drive, and to control the use of the Emergency Access and manage on-street parking on Flowery Field to ensure that an unobstructed access route into the site is available at all times for emergency vehicles. The contributions have been calculated based on average costs of implementing similar schemes in recent years as set out in the CIL Compliance Statement. Consequently, I am satisfied that the contributions are directly related in scale and kind to the development. Schedule 8 requires the Owner to enter into an agreement for the dedication of existing Footpath 124S as a bridleway reflecting the more intensive use of footpaths and bridleways arising directly as a result of the development.
118. The required legal and monitoring fees are necessary to cover the Council's costs in monitoring and reporting on the delivery of the numerous planning obligations. I am satisfied that the fees fairly and reasonably relate in scale and kind to the development.

Conditions

119. Conditions relating to the timing of the submissions of reserved matters and the timing of the commencement of the development are necessary. In the interests of certainty, a condition requiring the development to be carried out in accordance with the approved plans is necessary. A further condition is necessary requiring the first reserved matters application for layout to include a Masterplan layout for the whole site to ensure a high standard of development and design.
120. Conditions relating to site levels; boundary walls and fences; and requiring details of external materials are necessary in the interests of character and appearance.
121. A further condition requiring the provision of a Locally Equipped Area for Play (LEAP), is necessary to ensure that adequate and convenient provision is made for children's play. In addition, a condition requiring the submission of a full Crime Impact Statement in the interests of public safety and security.
122. Conditions requiring the submission of an Arboricultural Method Statement and the fencing off/protection of trees are necessary to protect the retained trees during construction, in the interests of biodiversity and character and appearance.

123. A number of conditions are necessary to ensure that: the development provides a safe access for pedestrians, cyclists and vehicles; the impact of the development on the local highway network is minimised; the site is fully accessible by all modes of transport and in particular modes of transport other than the private car; and that measures are incorporated to ensure that the development can mitigate and adapt to climate change.
124. An additional condition requires that PRow 126S shall be retained either along its existing alignment or along a new (or partially new) alignment which must where possible be through open space or other landscaped corridors which are overlooked. Improvements to the footpath are also secured by the condition. This is to ensure that the PRow is retained along an attractive route.
125. Conditions requiring a Construction Method Statement; an acoustic report/scheme; an environmental Construction Environmental Management Plan are necessary to ensure that the development is constructed in a safe way that would minimise disruption during construction and to control the environmental impacts of development relating to air quality and noise.
126. A condition requiring details of bin stores/bin storage areas to be submitted at reserved matters stage to ensure that waste and refuse are satisfactorily managed.
127. The report accompanying the application identified potentially unacceptable risks from contamination and so conditions are necessary to ensure that the risks are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, off-site receptors, water environment and ecology systems.
128. There is potential that the land may contain landfill gas and so conditions are essential to identify any risks and undertake any necessary remedial measures to safeguard workers and future occupiers.
129. Conditions relating to solar photovoltaics, bird species hazardous to aircraft, and external illumination/lighting plan are necessary in the interests of flight safety and to prevent distraction and confusion to pilots using the nearby Manchester Airport.
130. Conditions relating to flood risk and detailed surface water drainage schemes; foul and surface water to be drained on separate systems; and ensuring that both surface and foul water drainage is directed away from the railway are necessary to manage surface water run-off from the site, provide sustainable drainage and to protect the adjacent railway from the risk of flooding, soil slippage and pollution.
131. A number of conditions are necessary to ensure the ecological protection, mitigation and enhancement (BNG) of the ecology and biodiversity of the site. These include: the review and update of ecological surveys/mitigation measures where necessary (36); requirement for an CEMP; vegetation clearance/nesting birds; submission of an invasive non-native species protocol; and the submission of a BNG Management Plan.
132. Due to the proximity of the railway line conditions are required to ensure that the development can be carried out without adversely affecting the safety, operational needs or integrity of the railway and also to protect the railway from unauthorised access. These include the requirement for: a method statement and risk assessment for works within 10m of the operational railway; 1.8m high trespass proof fence; details of scaffolding works within 10m of the operational railway; risk assessment and method statement for vibro-compaction machinery/piling machinery within 10m of the operational railway; details of ground levels, earthworks and excavations; retention of minimum 3m gap between any buildings/structures and the railway boundary; no

trees to be planted within 10m boundary of the railway land; and details of appropriate vehicle safety protection measures.

133. Finally, a condition requiring a Local Employment and Skills Plan Agreement for the construction of the development is necessary to ensure that local employment benefits are addressed and secured in accordance with Policy AED-5 of the CS.

Planning Balance

134. It is common ground between the main parties that there is an absence of a five-year supply of housing land and that paragraph 11d of the Framework is engaged by virtue of footnote 8. I have determined that the supply of housing land is 3.78 years, a significant shortfall against the requirement.
135. Paragraph 225 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The closer the policies in the plan to the policies in the Framework, the greater weight that may be given to them.
136. The Stockport Core Strategy Development Plan Document was adopted in March 2011, prior to the first Framework (2012). It is common ground that the relevant parts of Policies CS2 Housing Provision (paragraphs 3.84 and 3.85), CS4 Distribution of housing (paragraphs 3.104 to 3.109); and H-2 Housing Phasing (paragraphs 3.115 to 3.118) are out of date due to the absence of a five-year supply of housing land.
137. The relevant parts of Policy CS8 Safeguarding and Improving the Environment are paragraphs 3.290-292. The Policy seeks to protect open space, allows consideration of whether there would be a benefit in the public value of the open space and allows consideration of the 'tilted balance' and is consistent with the Framework in this regard. Nevertheless, reference to the development of 'limited areas of open space' results in some conflict with paragraph 103 of the Framework. As a result, I attach moderate weight to the conflict of the proposal with Policy CS8 in my Decision.
138. Policy UOS1.2 of the UDP seeks to protect strategic open space. Only 'limited development' will be permitted. The overall thrust of the policy to protect open space is consistent with paragraph 103 of the Framework. However, as paragraph 103 allows for development if criteria a-c are met there is some conflict of the policy with the Framework. For this reason, I attach moderate weight to the conflict with the Policy.
139. Policy NE3.1 seeks to protect and enhance Green Chains. Development which would detract from the wildlife or recreation value of Green Chains will not be permitted. I consider that the Policy is consistent with the paragraph 185 of the Framework which seeks to protect wildlife corridors and paragraph 103 which seeks to protect open space. Consequently, I attach full weight to the accordance with the Policy. Overall, whilst there are some differences, due to the broad synergy with the objectives of paragraphs 103 and 185 of the Framework to protect open space and wildlife corridors, I consider that the 'basket of policies' is up to date.
140. Whilst I find that the proposal accords with Policy NE3.1, the proposed development conflicts with Policy UOS1.2 and Policy CS8 of the CS. As these policies go to the heart of the Decision, I consider that the proposal conflicts with the Development Plan as a whole. I attach significant weight to the conflict of the proposal with the Development Plan.
141. I conclude above that townscape and landscape matters, density and the accessibility of the proposal by sustainable modes of transport attract neutral weight in my decision.

142. The proposal would provide market and affordable housing – which the Framework seeks to boost significantly-in a situation where there is a significant shortfall of supply. I attach very significant weight to the social benefits of the proposal.
143. The proposal would have significant economic benefits and would, therefore, accord with paragraph 85 of the Framework which seeks to support economic growth and productivity. Overall, I consider that the economic benefits carry significant weight in my Decision.
144. In terms of ecology, the proposed development would deliver a BNG of 12.85% in accordance with paragraphs 185 and 186 of the Framework which seeks to secure measurable net gains for biodiversity. There would also be significant OLEMP works prior to the transfer of the site to the Land Trust or similar body and subsequent ongoing management and maintenance of the site for ecology.
145. Whilst there would be some limited loss of trees, the proposed development would entail the planting of 267 new native trees on the site in addition to providing £205,759 to fund the planting of 1,150 trees on greenspace sites, a new orchard and a new wildflower meadow in the Stepping Hill area. This would more than off-set the limited loss of the trees.
146. Although the proposed development may result in the re-alignment of the PRoW 126S, the proposal sets out an indicative PRoW improvement plan which would result in improvements to the PRoW network across the site. Overall, I consider that collectively, significant weight should be attached to the environmental benefits of the proposal.
147. The proposal would result in a quantitative loss of 4.4ha of designated open space and a loss of views of the open space from a limited section of the PRoW 126S. However, under the fallback position – a material consideration to which I attach significant weight - the only part of the site that would be accessible would be along the route of the PRoW. Under the proposed scheme, a significant proportion of the site would become public IOS and there would be formal management and maintenance of the space in perpetuity. In short, the proposal would authorise and guarantee greater public access across the appeal site. I attach significant weight to this benefit in my Decision. Furthermore, I have concluded that as the proposal would provide at least equivalent provision of open space that it would not conflict with paragraph 103 of the Framework.
148. Overall, I conclude that no conflict arises with the Framework when taken as a whole. Furthermore, I consider that any adverse impacts of granting planning permission, including the identified conflict with the development plan, would not significantly and demonstrably outweigh the benefits. Consequently, the presumption in favour of sustainable development weighs in favour of the proposal.
149. In the particular circumstances of this case, I consider that there are significant material considerations including the benefits of the proposal, and the presumption in favour of sustainable development, which outweigh the conflict with the development plan.

Conclusion

150. For the reasons stated and taking all other considerations into account the appeal should be allowed subject to the conditions set out in the attached schedule.

C A Mulloy

Inspector

APPEARANCES

For the Local Planning Authority

John Hunter, Counsel	Instructed by Stockport MBC
Shemuel Sheikh, Counsel	Instructed by Stockport MBC
Ifan Aslam	Solicitor Stockport MBC
<i>They called:</i>	
Carl Griffiths BA (Hons), MPlan	Planning Manager, Capita Plc
Steve Johnson BSc (Hons), MTPI	Stockport MBC
Andy Kippax	Strategic Housing Lead, Stockport MBC
Paul Richards	Director of Development and Regeneration, Stockport MBC/ Chief Executive of Stockport Mayoral Development Corporation.
James Alderson	Director, Cityheart
Alistair Chapman	Senior Director, CBRE
Adnan Siddiqi	Managing Director, Amstone
Joe Stockton	Senior Development Manager, Muse Properties
Ahmed Yaseem	Eamar Development UK

For the Appellant

Giles Cannock KC of Counsel Piers Riley-Smith of Counsel	
<i>They called:</i>	
Jeremy James BSc (Hons), MSc, MCIEEM, CEcol, CEnv	Director of Bowland Ecology
Jack Jewell BA (Hons), Masters LP, Associated Member Arboricultural Association; Chartered Member of the Landscape Institute	Director of Tyler Grange Group Ltd
Andrew Cook BA (Hons); MA Landscape Design; CMLI; CEnv; Member IEMA	Executive Director of Pegasus Group
Ben Pycroft BA(Hons) DipTP MRTPI	Director at Emery Planning
Neil Tatton BA(Hons)	Owner and Director of Resolve Affordable Housing Consultancy
Jon Suckley MTCP FRTPI	Managing Partner of Asteer Planning LLP

For Protect Mirrlees Fields from Development (PMFFD)

Malcolm Ranson	PMFFD
Dominic Wells	PMFFD
Elaine Leonard	PMFFD
Dr Tara Hughes	PMFFD
David Gosling	PMFFD

Interested Persons

David Kemp	Mirrlees Fields Friends Group
Mary Robinson MP	
Faizal Cader	

Inquiry Documents**Appellant Documents (AP)**

AP1	Opening Submission of the Appellant
AP2	Appeal Decision: APPB1605/W/19/3227293
AP3	Appearances on behalf of the Appellant
AP4	Updated S106 Explanatory Note
AP5	Addendum to the Explanatory Note of Main Provisions of Section 106 Agreement
AP6	Note of Fencing at the Appeal Site
AP7	Endowment Payment – Summary in perpetuity
AP8	Closing submission on behalf of the Appellant

Council Documents (CO)

CO1	Appearances on behalf of the Local Planning Authority
CO2	Opening remarks on behalf of the Local Planning Authority
CO3	PPG17 Planning for Open Space, Sport and Recreation
CO4.1	The CIL Compliance Statement
CO4.2	Monitoring Fee Statement
CO4.3	Education supporting document
CO5	Amended tables following Housing Land RTS
CO6	Agreed note on Affordable Housing Supply following the Round Table Session
CO7	Closing submissions on behalf of the Local Planning Authority

Protect Mirrlees Fields from Development (PMFD)

PMFD1	Opening Statement PMFD
PMFD2	Tesco Stores Limited (Appellants) v Dundee
PMFD3	Closing submissions on behalf of PMFD

Interested Parties

IP1	Statement by David Kemp -Mirrlees Fields Friends Group
IP2	Statement by Mary Robinson MP
IP3	Statement by Faizal Cader

Joint Documents

JT1	Agreed Final s106
JT2	Proformas for disputed sites
JT3	Public Open Space – Explanatory Note
JT4	Site visit itinerary
JT5	Conditions
JT6	Final and signed s106

Inspector Documents

INSP1	RTS Agenda for Housing Land Supply RTS
INSP2	RTS Agenda for Affordable Housing RTS

SCHEDULE

1. Application(s) for the approval of Reserved Matters shall be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Approval of the (1) layout (2) scale (3) appearance (4) access and (5) landscaping of the site ('the Reserved Matters') shall be obtained from the local planning authority before any development is commenced.
3. The development hereby permitted shall be carried out in accordance with the following approved plans/drawings unless otherwise required by another condition:
 - Location Plan SK003 Rev 0
 - Parameter Plan - Land Use and Building Heights MP_00_1001 Rev 19
4. The first reserved matters application for layout pursuant to this outline planning permission shall include a Masterplan layout for the whole of the application site which accords with the approved Parameter Plan (Land Use and Building Heights MP_00_1001 Rev 19) and Mirrlees Fields Design Code by 5Plus dated November 2022. Development shall be carried out in accordance with the Masterplan Layout approved by the local planning authority as part of that application.
5. No development shall take place until existing and proposed finished (i.e. once the development is complete) contours, at 0.5m vertical intervals, for the whole site have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the proposed finished contours/levels approved by the local planning authority.
6. Provision shall be made within the development for a Local Equipped Area for Play (LEAP) and its on-going maintenance, details of which shall be included with the first application for approval of Reserved Matters. The size, design and layout of the LEAP shall accord with the guidance contained in the Supplementary Planning Document "Open Space Provision and Commuted Payments" published by the local planning authority or any other equivalent adopted Council guidance that replaces it. The approved LEAP shall be provided prior to occupation of the 128th dwelling, and it shall subsequently be maintained in accordance with the approved details.
7. No dwelling shall be occupied until details of all screen and boundary walls, fences, gates or any other means of enclosure shall be submitted to and approved in writing by the local planning authority, and the enclosures have been erected in accordance with the approved details.
8. As outlined in the Preliminary Crime Impact Statement Version D: 02/08/2021, Reference 2008/0712/CIS/04, a full Crime Impact Statement shall be submitted with the first Reserved Matters application for layout. Development shall be carried out in accordance with the crime reduction and public safety recommendations contained therein.
9. No 'above-ground' building works shall proceed above damp-proof course level on any dwelling until (i) a schedule of all the materials of external construction has been submitted to and approved in writing by the local planning authority and (ii) samples have been made available for inspection on the site. No dwelling shall be

occupied until it has been completed in accordance with the approved schedule and materials.

10. No demolition, site clearance excavation or construction works shall take place until an Arboricultural Method Statement (AMS) regarding the technical design and working methods for both the construction works/ phase and the implementation of the development, has been submitted to the local planning authority for approval in writing. The approved AMS shall be fully implemented.

No development shall take place until all existing trees on the site except those authorised for removal by the local planning authority have been fenced off in accordance with BS 5837:2012 'Trees in relation to construction - Recommendations'. The fencing shall be retained during the period of construction and no work, excavation, tipping or stacking of materials shall take place within any such fence during the construction period.

11. No existing tree within the site shall be cut down, topped, lopped, uprooted, willfully damaged or willfully destroyed without the prior written approval of the local planning authority. Any trees or hedgerows removed without such consent or dying or being severely damaged or being seriously diseased, within 5 years of the development commencing, shall be replaced within the next planting season with trees of such size and species as may be approved in writing by the local planning authority.

12. This permission grants approval for the erection of a maximum of 200 dwellings with:

- All vehicular access from Bramhall Moor Lane via an improved and extended Mirrlees Drive, which shall include new pedestrian and cycle facilities, parking restrictions and traffic calming
- Access by emergency vehicles in the event of an emergency also via an emergency access route from Flowery Fields (which will also be available for use by pedestrians and cyclists at all times) and which shall include access controls, lighting and a crossing facility at the junction of the access route with Footpath 127S
- Access within the development being by means of a permeable network of access / estate roads, footways, footpaths and cycle tracks

No vehicular access shall be taken from any other street / highway.

No work shall take place in respect to the construction of these access routes until detailed engineering drawings of these access roads, paths and associated infrastructure have been submitted to and approved in writing by the local planning authority, together with:

- Details outlining how the access roads and paths will be managed and maintained
- A Stage 1/2 Road Safety Audit and Designer's Response for the access roads and paths
- Details of parking, loading and access restrictions to be provided, including details of associated Traffic Regulation Orders
- Details of how the design of the roads and paths will be checked and the construction of the roads and paths will be inspected

Access roads shall include areas for visitor parking, street trees and pocket parks and roads and paths shall include benches at regular intervals. Drawings to be submitted shall include a general arrangement plan, surfacing, levels, drainage, signing and lining, specification and street lighting details and details on structures, access controls, street furniture, street trees and any other landscaping, longitudinal sections and details of the access to the MAN Energy site.

Each plot within the site shall not be occupied until:

- The London Road (A6) / Mill Street / New Moor Lane signal-controlled junction has been improved in accordance with the approved details
- Mirrlees Drive has been extended and improved in accordance with the approved details
- The combined pedestrian, cycle and emergency access route into the site from Flowery Fields has been provided in accordance with the approved details
- The access roads and paths that will serve that plot have been constructed in accordance with the approved drawings and details, are available for use and a copy of a report confirming that their design and construction have been independently checked and inspected has been submitted to and approved in writing by the local planning authority.

The access roads and paths shall thereafter be retained, shall remain available for use and shall be managed and maintained in accordance with the approved details. Any visibility splays shall thereafter be kept clear of any structure, object, plant or tree exceeding the height specified on the approved drawings.

13.No development shall take place until a Construction Method Statement detailing how the approved development will be constructed (including site clearance, levelling and earth moving operations) has been submitted to and approved in writing by the local planning authority. The method statement shall include:

- A detailed construction phase layout plan
- A development / construction timetable
- Details of access arrangements, haul roads, loading / unloading areas and turning / manoeuvring facilities to be provided
- Details of vehicle movements, vehicle routing and traffic management arrangements
- Details of temporary road and footpath closures / diversions
- Details of parking requirements and provision for contractors / site staff
- Details of site cabins, welfare facilities and temporary buildings
- Details of the construction site boundary treatment, including hoardings, temporary fencing and gates
- Details of where materials will be loaded, unloaded and stored Details of measures to be implemented to prevent mud and other debris being deposited on the public highway (including details of wheel wash facilities and road sweeping measures).

The approved development shall not proceed except in accordance with the approved method statement for that phase of the development.

14.Details of proposals to improve the operation / capacity of the London Road (A6) / Mill Street / New Moor Lane signal-controlled junction shall be submitted with the first application for approval of Reserved Matters. The proposals shall include:

- Revalidation of the SCOOT system which controls the traffic signals at the junction
- Relocation / extension of the inductive loops for the SCOOT system, including the installation of associated ducting.

No dwelling shall be occupied until the junction has been improved in accordance with the approved details.

15.Public Right of Way 126S, which runs through the site of the approved residential development, shall be retained either:

- Along its existing alignment
- Along a new (or partially new) alignment which must be agreed with the local planning authority, which shall be, where possible, through open space or other landscaped corridors which are overlooked.

In either case, the path shall be improved so it is suitable for use for accessing the residential development at all times. Improvements shall include hard-surfacing the path, drainage, lighting, access controls and fencing (where required) and provision of wayfinding signage. No work shall take place in respect to the improvement / realignment of the path until detailed engineering drawings of the proposed improvements / realignment have been submitted to and approved in writing by the local planning authority. No part of the approved development shall be occupied until the path has been improved / realigned in accordance with the approved drawings and is available for use. The path shall then be retained and shall remain available for use at all times.

16. Car parking shall be provided for each dwelling within the development, together with car parking facilities for visitors and a car club vehicle/s, in accordance with the adopted parking standards and at a level that will meet expected demand. No work shall take place in respect to the construction of the car parking facilities to be provided for the approved development until detailed drawings of the car parking facilities have been submitted to and approved in writing by the local planning authority. Details shall include how the car parking facilities will be surfaced, drained, marked out, signed and illuminated, which car parking spaces will be allocated to each dwelling/s, visitors or car club vehicles. Each dwelling within the development shall not be occupied until the car parking facilities for that dwelling have been provided in accordance with the approved details and are available for use. No part of the development shall be occupied until the parking space/s for a car club vehicle/s has/have been provided in accordance with the approved details and is/are available for use. The car parking facilities shall thereafter be retained and shall remain available for use. The car parking facilities shall be illuminated at all times during the hours of darkness that the car park is in use (either permanently or using motion-controlled lighting).
17. Cycle parking shall be provided for each dwelling within the development. No work shall take place in respect to the provision of cycle parking within the site until details of proposals to provide long-stay cycle parking facilities for the approved dwellings (which shall be in the form of a covered and secure cycle store that will accommodate a minimum of one cycle for each dwelling) have been submitted to and approved in writing by the local planning authority. Each dwelling within the development shall not be occupied until the cycle parking facility for that dwelling has been provided in accordance with the approved details. The cycle parking facilities shall then be retained and shall remain available for use at all times thereafter.
18. Charging points for the charging of electric vehicles shall be provided for each of the approved dwellings and for the car parking space/s for car club vehicles. Prior to their provision, details of the charging points shall be submitted to and approved in writing by the local planning authority. Each dwelling within the development shall not be occupied until the charging point for that dwelling and the charging point/s for the car parking space/s for car club vehicles have been provided in accordance with the approved details and are available for use. The charging points shall thereafter be retained (unless they are replaced with an upgraded charging point in which case that should be retained).

19. Details of a scheme for the provision of bin stores / bin storage areas within the residential development shall be submitted with the first application for approval of Reserved Matters. Each bin store / bin storage area shall be of a size and design that ensures that it can accommodate the number and size of bins that will be required for the dwelling/s that it serves. Each dwelling within the development shall not be occupied until the bin store / bin storage area for that dwelling has been provided in accordance with the approved details. The bin stores shall then be retained and shall remain available for use at all times thereafter.

20. No dwelling within the approved residential development shall be occupied until a travel plan for the residential development has been submitted to and approved in writing by the local planning authority and has been brought into operation. The approved travel plan shall be operated at all times that the development is occupied and shall be reviewed and updated on an annual basis in accordance with details that shall be outlined in the approved plan. Measures to be included shall include:

- Providing occupiers of each dwelling with a Resident's Travel Pack
- Providing a minimum of one car club car (or more if it is determined demand will be higher) within the site for use by occupiers of the development and providing all occupiers of the development with access to the car club car/s
- Offering occupiers of each dwelling personalised travel planning
- Provision of measures to allow home working (e.g. high speed broadband)
- Provision of a travel information notice boards within the site
- Promotion of sustainable travel and travel awareness days/weeks
- Promotion of cycle training and car sharing

The travel plan and all updates shall be produced in accordance with current national and local best practice guidance and shall include details on the method of operation, appointment of a Travel Plan Coordinator/s, targets, infrastructure to be provided, measures that will be implemented, monitoring and review mechanisms, procedures for any remedial action that may be required and a timetable for implementing each element of the plan.

21. No dwelling in the residential development shall be occupied until the following works have been carried out to improve the site's accessibility by foot, cycle and public transport:

- Improvements to Public Right of Way 127S between Public Right of Way 124S and Public Right of Way 47HGB (including the provision of bound surfacing, lighting, signage and, where required, fencing)
- Provision of a pedestrian and cycle path through the retained Mirrlees Fields between the site access roads within the residential development and Public Right of Way 124S, with the path connecting to 124S towards its western end (including bound surfacing, signage and lighting)
- Provision of a pedestrian and cycle path through the retained Mirrlees Fields between the site access roads within the residential development and Barlows Lane South (in the vicinity of its junction with Bramhall Moor Lane) (including bound surfacing, signage and lighting)
- Provision of a pedestrian and cycle link path through the existing open space from the southern end of Kinross Avenue to Public Right of Way 127S (including bound surfacing, signage, access controls and lighting)
- Provision of a pedestrian and cycle connection from the northern end of Public Right of Way 47HGB and the site access roads within the residential development (either along the routes of Public Rights of Way 127S and 126S) or on a new alignment

running in a North-East direction (including bound surfacing, lighting, signage and any required fencing and structures)

- The upgrading of Public Right of Way 47HGB between the site and Ringmore Road to a pedestrian and cycle route (including widening, bound surfacing, lighting, signage, fencing, structures and access controls)
- The upgrading of the existing bus stops on Ringmore Road adjacent to Public Right of Way 47HGB, including the provision of raised boarding platforms, an uncontrolled pedestrian crossing point, carriageway markings and a bus shelter at the eastbound bus stop
- Improvements to Public Right of Way 126S between the approved residential development and Public Right of Way 124S (including widening to 2m in width, bound surfacing, lighting, signage and, where required, vegetation removal and fencing)
- Improvements to Public Right of Way 126S within the approved residential development, which shall take the form of a bound, lit path, of minimum width 2m, running either on the existing alignment of the right of way or a new alignment on the site access roads or within an overlooked landscaped corridor/s
- Improvements to the existing cycle link between Newby Road and the cycle path on the west side of Bramhall Moor Lane, including signage, tactile paving, carriageway markings,
- Provision of a crossing point on Bramhall Moor Lane (in the vicinity of its junction with Barlows Lane South)
- Provision of wayfinding signage to sign pedestrian and cycle routes between the site and key destinations in the area

The works shall be designed to adoptable standard. Prior to the commencement of any works in respect to these improvements / this infrastructure, detailed engineering drawings of the works shall be submitted to and approved in writing by the local planning authority, together with a Stage 1/2 Road Safety Audit and Designer's Response for the works and details of any associated legal orders. The drawings to be submitted shall include:

- A general arrangement / layout, based on a topographical survey, showing the works
- Specification details
- Levels information
- Drainage details (including any attenuation systems)
- Details of vegetation removal / replacement
- Details of all proposed street lighting, access controls, signage, markings, structures and street furniture.

The works shall be carried out in complete accordance with the approved drawings and specification information and the approved development shall not be occupied until new / improved infrastructure is available for use. The new / improved infrastructure shall thereafter be retained as constructed and shall remain available for use at all times.

22. In accordance with section 5.8 of the submitted acoustic report (BWB, MIRRLEES FIELDS, HAZEL GROVE, NOISE IMPACT ASSESSMENT, MCP2225, August 2021, Doc No. MIR-BWB-ZZ-ZZ-RP-YA-0001_NIA_S0_P04, BWB ref MCP2225-004) any future reserved matters applications for layout pursuant to this Outline planning permission shall include an acoustic report and scheme for protecting occupants of the proposed dwellings from noise and vibration. No dwelling shall be occupied until such a report and scheme has been submitted to and approved in writing by the local planning authority, and all works which form part of the approved scheme have been completed.

23.No development shall take place until an 'Environmental' Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phases. There shall be no burning of materials on site, and the approved CEMP shall be implemented throughout, the demolition and construction phases of the development. The approved dust and smoke suppression measures shall be maintained in a fully functional condition for the duration of the demolition / construction phases.

The CEMP shall show mitigation measures in respect of:

1. Noise Mitigation Measures

Noise and disturbance including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic route. Comply with BS5228:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites - Part 1: Noise and Part 2: Vibration

2. Dust Management

For the prevention of dust emissions beyond the site boundary, a scheme detailing all dust suppression measures and the methods to monitor emissions of dust arising from the development.

3. Smoke Management

For the prevention of smoke emissions, a scheme detailing all smoke suppression measures and the methods to monitor emissions of smoke arising from the development.

3. Pile Foundation Method Statement

Should piling be required as part of the development, the applicant shall submit a method statement, to be approved by the local planning authority. The piling work shall be undertaken in accordance with the approved method statement. The method statement shall include the following details:

- Details of the method of piling
- Days / hours of work
- Duration of the pile driving operations (expected starting date and completion date)
- Prior notification to the occupiers of potentially affected properties
- Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint.

24.No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- a survey of the extent, scale and nature of contamination;
- the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.

25. No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out [and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is first occupied.
26. Other than in terms that have received the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unexpected risk to controlled waters where adverse concentrations of land contamination are known or suspected to be present. No infiltration of surface water drainage into the ground shall be permitted where adverse concentrations of land contamination are known or suspected to be present, without the express consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unexpected risk to controlled waters.
27. Piling or any other foundation designs using penetrative methods is not permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unexpected risk to groundwater. The development shall be carried out in accordance with the approved details.
28. No development shall take place until (i) a method statement for the carrying out of an investigation and assessment of the potential for landfill gas being present on the land has been submitted to and approved in writing by the local planning authority and (ii) the investigation and assessment has been carried out in accordance with the approved method statement and (iii) a written report of the investigation and a copy of the assessment has been submitted to the local planning authority. All precautionary and remedial measures (whether relating to excavation and other site works, building development and construction, gas control measures or otherwise) recommended or suggested by the report and assessment shall be taken or carried out in the course of the development unless otherwise approved in writing by the local planning authority.
29. No dwelling shall be occupied until all works necessary to prevent landfill gas migration into the development have been approved in writing by the local planning authority and carried out in full.
30. No solar photovoltaics shall be used on the site without first consulting and receiving written approval from the local planning authority.
31. During construction and in perpetuity, robust measures will be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. Any ponds should ideally be generally dry (holding water only during and immediately after an extreme rainfall event), with a quick drain down time. If this is not possible and they will hold water on a more regular or permanent basis, then they should be

designed to be as unattractive to hazardous birds as possible, being as small as possible, with a dense, continuous band of marginal vegetation to prevent easy access to the water, both for hazardous birds and for members of the public who may try to feed them.

32.No external illumination shall be provided with the site until a lighting plan has been submitted to and approved in writing by the local planning authority. The plan shall include full details of the location, size, design of luminaires and fittings, the type and power output of light sources with illumination levels, the location and design of any associated equipment and the intended hours during which the lighting will be used. Prior to occupation, a 'lighting design strategy for biodiversity' for areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and other wildlife (including badger) and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Notwithstanding the provision of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

No external lighting shall be installed other than in accordance with the approved lighting plan and lighting design strategy for biodiversity unless the local planning authority has given written approval to any variation.

33.No development shall take place until the outline proposals and principles agreed in the Flood Risk and Drainage Strategy by Scott Hughes dated August 2021 Rev 5 have been developed further, to provide a detailed surface water drainage scheme that prioritises the use of the most sustainable surface water drainage systems based on the findings of a detailed ground investigation, and this has been submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for implementation; satisfy the flow regimes and run-off rates set out in Policy SD-6 'Adapting to the Impacts of Climate Change' of the adopted Stockport Core Strategy DPD; and include maintenance arrangements to ensure an acceptable standard of operation for the lifetime of the development. The drainage scheme should confirm and incorporate as a minimum:

1. Final outfall arrangements in accordance with the SuDS Hierarchy. This should be supported by site specific data of infiltration potential together with comprehensive assessments of feasibility for alternatives for discharge to a water body, open watercourse, culvert or public surface water sewer.

2. Final SuDS template options with appropriate justification for selected / excluded components for all development areas eg.

- Highways / access roads.

- Development parcels
- Public open space
- Landscaped areas

3. Details of proposed attenuation including volumes and drain down times.

4. Detailed design of the fully integrated drainage system.

5. Details for management of infrastructure including preliminary discussions / agreements in principle with any adopting / controlling bodies.

6. Details of any discussions / agreements with any 3rd party land or asset owners. The approved scheme shall be implemented in full in accordance with any approved timetable(s) for implementation.

34. Foul and surface water shall be drained on separate systems.

35. No development shall take place until details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to the local planning authority for approval in writing. Development shall subsequently be carried out in accordance with the approved details.

36. If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the submitted ecological surveys, the approved ecological measures secured through the below conditions shall be reviewed and, where necessary, amended and updated to ensure all survey data is no more than two survey seasons old. The review shall be informed by further ecological surveys commissioned to:

- i) establish if there have been any changes in the ecological baseline; and
- ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

37. No site clearance, excavation or construction works shall commence until an 'ecology' Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved CEMP. The CEMP shall include:

- a) risk assessment of potentially damaging construction activities
- b) identification of 'biodiversity protection zones'
- c) measures and sensitive working practices to avoid or reduce impacts during construction
- d) location and timing of sensitive works to avoid harm to biodiversity
- e) times during construction when specialist ecologists need to be present on site to oversee works
- f) responsible persons and lines of communication
- g) roles and responsibilities on site of an ecological clerk or works (EcOW) where one is required
- h) use of protective fences, exclusion barriers and warning signs

and shall include details of measures to:

- a) Avoid the impact on nesting birds

- b) Sensitive working measures relating to felling /demolition of trees/buildings with bat roost potential.
 - c) Avoid the killing or injuring of amphibians and reptiles
 - d) Avoid negative impact on sensitive ecological features during construction (such as retained woodland and trees, aquatic habitats etc.) and protect all retained features of biodiversity interest.
 - e) Reasonable Avoidance Measures (RAMS) to be adopted during works to minimise potential impacts to wildlife
 - f) Details of any required pre-works surveys (e.g. for badger to identify any newly created setts no more than three months in advance of works commencing)
- 38.No vegetation clearance works should take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately (no more than 48 hours) before vegetation clearance works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
- 39.No development shall take place until an invasive non-native species protocol has been submitted to and approved by the LPA, detailing the containment, control and removal of Himalayan balsam and Japanese knotweed on site, along with post-works monitoring. The measures shall be carried out strictly in accordance with the approved scheme.
- 40.No development shall take place until a Biodiversity Net Gain Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall follow the principles set out in the Outline Landscape and Ecological Management Plan (OLEMP) by Bowland Ecology dated November 2022. The management plan shall detail how the scheme will deliver a minimum of 12.85% Biodiversity Net Gain in Habitat Units and minimum increase of 5.54 Hedgerow Units and be demonstrated by the DEFRA Metric. The biodiversity net gain management plan shall include
- a) Detailed habitat creation proposals, for each habitat proposed
 - b) Detailed habitat management and enhancement proposals for retained and improved habitats;
 - c) Maintenance measures during the establishment periods;
 - d) Maintenance measures beyond establishment until target condition acquired;
 - e) Management and maintenance beyond target condition up to a minimum of 30 years;
 - f) Monitoring and review procedures with the Local Planning Authority (including regular update monitoring reports to be submitted to the LPA for review to demonstrate delivery of the required BNG (i.e. in years 1, 2, 5, 10, 15, 20, 25, 30)
 - g) Potential contingencies should a proposed habitat and/or target condition be concluded to be unachievable; and
 - h) Details of the organisations responsible and relevant legal/funding mechanisms for implementing, managing and monitoring the works.

The management plan shall also include mitigation and enhancement measures for nesting birds, bats and other wildlife: including bat boxes, bird boxes, wildlife towers and hedgehog gaps in boundary features. Product types, numbers of installations, locations, timetable for installation and details of management of the facilities within the development will be provided to the local planning authority for approval in writing.

The approved biodiversity measures shall be provided and maintained in accordance with the approved details whilst the development is in operation.

- 41.No development shall take place until a method statement and risk assessment (RAMS) for all works to be undertaken within 10m of the operational railway has been submitted to and approved in writing by the local planning authority. All works to be undertaken within 10m of the operational railway shall subsequently be carried out in accordance with the approved details.
- 42.The development shall not be occupied until details of a 1.8m high suitable trespass proof fence and its precise position, to be erected within the application site adjacent to the boundary of the application site with the railway/railway land, have been submitted to and approved in writing by the local planning authority and erected in accordance with the approved details. The fence must be set back at least 1.0m from the railway boundary. The fence shall subsequently be retained at all times.
- 43.Prior to the use of any scaffolding works within 10.0m of the railway boundary, details of such scaffolding works shall be submitted to and approved in writing by the local planning authority. Any such scaffolding works shall subsequently proceed in accordance with the approved details.
- 44.If vibro-compaction machinery/ piling machinery or piling and ground treatment works are to be undertaken as part of the development and within 10m of the operational railway, details of the use of such machinery and a risk assessment and method statement must be submitted to the local planning authority for approval in writing prior to the use of any such machinery or the commencement of such works. Development shall subsequently be carried out in accordance with the approved details, risk assessment and method statement.
- 45.No development shall take place until full details of ground levels, earthworks and excavations to be carried out within 10m of the boundary of the railway land have been submitted to and approved in writing by the local planning authority. Development shall subsequently be carried out in accordance with the approved details.
- 46.A minimum 3.0 metres gap must be retained between any buildings or structures proposed by this development and the railway boundary.
- 47.No trees shall be planted within 10m of the boundary with the railway land and the operational railway without the written approval of the local planning authority.
- 48.The development shall not be occupied until details of appropriate vehicle safety protection measures along the boundary of the application site with the railway have been submitted to and approved in writing by the local planning authority, and erected in accordance with the approved details. The safety protection measures shall subsequently be retained.
- 49.No development shall commence until a Local Employment and Skills plan Agreement for the construction of the development has been submitted to and approved in writing by the Local Planning Authority (LPA). The submitted agreement shall demonstrate how the development will use all reasonable endeavours to recruit unemployed local people to vacancies. The Priority target groups are the long-term unemployed, young people that are Not in Education, Employment or Training, young people that have recently left Local Authority Care,

Military Veterans and also people with Special Educational Needs or Disabilities from within the Boroughs of Stockport. The Employments and Skills Plan will include minimum expected outcomes in seven key benchmarks as stipulated in the Construction Industry Training Board (CITB) National Skills Academy for Construction Guidance. The minimum expected outcomes will be confirmed by the Council once the design and build costs of the development is provided by the developer. The appointed Construction contractor is expected to delivery on outcomes and have regular progress meetings with the nominated Council Officer who will support links with local partners for implementation.