



Appeal Decision

Inquiry held on 26-28 November and 2 December 2024

Site visit made on 28 November 2024

by S Wilkinson BA, BPI, Dip LA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07/01/2025

Appeal Ref: APP/C4235/W/24/3349825

Gatley Golf Club, Styal Road, Gatley, Cheadle, SK8 3TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Hollins Strategic Land LLP against the decision of Stockport Metropolitan Borough Council.
- The application Ref is DC/081468.
- The development proposed is outline planning permission (access only) for up to 278 dwellings, retention of the existing Heald Green Community Theatre building, retention of the existing Clubhouse to facilitate its use as a community hub (sui generis) for flexible uses within Use Class E (a)(b)(e)(g(i)) and Class F2 (a)(b) (The combined retail and shop sales within Use Classes E(a) and F2(a) to be limited to a maximum of 200sqm net floorspace), associated landscaping and open space and all user access from Pymgate Lane, Grasmere Road and Troutbeck Road and non-motorised user access from Styal Grove, Yew Tree Grove and Rose Vale Park.

Decision

1. The appeal is allowed and planning permission is granted for outline planning permission (access only) for up to 278 dwellings, retention of the existing Heald Green Community Theatre building, retention of the existing Clubhouse to facilitate its use as a community hub (sui generis) for flexible uses within Use Class E (a)(b)(e)(g(i)) and Class F2 (a)(b) (The combined retail and shop sales within Use Classes E(a) and F2(a) to be limited to a maximum of 200sqm net floorspace), associated landscaping and open space and all user access from Pymgate Lane, Grasmere Road and Troutbeck Road and non-motorised user access from Styal Grove, Yew Tree Grove and Rose Vale Park at Gatley Golf Club, Cheadle, SK8 3TW in accordance with the terms of the application, Ref DC/081468, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal scheme is in outline with all matters reserved apart from access. The plans on which this decision is based are Site Location Plan 01-001P2 and Proposed site accesses from Pymgate Lane 3105-F13 Rev G, Troutbeck Road 3105-F02 Rev H and from Grasmere Road 3105-FO1 Rev F together with the two parameter plans for land use, Drawing No. 2099-URB-U101, dated 18.07.23 and the undated Building Heights plan. A suggested layout plan submitted with the appeal is treated as illustrative only.
3. The Development Plan comprises the Council's Unitary Development Plan Review 2006 (SUDP) and the Core Strategy Development Plan Document 2011 (CS). Following the withdrawal of the Council from the draft Greater Manchester Strategic Framework in December 2020, it embarked on a new

Local Plan but work was paused following the publication of the draft revised National Planning Policy Framework (the Framework) and the Written Ministerial Statement (WMS) of 30 July 2024.

4. During the consideration of the application the number of dwellings for which planning permission was sought was reduced from 297 to 278. I have included the latter figure in the banner heading above as it accurately reflects the scheme before me.
5. Following the closure of the Inquiry a completed S106 Agreement was received, dated 4 December 2024¹. This is referred to later in this decision.
6. The appeal scheme includes a package of transport measures. Plans of each of these were included in a series of Highway Improvement Plans² submitted with the application and appeal. However during the Inquiry the appellant team admitted an error in that two proposed junction improvements on Gainsford Road with Borrowdale Avenue and Appleby Road were not included despite them being the subject of negotiations and referred to in the officers report to Committee. These improvements include dropped kerbs, revised entry radii and tactile paving at each junction.
7. Given the small scale of each of these they would not require planning permission, and would in the event of this appeal being allowed, be the subject of further consultation under the Highways Act 1980. Accordingly, I have accepted their inclusion as part of the appeal. I am satisfied that no parties have been prejudiced by the inclusion of these plans.
8. I sought the views of the main parties following the publication of the revised Framework on 12 December 2024; this also included revised housing figures for the Borough. Their responses have been taken into account in this decision³. Paragraph numbers referred to in this decision reflect the revised Framework.
9. The Inquiry was supported by Ms Yvonne Parker, a programme officer appointed by the Council. Ms Parker played no part in the decision making process.

Main Issue

10. The effect of the appeal scheme on:

- the provision of open space and recreational facilities.

This will be assessed as part of the overall planning balance.

Reasons

Background

11. The appeal site comprises Gately Golf Course which together with Rose Vale Park to its south comprises 25ha and is designated as Strategic Open Space (SOS) in the SUDP. The whole course comprises 18ha and is traversed on a north-south axis by the Manchester-Styal railway which lies in a deep cutting through the site. This divides the site into western and eastern parcels. Two

¹ AID.1

² CD 2.83 and CD 2.63

³ AID.2 and AID.3

public rights of way (PROWS), 48CG and 51CG follow a west-east axis through the middle of the site from Pymgate Lane/ Yew Tree Grove via a bridge over the railway to Troutbeck Road and Grasmere Road.

12. The golf club was a private members club which has been closed since June 2024 following a decision by the Membership in 2018. Whilst the course fairways are overgrown the outline of the tees and the greens remain.
13. The site is broadly level apart from land along its western edge which includes a brook in a shallow ravine. The site's boundaries include hedgerows and mature trees which screen the surrounding housing. The existing access is from the west via Pymgate Lane which serves a car park for the club house and the Heald Green theatre which lie towards the centre of the site.
14. There is agreement between the parties that the site lies in an area of open space deficiency as defined by the Council's Open Space Assessment⁴ (OSA) for natural and semi natural green space, allotments and provision for children and young people. The OSA recognises that golf courses are considered to be of high value relating to health and social inclusion benefits as well as historical and economic value.

National Policy

15. I am satisfied that the area of Strategic Open Space within which the appeal site is located, falls within the definition of open space included in the Glossary to the Framework in that offers important opportunities for sport and recreation and acts as a visual amenity. The appeal scheme would involve the loss of 6.5ha of this open space to development. Whilst this is currently private open space with no public access, the loss of this land would erode the integrity of the strategic open space within which it lies, resulting in a loss to the amenity value of the wider site.
16. Paragraph 104 of the Framework includes a presumption that open space and land should not be built on unless one of three 'limbs' are met.
17. Firstly, in cases where the space is identified as surplus following an assessment, secondly where the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of both quantity and quality in a suitable location and thirdly if the development is for alternative sports and recreation provision the benefits outweigh the loss of the former or current use.
18. The difference between the parties relates to Paragraph 104b) regarding whether the appeal scheme together with the suggested package of measures represent equivalent or better provision in terms of quantity and quality in a suitable location.
19. Case Law⁵ has determined that equivalent or better provision referred to in Paragraph 104b) is more open than the Council suggest and does not require a like for like replacement both in terms of sporting activities i.e. golf for golf or the amount of land. Paragraph 104c) is not engaged in this appeal as the appeal scheme is not predominantly for alternative sport and recreational provision.

⁴ CD 4.7

⁵ Brommel vs Reading BBC and the SoS for Education

20. Where open space is proposed to be lost it is a planning judgement which determines whether proposals are either equivalent or better provision. This matter will be considered in the planning balance in this decision.

Local Policy

21. The Council's decision letter cites the appeal scheme's conflict with policies UOS1.2 and CS8. Policy UOS1.2 identifies the range of attributes included in the Borough's SOS recognising how they each contribute to urban quality, promote health and well being and improve the quality of life through the provision of visually attractive green spaces close to where people live. Supporting text to the policy identifies that Gatley Golf Course/Rose Vale Park is identified as containing both public and private facilities which make a major contribution to the Green Chain Network. Whilst the policy would allow limited development this is caveated with reference to the retention of these areas for public enjoyment and recreation.
22. Policy CS8 includes a series of broad policies on various aspects of community services. It requires development to be designed and landscaped to a high standard. During the Inquiry attention focused on Paragraph 3.290 within the policy on the protection of SOS. The policy is more nuanced than policy UOS1.2 recognising that to achieve the overarching objective of sustainable communities the provision of market and affordable housing may justify the loss of a limited area of open space although this is only considered for areas which already have higher provision. There are no other conflicts between the appeal scheme with other aspects of this policy.
23. Given the definition of open space included in the glossary to the Framework, I accept that the appeal site offers important opportunities for sport and recreation and is an important visual amenity for both occupants of surrounding properties and foot path users.
24. Whilst the openness of the golf course contributes to the quality of life it is a private members club with public access restricted to the limitations of the PROWs. The suggested fallback position⁶ involving the erection of fencing along the boundary of each PROW within the site demonstrates the limitations on the site as an accessible public space. This fencing could be implemented taking advantage of permitted development rights⁷ which private landowners have.
25. The appeal scheme would result in the loss of around 6.71ha of open space, around 25% of the total area of the SOS with the inclusion of areas of housing for up to 278 dwellings located in the land parcels located on each side of the rail line. This cannot be considered as limited development or a limited area. Whilst the appeal scheme would retain around 10.8ha of public open space and Rose Vale Park would be unaffected by the scheme, the amount of proposed housing development would undermine the role and function of the SOS diminishing its visual qualities and undermining the sense of place derived from its size and location in the heart of a residential area.
26. I conclude that the appeal scheme conflicts with policies UOS1.2 and CS8 resulting from the amount of land lost to development which undermines the permanence and integrity of the SOS. However, the harm arising from this

⁶ Mr Suckley PoE Appx 16 &17

⁷ Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

conflict needs to be contextualised against the existing function of the open space and the totality of the proposals before me. This will be addressed as part of the overall planning balance.

The fallback position

27. The appellant's suggested fall back position in the event that this appeal is dismissed would involve the erection of 2m high fencing along the edges of each of the PROWs which run across the site. The other considerations cited by the GGCAC concerning cycle safety and designing out crime, whilst important would not be binding in this instance. The effect of this proposal would be to place each footpath in a restricted opening through the site, entirely reducing views and leading to a significant loss of visual amenity for footpath users.⁸
28. Case Law has defined that the weight to be accorded to the fall back position relates to whether it would have a realistic prospect of being implemented. Whilst the circumstances of the *Mirrlees* case⁹, can be distinguished from this appeal, given that in that case there was an old fence around the site and there was a record of persistent anti social behaviour (ASB), evidence from an interested party identifies instances of this occurring around the vacant club house and car park. In this case the estimated costs would appear not to be prohibitive and would involve fencing with no other operational development required.
29. There remains a strong possibility of this fall back position being implemented.

Other Matters

30. Interested parties identified several issues which are not fully addressed in the main issue.

Retention of the site as golf course

31. The site is currently vacant with only the theatre in operational use. The Gatley course dates from 1912 and comprised 9 holes although through revised tee positions a golfer could play 18 holes.
32. The Council's evidence¹⁰ identifies that the Borough had 14 golf courses with others such as Disley, located just beyond the borough boundary, contributing to playing opportunities. This is a considerable offer and includes 9 and 18 hole courses with good geographical coverage across the Borough based on the acknowledged industry standard of a 20 minute drive time between courses.
33. Each course is rated as 'good' and the Sport England commentary included in the officers report to Committee identifies that there is a particularly high demand for golf in the Borough with local courses, Styal and Cheadle having waiting lists for new members¹¹.
34. The Council's assessment in 2017 took into account the closure of the Moorend course and recognised that across the Borough participation remained static and had possibly decreased in the three years up to 2017.

⁸ The Town and Country Planning (General Permitted Development) (England) Order 2015

⁹ APP/C4235/W/23/3325351

¹⁰ CD 4.6 and 4.7 - Open Space Assessment and Open Space Standards 2017

¹¹ ID.5 and CD3.5 officers report

35. These findings are broadly consistent with those of the appellant and Sport England¹² that the market was static until the Covid 19 pandemic following which participation rates rose. However, no comprehensive needs assessment of golf provision across the Borough has been completed since 2017.
36. The appellants evidence, however, demonstrates that for several years before the Club's decision to close Membership in 2018 there had been a significant decline in subscription and green fees leading to declining cashflow necessary for additional investment. This is despite the club's status as a Community Amateur Sports Club (CASC) which meant it was exempt from paying VAT on membership and green fees and benefitted from 80% relief on business rates.
37. I accept that if this appeal is dismissed and that a new operator with sufficient capital to purchase the club could be found it is likely that they would have a commercial focus, in contrast to the former club's status as a CASC. However, opportunities for further growth and expansion would be constrained by the surrounding residential development. For example, growth in Membership is likely to require broadening participation across juniors and groups such as girls and women who are under represented in the sport. The existing practice area is limited in area to allow greater participation by these groups.
38. Furthermore, whilst both the Gatley Golf Course Action Group (GGCAG) and an interested party¹³ provide competing views with those of the appellant's evidence¹⁴ on the specific challenges and qualities of the course at Gatley it remains that courses are closing¹⁵ despite the increase in participation post Covid 19.
39. Whilst the GGCAG made the case for the retention of the golf course drawing on a well spring of public support within the surrounding communities it remains that this is not supported by a new operator with a business case and action plan which provides a programme for delivery.
40. The Council has not challenged the appellants evidence on the viability of the club or advanced a case that it intended to compulsory purchase the site for golf. This is despite the officer's report acknowledging that the appeal site would have limited value other than as a golf course.
41. I acknowledge that the site has not been marketed as a golf course but to date no third party has come forward and expressed an interest in the site. Whilst the appellant's evidence does not amount to a robust and update assessment as required by Paragraph 103, the evidence before me identifies that there is no proven demand for a continuation of golf at this site.
42. The GGCAG refer to the Club's Articles of Association which require that the proceeds of sale being directed to the establishment of another club or held in trust. However, this is not a planning matter which falls within the remit of this decision.

Accessibility and highway safety

43. Interested parties identified issues of access and highway safety as their most common concern arising from impact of the scheme.

¹² CD11.3

¹³ ID.6

¹⁴ Mr Smith PoE

¹⁵ Mr Suckley PoE - Appx3

44. The appeal scheme would involve the creation of new vehicular access points from Troutbeck Road and Grasmere Road and the widening and improvement of the existing access point at Motcombe Road/Pymgate Lane. The roads surrounding the appeal site are of a standard carriageway width with on street parking common place, often involving part parking on the pedestrian footway.
45. The Transport Assessment (TA) identifies that the appeal scheme would generate a total of around 13 and 168 additional vehicles trips in the morning and evening peaks respectively from the proposed access points onto Troutbeck Avenue and Grasmere Avenue. To the west the net increase (compared to the use for the golf club) would be 54 and 33 vehicle trips in the morning and evening peaks respectively. I am satisfied that the distribution of the additional traffic generated by the appeal scheme could be adequately accommodated on surrounding roads without prejudicing highway safety. The suggested package of highway mitigation measures would complement this.
46. The TA and technical note¹⁶ identify that key shops and services including rail stations in Heald Green and Gateley and local bus stops are within walking distances of the centre of the site in line with published guidance. To further enhance access, the appeal scheme includes a package of improved cycleways and footpaths designed to protect highway users and to encourage modal choice in accessing shops and services. Whilst an interested party¹⁷ suggests that investment should be directed towards investment in a bus service extension, I accept that the scale of proposed development does not merit this form of investment.
47. I am satisfied that the proposed package of highway and transport related measures would allow modal choice in how local services and facilities could be accessed and are consistent with Paragraph 117 of the Framework. This could reduce car dependency.

The former club house

48. The original club house was a farmhouse which dates from the late nineteenth century. The Council identifies this building as a non designated heritage asset. It comprises two storeys completed in red brick with a slate roof. Its integrity has been completely compromised through the form and scale of the large extension which accommodates the club's function, bar and recreation rooms.
49. The impact of the appeal scheme on this asset are considered under the planning balance in this decision.

Legal Agreement

50. The Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 58 of the Framework set a number of tests for planning obligations: they must be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind to the development. The Council submitted a CIL compliance schedule to demonstrate the relevance of each suggested obligation to its adopted policies and the requirements of the Regulations.

¹⁶ Mr Suckley PoE Appendix

¹⁷ Heald Green Residents Association

51. The Agreement includes a series of obligations in favour of the Council. The public open space within the appeal scheme would be retained in perpetuity and would be transferred to a management company with a dowry of around £2m maintained in line with a Public Open Space Management Plan. Whilst the appellant's evidence refers to the Land Trust as open space manager it is unclear the nature of the proposed arrangement. However, I accept that the suggested arrangements would be consistent with policies CS8, L1,2,,SIE-2 and SIE-3 and the Open Space and Commuted Payments Supplementary Planning Document (SPD).
52. The Agreement requires that 50% of the dwellings provided are affordable with a tenure mix in line with the Council's housing needs assessment. Furthermore, a minimum of 50% of the 3 bed affordable dwellings are required to be Accessible Dwellings. Delivery of affordable housing is linked through a series of trigger points to the delivery of market housing across the scheme. These obligations are consistent with policy H-3.
53. Other obligations in favour of the Council include provision for education for the additional school places, calculated from the anticipated child yield of the scheme. The final amount anticipated to be in excess of £2.1m will however be calculated at Reserved Matters stage and would be paid in line with trigger points linked to the completion of a percentage of dwellings across the site. The calculation of these moneys is based on Council guidance and formulae published by the Department of Education (2023).
54. To address the loss of the golf course a package of obligations for off site mitigation were negotiated in advance of the Council's decision. These are now included in the S106 Agreement and include £950,000 towards the construction of an 11v11 3G artificial grass football pitch. The rationale for this amount of money is based on guidance from the Football Association and reflects the Council's Playing Pitch Strategy (PPS)¹⁸ which identifies that football pitches in William Scholes Park may need investment; this is an important site for the development of football within the Borough.
55. An obligation includes a contribution of £350,000 for the upgrade of existing hockey facilities at Bramhall School. This investment would be direct to repairing fencing, upgrading floodlighting and improvement to the online booking system on what is the only full size hockey pitch in the Borough. These measures are consistent with the PPS.
56. The Agreement also includes provision for the delivery of 2no. tennis courts on the appeal site; this would address an undersupply in the Gatley area which would be exacerbated by increase in population arising from the appeal scheme. These obligations are therefore consistent with policies CS8, L1.2 and the Open Space Provision and Commuted Payments SPD and the Sport England cost guidance for the pitches.
57. The S106 Agreement includes £150,000 to support the Council's work with Golf England to support junior participation across the Borough. I find that this is consistent with Paragraph 58 of the Framework.
58. The Agreement includes a commitment to make contributions to existing play equipment in Rose Vale Park and Scholes Park. Each of these parks lie in close

¹⁸ CD4.21

proximity to the appeal site and accordingly are likely to be used by residents of the proposed scheme. The exact amount of money will be determined on the submission of the applications for reserved matters. These obligations are consistent with policies L1.2 and SIE-2 and the Councils adopted Guidance on Open Space provision and commuted payments.

59. Another obligation includes a contribution of £25,000 towards the provision of cycle parking facilities at Heald Green and Gately rail stations. Finally, an obligation is required as a contribution of £25,000 towards the Council's administrative costs of establishing the Traffic Regulation Order. Each of these are consistent with policies SIE-1, T-1 and CS9.
60. The S106 Agreement includes a monitoring fee of about £7,500 which is based on a standard assessment of staff time. An additional monitoring fee is also required to ensure the delivery of the scheme's biodiversity net gain over a thirty year period.
61. I conclude that the S106 Agreement includes the provision of infrastructure, which is necessary, directly required and fairly and reasonably related in scale to this development. To conclude I am satisfied that each of these obligations fall within the provisions of Regulation 122(2) of the CIL Regulations and Paragraph 58 of the Framework.

Benefits of the appeal scheme

62. The appeal scheme would have several benefits which are outlined below.

The provision of market and affordable housing

63. The Council has continued to under deliver against its housing targets since 2018 despite agreeing action plans designed to address this situation. Whilst this reflects past performance both parties agree that whilst the Council is required to demonstrate a five year supply of housing land supply, it continues to miss this target. The situation has been exacerbated by the publication of the new housing requirements of around 1,815 dwellings per annum¹⁹ and both main parties now conceded that the HLS figure lies in the range of 1.56 - 1.77 years supply. This demonstrates the acute and serious levels of housing need experienced across the Borough.
64. The provision of affordable housing in recent years has not addressed growing need. The most recent Housing Needs Assessment dates from 2019 and identifies that within the local housing market area there is an unmet need of 1,572 households²⁰. These figures are uncontested by the Council. I recognise that underpinning these bare statistics is a growing issue of acute housing need²¹ and that the provision of 139 affordable houses in one of the more expensive areas of the Borough would have a significant social value. These would include a range of tenures designed to address the Council's housing needs.

Economic benefits

65. The appellant has provided an economic analysis of the benefits of the appeal scheme based on the application of a series of broad metrics taken from

¹⁹ 12 December 2024

²⁰ Officers report to Committee

²¹ Officers report to Committee – Housing comments

national studies. This includes the creation of around 148 temporary jobs for each year of the construction period leading to around £58.5 million of gross value added with a further 10 full time equivalent jobs supported onsite on its completion.

66. However, many of the operational economic benefits derived from the spending power of residents of the scheme assume that they would be 'new people' who have been attracted to the Borough by this scheme. Whilst I accept that there would be an increase in expenditure as new residents invest in their new homes, other purported economic benefits derived from an increase in the supply of labour, household spend and Council tax cannot be assumed as derived from new residents as many may have moved from within the Stockport area. The economic benefits are overstated.

Addressing open space deficiencies

67. Within the 10.9ha of public open space included in the appeal scheme there would be 0.34ha of allotments and 2.68ha natural and semi natural greenspace and funded improvements to play provision. The scheme would directly address local deficiencies in these aspect of open space provision in this part of the Borough identified in the OSS.

Biodiversity Net Gain (BNG)

68. The scheme includes a BNG of around 20%. This could be achieved through a more intensive use of the public open space in the new urban park and 'green wedge' and ecological zone included in the scheme. Whilst the scheme involves the loss of trees the wooded boundaries would remain largely intact and there is a commitment to replace trees lost at a ratio of 1:10. These measures would be consistent with the Framework's requirement that a net increase in biodiversity is required.

Planning balance and conclusions

69. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise.
70. Both main parties acknowledge that there is an undersupply of housing land. In these circumstances there is a presumption in favour of sustainable development as defined by the Framework.
71. The fact that policies are deemed as out of date does not mean that they carry no weight. To carry weight policies must be consistent with the Framework, as explained in Paragraph 232, which amongst other things, states that the closer that local policies are to those in the Framework, the greater weight that may be given to them. As such it is perfectly possible for policies which are deemed out of date by reason of an inadequate land supply to still carry significant weight.
72. The reason for refusal identifies a conflict with policies UOS1.2 and CS8. These are the most important policies for determining this appeal and date from a time when the housing requirement was far lower than it currently is. Both the UDP and the CS reflect how competing pressures for land were resolved through the Local Plan process. However, their respective housing

- requirements of 220 dwellings per annum (dpa) and 480dpa do not reflect current housing requirements for the Borough, now assessed at 1,815dpa²².
73. The limitations included in each policy on whether land can be released for development within SOS are inconsistent with Paragraph 104 of the Framework. For this reason, I accord only moderate weight to the conflict between the appeal scheme with these policies.
74. The appeal scheme includes measures which contribute to recreation and sports provision. These include the provision of 10.8ha of publicly accessible open space. Furthermore, this space includes allotments and natural and semi natural grassland which would overcome the open space deficiencies identified in the OSS. The scheme would also enable the provision of public access virtually through the length of the SOS with a proposed public footway from Styal Road through to Rose Vale Park. This would add to the available walking options for footpath users in the local area consistent policy NE1.3 and the protection of the Green Chain Network.
75. Finally, the scheme includes the retention of both the existing club house and the theatre and their use could contribute to indoor recreation at the site. Together these measures would make a significant contribution to the public value of the appeal scheme.
76. Overall the range of measures included in this scheme and those identified as obligations in the S106 Agreement fully address the requirements of Paragraph 104b) of the Framework.
77. Together these obligations and those recreational uses included in the appeal scheme would have a high value related to both health and social inclusion benefits as well as an economical value.
78. The amount and mix of housing would make an important contribution to addressing the chronic undersupply of both market and affordable housing. The provision of affordable housing in this location is particularly significant given local house prices and is consistent with the Government's intention to increase housing numbers in those areas facing the most acute affordability pressures. This is consistent with the Borough Housing Officer's comments included in the officer's report. These measures are accorded substantial weight in the planning balance.
79. The GGCAG in its written representations identifies the decision of the Secretary of State to uphold an Inspectors decision to dismiss an appeal for housing development on a golf course in Salford. However, in that case the loss of open space was balanced against the Council having a significant over supply of housing land. This is an important consideration which contrasts with the situation for this appeal.
80. Furthermore, the scheme would provide a series of economic benefits. Whilst these would be considerable given that no evidence is before me on the state of the local economy I accord these benefits only moderate benefit.
81. The scheme includes a BNG of around 20%. This is consistent with Paragraph 187d) of the Framework. I accord moderate weight to this part of the appeal scheme.

²² Revised Housing Requirement from 12 December 2024

82. Paragraph 216 of the Framework requires that a balanced judgement is required having regard to the scale of any harm arising to an undesignated heritage asset. I find that as the appeal scheme would not impact on the fabric of the club house which has limited significance and given the scale of planning benefits arising from the scheme any harms arising would be negligible.
83. I find that the 'fallback' position would have a realistic possibility of being implemented given that the works benefit from permitted development and would be limited in scale and cost. This would lead to the loss of a publicly accessible space with the existing footpaths retained but from where views across the site would not be possible. If this was to go ahead it would prevent the delivery of the broad range of planning benefits arising from this scheme. For this reason, I accord this matter significant weight.
84. I accord moderate weight to the conflict between the appeal scheme and policies UOS1.2 and CS8. When this is weighed against the extent of planning benefits with special regard to the context of the WMS in July and revised Framework these are sufficient to overcome the policies of the Development Plan when considered as a whole.
85. Paragraph 11d)ii of the Framework requires that where the Council is unable to demonstrate the required housing land supply, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework when taken as a whole.
86. I conclude that in this instance the adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. As such the proposed development benefits from the Framework's presumption in favour of sustainable development
87. In this case therefore, material considerations, including the Framework outweigh the conflict with the development plan as a whole and indicate that planning permission should be granted for development that is not in accordance with it.
88. I therefore conclude that the appeal is allowed and outline planning permission is granted subject to conditions and the completed S106 Agreement.

Conditions

89. I have considered the suggested conditions following the discussion at the Inquiry and the advice in both the Framework and the Government's Planning Practice Guidance. The conditions and wording set out in the schedule below reflect that discussion although I have amended a number to make them more concise, precise and enforceable.
90. I have included the standard conditions regarding the 'life' of the permission, the timeline for receipt of the outstanding reserved matters and the plans on which this decision is based to the extent to which they refer to access, highway matters and the parameters of development for reasons of certainty.
91. In order to ensure that the development would not give rise to environmental or other impacts any greater than those already assessed and other evidence, the submission of reserved matters is required to be consistent with those parameters/quantum of development submitted with the appeal scheme. I

have deleted the suggested 'Good Design' condition and linked this directly to the applications for Reserved Matters.

92. The first RM application shall include a Crime Impact Assessment to design out opportunities for crime. This would ensure consistency of approach for each subsequent approval of the applications for Reserved Matters.
93. Given the undulations across the site and the amount of development proposed a condition is imposed to account for the levels of the proposed development platforms. As a precautionary measure I have also imposed a series of planning conditions regarding surveys for contamination and remediation with particular regard to the presence of landfill gas and the harm which could arise through its migration to protect the living conditions of future occupiers of the site.
94. I have imposed conditions to protect the character and appearance of the area. These include measures for the protection of trees during the construction period and adherence to the Arboricultural Impact and Method Statements submitted with the application.
95. To protect the living conditions of surrounding occupiers and future occupiers within the proposed scheme I have imposed conditions in respect of boundary treatment. A condition requiring the submission of both an 'Environmental' Construction Environmental Management Plan is required to protect the living conditions of surrounding occupiers of residential development.
96. To protect the living conditions of future occupiers of the site I have imposed conditions in respect of the external materials to be used in the construction. I have imposed a planning condition designed to mitigate for the impacts of noise from the rail line through the site on the living conditions of future occupiers of the scheme.
97. Given the site's location close to flight paths and Manchester Airport I have imposed conditions covering exterior lighting and the provision of both solar thermal and photovoltaic equipment and a range of other matters including a bird hazard management plan and lighting and light spill. The conditions regarding lighting are consistent with the Council's policies which require the protection of local wildlife and habitats.
98. Given the location of the appeal site in the middle of an established residential area I have imposed a series of conditions required to protect the highway safety of those residential occupiers who surround the site and future occupiers of the scheme. These relate to the proposed method statement for the proposed works, the construction programme and pre condition surveys of the proposed access points.
99. Other conditions required to protect the living conditions of future occupiers include detailed drawings of each proposed access into the site, the internal road layout of the appeal scheme, the infrastructure consistent with the approved suite of highway and access plans, driveways and car parking for each dwelling and charging points.
100. Other conditions require details of covered cycle parking for each dwelling and cycle parking for the community hub. Consistent with these measures no part of the development should be occupied before a travel plan shall be submitted and approved. This will secure the implementation of the range of highway

improvements included in the appeal scheme which can enable access by modal choice.

101. Other highway related conditions require detailed drawings of the access arrangements for each plot and details of a non-motorised user link across the rail bridge. This shall include details of drainage, lighting and signage.
102. In order to ensure that the scheme can deliver energy and resource efficiencies to deliver on broader sustainability goals included in the Framework I have imposed a planning condition restricting permitted development rights in respect of energy.
103. Given the proposed area of built development I have imposed a planning condition in respect of a requirement for a detailed surface water scheme and that both surface water and foul water drainage should be directed away from the rail line and that the scheme include full details of a sustainable drainage scheme.
104. I have imposed other conditions in respect of reviews of the existing ecological assessments and their updating in advance of works commencing in order to ensure that the baseline for the assessment is the most up to date there can be in advance of works commencing. This will inform a Biodiversity Net Gain Management Plan requiring a minimum of 20% BNG across the site. Consistent with this condition I have imposed an additional condition requiring a Construction Environmental Management Plan with a further condition restricting vegetation clearance to protect nesting habitat. Consistent with maintaining the ecological values of the site I have imposed a condition requiring the submission of a non native species protocol.
105. I have imposed a series of other conditions in respect of safety considerations given the rail line through the site. These include the submission of details requiring a method statement for all works proposed for within 10metres of the operational rail line including scaffolding, the planting of trees, the erection of a trespass proof fence, vehicle safety measures, the use of vibro impaction plant and machinery and restrictions on the actual location of how close development can be located in relation to the boundary of the rail line.
106. Conditions restricting the proposed commercial space and the numbers of dwellings is included for reasons of certainty to be consistent with the terms of the application.
107. Given that the implementation of the appeal scheme would have particular employment benefits I have imposed a planning condition requiring the submission of a Local Employment and Skills Plan Agreement to ensure that opportunities are given to local people.
108. Consistent with a greenfield site I have imposed a planning condition requiring the submission of a Written Scheme of Investigation designed to secure a programme of archaeological works.
109. Although there are a number of pre commencement conditions I am satisfied that these are required to enable effective control over the essential components of this scheme. I am satisfied that the planning conditions are consistent with Paragraph 57 of the Framework.

S Wilkinson

INSPECTOR

Richborough

SCHEDULE OF CONDITIONS

APPROVED PLANS

1.

The development hereby permitted, in so far as it relates to access, shall be carried out in accordance with the following approved plans/drawings unless otherwise required by another condition:

- Location Plan Drawing No. 01-001 P2;
- Proposed Site Access (Pymgate Lane)- Drawing No. 3105-F13 Rev G;
- Proposed Site Access (Troutbeck Road)- Drawing No. 3105-F02 Rev H;
- Proposed Site Access (Grasmere Road)- Drawing No. 3105-F01 Rev F.
- Highway Improvement Overview Plan - Drawing Number 3105-F19 Rev F;
- Proposed Highway Improvement Plan - Drawing Number 3105-F20 Rev A;
- Proposed Highway Improvement Plan - Drawing Number 3105-F21 Rev F;
- Proposed Highway Improvement Plan - Drawing Number 3105-F22 Rev C.
- Parameter Plan - Land Use DrawingNo.2099-URB-UD-010, dated 18.07.2023;
- Parameter Plan - Buildings Heights (Undated);

TIME PERIOD

2.

Applications 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.

RESERVED MATTERS

3.

Approval of the (1) layout (2) scale (3) appearance and (4) landscaping of the site ('the Reserved Matters') shall be obtained from the local planning authority before any development is commenced.

These applications shall accord with the following plans:

- Parameter Plan - Land Use DrawingNo.2099-URB-UD-010, dated 18.07.2023;
- Parameter Plan - Buildings Heights (Undated);
- Internal Road Layout & Access Arrangement Plan Drawing No.3105-01 Rev I.

Development shall be carried out in accordance with the Masterplan Layout approved by the local planning authority as part of that application.

All reserved matters applications shall accord with the design principles set out in the Gatley Golf Club Design Code dated November 2023 by HSL, The Urbanists, Eddisons, Broadway Malyan and Tyler Grange.

The submission of the first application for Reserved Matters should be accompanied by a Crime Impact Statement.

SITE LEVELS

4.

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.

ENCLOSURES

5.

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.

MATERIALS

6.

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.

TREES

7.

No 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.

8.

No existing tree (save for those identified for removal within the approved Arboricultural Impact Assessment and Method Statement by Tyler Grange reference 13428_R03i_JJ_HM dated 31st August 2021) 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 hedgerows, woody plants or shrubbery 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.

ENVIRONMENTAL PROTECTION

9.

Any future reserved matters applications for layout pursuant to this Outline planning permission shall include an Energy Statement to demonstrate how the development will contribute to delivery of the opportunities identified, and in-line with the targets within Core Strategy policy SD-3 - 'Delivering the Energy Opportunities Plans - New Development'. 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.

10.

In accordance with the note at Section 6.1.7 of the submitted acoustic report (Noise and Vibration Impact Assessment reference 20.136.2.R1 by Professional Consult dated 14th May 2021), 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.

11.

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

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. The demolition / construction phase shall be implemented in

accordance with the approved scheme, with the approved smoke suppression measures being maintained in a fully functional condition for the duration of the demolition / construction phase.

4. 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.

12.

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.

13.

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.

14.

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.

15.

No part of the development 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.

AIRPORT SAFEGUARDING

16.

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.

17.

Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no solar thermal or solar photovoltaic equipment shall be installed until a detailed scheme to include the specification, number and siting of the equipment and an aviation perspective Glint and Glare Assessment has been submitted to and approved in writing by the Local Planning Authority. The solar thermal or solar photovoltaic equipment shall be installed in accordance with the approved details and maintained as such thereafter.

18.

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. No site clearance, excavation or construction works shall take place until a detailed Bird Hazard Management Plan has been submitted in relation to:

1. the demolition and construction phases
2. the landscaping scheme, including planting period and maintenance of planting
3. the completed site and in perpetuity .

The approved detailed Bird Hazard Management Plan shall be implemented and maintained as approved for the lifetime of the development.

19.

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.

DRAINAGE

20.

No development shall take place until 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.
 7. Details confirming that foul and surface water shall be drained on separate systems.
- The approved scheme shall be implemented in full in accordance with any approved timetable(s) for implementation.

21.

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.

22.

No element of the development shall be occupied until a sustainable drainage management and maintenance plan for the lifetime of the relevant part of the development has been submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

ECOLOGY

23.

Prior to the commencement of development, the submitted ecological assessment shall be reviewed and updated to ensure all survey data is no more than two survey seasons old. The review shall be informed by further ecological surveys in line with best practice survey guidelines, 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.

24.

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 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).

25.

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.

26.

No development shall take place until an invasive non-native species protocol has been submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of New Zealand pygmy weed and Japanese knotweed on site, along with post-works monitoring. The measures shall be carried out strictly in accordance with the approved scheme.

27.

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. The management plan shall detail how the scheme will deliver a minimum of 20% Biodiversity Net Gain. 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;
- d. Management and maintenance beyond target condition up to a minimum of 30 years;
- e. 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))
- f. Potential contingencies should a proposed habitat and/or target condition be concluded to be unachievable; and
- g. 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.

RETAIL

28.

The Class E use hereby approved shall not exceed 200sqm net floorspace.

NETWORK RAIL SAFEGUARDING

29.

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.

30.

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.

31.

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.

32.

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.

33.

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.

34.

A minimum 3.0 metres gap must be retained between any buildings or structures proposed by this development and the boundary of the railway land.

35.

No trees shall be planted within 10m of the boundary with the railway land and the operational railway, except for evergreen shrubs which shall be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height.

36.

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.

LOCAL SKILLS

37.

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 endeavors 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 deliver on outcomes and have regular progress meetings with the nominated Council Officer who will support links with local partners for implementation.

ARCHAEOLOGY

38.

No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by the local planning authority. The WSI shall cover the following:

1. Informed by the updated North West Regional Research Framework, a phased programme and methodology of investigation and recording to include:

- i – survey and recording of areas of ridge and furrow
- ii – a geophysical survey of the site with particular focus in areas to be affected by development
- iii – informed by the above, archaeological evaluation trenching
- iv - informed by the above, more detailed targeted excavation (subject of a new WSI).

2. A programme for post investigation assessment to include:

- i - analysis of the site investigations records and finds
- ii - production of a final report on the investigation results.

3. Deposition of the final report with the Greater Manchester Historic Environment Record.

4. Dissemination of the results commensurate with their significance.

5. Provision for archive deposition of the report and records of the site investigation.

6. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason: To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible, in accordance with Paragraph 211 of the National Planning Policy Framework and Policy SIE-3 'Protecting, Safeguarding and Enhancing the Environment' of the adopted Stockport Core Strategy DPD.

HIGHWAYS

39.

No demolition, site clearance, earthworks or construction works shall commence on any part of the site until a method statement or separate statements dealing with how the works will take place has been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details which shall include but not be limited to, the following information:

- details of the demolition, site clearance, earth/groundwork and construction stages of the works and the likely number and type of vehicle movements involved;
- details of the routing of earth and material carrying vehicles to and from the site and access and egress arrangements within the site including details of signage, monitoring and enforcement;
- delivery and collection times for vehicles associated with demolition, site clearance, earthworks and construction works;
- details of provisions for any recycling of materials;
- the provision on site of a delivery area for all vehicles;
- the provision on site of all plant, huts and welfare facilities;
- details showing how all vehicles associated with all phases of the works are to be properly washed and cleaned to prevent the passage to mud and dirt onto the highway;
- details of the contractors compound and car parking arrangements;
- screening and hoarding details;
- details of a community liaison contact for the duration of all works including a complaints procedures and complaint response procedures;
- details of contractors membership of the Considerate Contractors Scheme and
- the provision of an emergency contact number.

The methodology for undertaking demolition, site clearance, earthworks and construction works needs to be approved in advance of any works taking place.

40.

No development (including demolition and site preparation) shall take place until pre-condition highway surveys of the Pymgate Lane / Motcombe Grove junction, Pymgate Lane fronting the site, Troutbeck Road fronting the site and Grasmere Road fronting the site have been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be occupied or brought into use until repairs, reconstruction or resurfacing of the areas of the footway and carriageway which have been affected by the development of the site, have been undertaken in accordance with a scheme which has previously been identified and agreed with the Local Planning Authority by means of a second survey to be carried out following completion of the development.

The first condition surveys must be undertaken prior to the commencement of any works on site.

41.

No development shall take place until details and drawings of all highways, footways, footpaths, cycleways, cycle tracks, bridges and retaining structures within the approved development, as indicated in principle on Eddisons drawing 3105-F26 RevD, have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- (i) A general arrangement / layout, based on a topographical survey and to a scale not less than 1:500, showing all carriageways, footways, footpaths, cycleways, cycle tracks, verges and visibility splays;
- (ii) A general site layout, showing the proposed buildings and boundaries, together with existing and proposed levels;
- (iii) Longitudinal sections along the centre line and channel lines of each proposed road, footpath and cycle path, showing the existing ground level and proposed road / path level;
- (iv) Typical highway cross-sections, showing a specification for each type of carriageway, footway, footpath, cycleway, cycle track and verge;
- (v) Full details of the surface water drainage proposals (including details of the main drainage system and any sustainable urban drainage or attenuation systems);
- (vi) Details of all proposed street lighting, signage, markings, structures, street furniture, street trees and access control measures and
- (vii) Full design including plans, sections and specifications of all bridges and highway retaining structures.

No part of the development shall be occupied (unless otherwise agreed in writing by the Local Planning Authority) until the highways, footways, footpaths, cycle ways, cycle paths and bridleways have been constructed in accordance with the approved drawings and are available for use. Any visibility splays formed shall thereafter be kept clear of any structure, object, plant or tree exceeding the height specified on the approved drawings.

The details relating to the design of the access road and bridges which include the exact layout, levels and drainage, need to be agreed prior to commencement of development to avoid conflicts between levels of buildings, the highway and other features, abortive work or amendments to the scheme that may not be technically possible.

42.

No work shall commence on the site access on Pymgate Lane to serve the site and associated improvement works as indicated in principle on Eddisons drawing 3105-F13 Rev G until detailed drawings of the works have been submitted to and approved in writing by the Local Planning Authority. The submission shall include:

- (i) A general arrangement / layout, based on a topographical survey and to a scale not less than 1:500, showing the existing and proposed roads, all pedestrian and cycle facilities, verge areas, traffic calming facilities, visibility splays and existing and proposed levels;
- (ii) Typical highway cross-sections showing a specification for each type of carriageway, footway, grass verge and traffic calming feature;
- (iii) Full details of the surface water drainage proposals and
- (iv) Details of all proposed street lighting, signage, markings, structures and street furniture.

Unless otherwise agreed in writing, no part of the development to the west of the railway line shall be occupied or brought into use until the junction and improvement work have been constructed in accordance with the approved drawings and are available for use. Any visibility splays formed shall thereafter be kept clear of any structure, object, plant or tree exceeding the height specified on the approved drawings.

43.

No work shall commence on the junctions to be provided on Troutbeck Road and Grasmere Road to serve the site as indicated in principle on Eddisons drawings 3105-F01 RevF and 3105-F02 RevH until detailed drawings of the junctions have been submitted to and approved in writing by the Local Planning Authority. The submissions shall include:

- (i) A general arrangement / layout, based on a topographical survey and to a scale not less than 1:500, showing the existing and proposed roads, all pedestrian and cycle facilities, visibility splays and existing and proposed levels;
- (ii) Typical highway cross-sections showing a specification for each type of carriageway and footway;
- (iii) Full details of the surface water drainage proposals and
- (iv) Details of all proposed street lighting, signage, markings, structures and street furniture.

Unless otherwise agreed in writing, no part of the development to the east of the railway line shall be occupied or brought into use until the junctions have been constructed in accordance with the approved drawings and are available for use. Any visibility splays formed shall thereafter be kept clear of any structure, object, plant or tree exceeding the height specified on the approved drawings.

44.

No work shall commence on improvements to the junction of Yew Tree Grove and Styal Road as indicated in principle on Eddisons drawing 3105-F25 RevB until detailed drawings have been submitted to and approved in writing by the Local Planning Authority. The submission shall include:

- (i) A general arrangement / layout, based on a topographical survey and to a scale not less than 1:500, showing the existing and proposed carriageways and footways, visibility splays and existing and proposed levels;
- (ii) Typical highway cross-sections showing a specification for each type of carriageway and footway;
- (iii) Full details of the surface water drainage proposals and
- (iv) Details of all proposed street lighting, signage, markings, structures and street furniture.

No part of the development to the west of the railway line shall be occupied or brought into use until the junction and improvement work have been constructed in accordance with the approved drawings and the visibility splays formed shall thereafter be kept clear of any structure, object, plant or tree exceeding the height specified on the approved drawings.

45.

No part of the development shall be occupied or brought into use until improvement works to the local highway network and land within the vicinity of and surrounding the site have been provided in accordance with detailed drawings that have previously been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include:

- Widening to 3.5m, resurfacing and lighting of the non-motorised route from the westerly end of Foxland Rd, under the railway bridge and Hawthorn Road;
- Resurfacing and lighting improvements to Birch Road between Hawthorn Road and Church Road, to facilitate a defined 3.5m wide shared pedestrian cycle link;
- Kerblines alterations and footway widening at the Gatley Road controlled pedestrian crossing adjacent to the Rail Station entrance;

- Entry radii tightening, dropped kerbs and tactile paving provision at the junctions of Troutbeck Road/Keswick Avenue, Gainford Avenue/Borrowdale Avenue, Gainford Avenue/Appleby Road, Grasmere Road/Wasdale Drive, Wasdale Drive/Buttermere Road, Grasmere Rd/St Ann's Road, Lytham Road/Brown Lane, Brandon Ave/Brown Lane, Brown Lane/St Ann's Road North and Peakdale Avenue/Neal Avenue;
- Expansion of and implementation of 20mph zone, additional signage and roundels provided throughout the estates on the easterly and southerly sides of the development;
- Widen to 3.5m, resurfacing, lighting and signage of the path between Buttermere Road and Silverdale Road, to facilitate shared footpath/cyclepath;
- Widen to 3.5m the footway on the west side of Silverdale Road to 3.5m to connect between the path (referenced above) and the path link opposite, with uncontrolled crossing point provided;
- Clear, widen to 3.5m resurfacing, lighting and signage of NCN cycle route 558 between Silverdale Road and the A34 MRN;
- Resurfacing and lighting of the link between Pymgate Lane and Styal Rd;
- Provide an uncontrolled crossing with tactile paving at the Brown Lane/Styal Road junction;
- Provide a controlled crossing on Styal Road on NCN Route 558, to the south of the Brown Lane/Styal Rd junction;
- Introduce a 20mph speed limit (legal order, signage, roundels) for the entire estate that is accessed from Elmsleigh Road and Yew Tree Grove;
- Construct a 3.5m wide shared path, flexipave surfacing and lighting, from the site and through Rose Vale Park to Brandon Avenue;
- Rose Vale, improve 20mph signage and roundels;
- Upgrade and provide 20mph signage and roundels on Peakdale Avenue;
- Resurfacing, improved signage and lighting provision to the footpath between Brown Lane and Eastleigh Road;
- Construct and lighting of a 3.5m wide shared pedestrian cycle link between St Ann's Road North and Gleneagles Road and provision of an uncontrolled crossing of St Ann's Road North;
- Construct a 3.5m shared footpath cycleway between the site entrance off Pymgate Lane, over the rail line bridge within the site and connection with Troutbeck Road and Grasmere Road;
- Construct a 3.5m shared footpath cycleway on the east side of the rail line, from the rail bridge to and through Rose Vale Park and
- Upgrading and resurfacing of all existing public right of ways crossing the site. as indicated in part and in principle on Eddisons drawings 3105-F20 Rev A, 3105-F21 Rev F and 3105-F22 Rev C and shall incorporate full engineering drawings, construction specifications, cross sections for each type of carriageway, footway, non-motorised user facility, surface water drainage proposals and details of all lighting, signage, markings, structures and street furniture.

46.

No work shall take place in respect to the construction of any access within the approved development until a detailed drawing of the access arrangements for each plot within the site which shall include the provision of kerb and footway crossings and the provision and protection of 1m by 1m pedestrian visibility splays and 2m by 25m (minimum) vehicular visibility splays at either side of the accesses, has been submitted to and approved in writing by the Local Planning Authority. No residential unit within the approved development shall be occupied until its access has been constructed in accordance with the approved details and it is available for

use. No structure, object, plant or tree exceeding 600mm in height shall subsequently be erected or allowed to grow within the pedestrian visibility splays and no structure, object, plant or tree exceeding 1000mm in height shall subsequently be erected or allowed to grow within the vehicular visibility splays.

47.

No part of the development shall be occupied or brought into use until a scheme to construct a non-motorised user link across the rail bridge within the site, including details of drainage, lighting, signage, markings, access controls and any necessary works to the structure of the bridge have been submitted to and approved in writing by the Local Planning Authority and the scheme has been constructed in accordance with the approved details and drawings and it is available for use. The link shall thereafter be retained as constructed and remain available for use.

48.

No work shall take place to the construction of the approved driveways until details of the construction, drainage and surfacing of each of the approved driveways have been submitted to and approved in writing by the Local Planning Authority. No residential unit shall be occupied until its driveway has been constructed in accordance with the approved details and drawings and the driveways shall then be retained and remain available for use for parking at all times thereafter.

49.

No work shall take place to the construction of the car parking facilities to be provided for the approved development until detailed drawings of each of the car parking facilities have been submitted to and approved in writing by the Local Planning Authority. The details shall include how the car parking facilities will be surfaced, drained, marked out, signed and illuminated. No part of the development shall be occupied or brought into use until its car parking facility has been provided in accordance with the approved details and drawings and is available for use. The car parking facilities shall thereafter be retained and shall remain available for use.

50.

Charging points for the charging of electric vehicles shall be provided for each of the approved residential units, in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. No residential unit shall be occupied until it has a charging point that has been provided in accordance with the approved details and is 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).

51.

No residential unit shall be occupied until it has a covered and secure cycle parking facility that has been provided in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The facilities shall then be retained and remain available for use at all times thereafter.

52.

No part of the community hub shall be occupied or brought into use until it has covered and secure cycle parking for a minimum of 6 cycles that has been provided in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The facility shall then be retained and remain available for use at all times thereafter.

53.

No part of the development shall be occupied or brought into use until a travel plan for the development has been submitted to and approved in writing by the Local Planning Authority and it has been brought into operation. The approved travel plan shall be operated at all times that the development is occupied and in use and shall be reviewed and updated on an annual basis in accordance with details that shall be outlined in the approved plan. 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, 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.

End of Schedule

Inquiry documents

ID.1	Appellants Openings
ID.2	Council Openings
ID.3	Appeal Decision APP/D0650/W/21/3285817
ID.4	Statement of Mr Tasker on behalf of the Heald Green RA
ID.5	Statement of Ms Lindsay on behalf of the GGAGC
ID.6	Statement of Mr Cheetham
ID.7	Statement of Ms Hall
ID.8	Completed CIL compliance Statement
ID.9	Summary Note S106 Addleshaw Goddard 27 November 2024
ID.10	Draft S106 Agreement
ID.11	Revised Planning Conditions
ID.12	Comprehensive map of highway improvements and access to shops and services
ID.13	Email on Highway Improvements along Gainsford Ave
ID.14	Council Closings
ID.15	Appellants Closings

Documents submitted after the closing of the Inquiry

AID.1	Completed S106 Agreement dated 4 December 2024
AID.2	PINS email to the main parties regarding the revised NPPF 2024, dated 12.12.2024
AID.3	Appellants response dated 19.12.2024
AID.4	Council's response dated 20.12.2024

APPEARANCES

FOR THE APPELLANT:

Mr Katkowski KC, called	
Mr J Suckley MTCP FRTPI	Managing Partner Asteer Planning
Ms E Williams	Partner Solicitor, Addleshaw Goddard

FOR THE LOCAL PLANNING AUTHORITY:

Mr Hunter of Counsel, called	
Mr R Wood BA(Hons) MA MRTPI	Planning Policy Manager
Mr C Griffiths BA(Hons) MPlan	Planning Manager Capita PLC
Mr M Orrell	Solicitor
Ms S Broomhead	Planning Manager

INTERESTED PARTIES:

Ms A McCulley	The Friends of Rose Vale Park
Mr J Tasker	Heald Green Ratepayers Association
Ms Lindsay	Gateley Golf Club Active Group
Mr Cheetham	Gateley Golf Club
Ms Hall	Heald Green Theatre Group
Ms Chania (site visit)	Resident