

Application No: 17/6072M

Location: Ollerton Nursery, CHELFORD ROAD, OLLERTON, CHESHIRE, WA16 8RJ

Proposal: Redevelopment of former garden centre to 16no. Dwellings, public open spaces including associated landscape works together with conversion of existing building to office use

Applicant: Brighthouse, Brighthouse Homes (Mobberley) Ltd

Expiry Date: 11-May-2018

### Summary

The proposal is for the redevelopment of previously developed land within the Green Belt. The existing site, Ollerton Nursery, has a lawful development certificate for use as a garden centre (A1 use class).

Following the refusal of 16/3647m, the scheme has been revised to accommodate 16 2-storey dwellings on the site, of a contemporary design set along 2 separate cul-de-sacs which extend from the single site entrance. The dwellings would be of a design more substantial in construction than the existing light-framed buildings the scheme seeks to replace, and would be of a marginally taller roof height. 3 of the 16 dwellings (sited to the northern corner of the site) would also be sited on land which is not presently occupied by any structures. This is contrary to the definition of openness which is *the absence of built development*.

This proposal does constitute inappropriate development by virtue of the replacement buildings having a significantly greater impact on the openness of the Green Belt than the existing development. The proposal would therefore be contrary to policies PG3 (Cheshire East Local Plan Strategy), GC1 (Macclesfield Borough Local Plan) and the guidance contained within the National Planning Policy Framework.

### Summary Recommendation

Refuse

## DESCRIPTION OF SITE AND CONTEXT

The application site is Ollerton Nursery which is located off Chelford Road. The site has a number of buildings on it, the majority of which are glasshouses and polytunnels, the site covers an area of 1.4ha in total there are a total of 10 buildings on site, the majority of the site

is covered by hardstanding, with the front of the site being laid to grass and a number of individual trees and groups of trees exist on site. Ollerton Nursery has clearly operated from the site for many years, and part of the site is in a poor condition of upkeep towards the rear of the site.

There is a formal driveway access to the site with off road customer parking.

## **DETAILS OF PROPOSAL**

The application proposes the redevelopment of Ollerton Nursery, the nursery was granted a certificate of lawfulness for retail use of the buildings and land in June 2016. Therefore the site is considered lawfully to be previously developed land. The proposed redevelopment would involve the demolition and clearance of all buildings on site save for the traditional redundant farm building to the front of the site and their replacement with 16 dwellings. The scheme has been amended following the initial submission, which has increased the number of dwellings by 1 following comments with regard to affordable housing to provide two apartments. As one building has been subdivided to form two units.

Following the refusal of a previous scheme at the site which proposed a converted barn style concept and gated community. The application has been completely redesigned in terms of the form of the proposed buildings, the amount on the site which has been reduced from 26 to 16 and the positioning of the buildings on the site.

The proposal features 16 units encircling a green which contains the TPO trees which have a high amenity value within the site. The site is opened up through the centre with built development moved to the site's edges. The built development is rearranged across the site, however the built up centre of the site will be cleared of development. The proposed dwellings are of contemporary design using a mixture of traditional and modern materials. The dwellings are low in height with large glazed elements, to reflect the existing development on site and to be sympathetic to the Green Belt setting.

The mix of units comprises of 6 affordable units (4 social rented 1 and 2 bed units and 2 intermediate 3 bed units) which is 30% on site provision and 11 market units comprising of 6 x 3 bed units and 5 x 4 bed units.

There are a total of 6 housetypes across the site.

The proposal also includes the conversion of the existing barn building located to the front of the site for office use which is currently disused.

Three areas of public open space are proposed, two to the front of the site and the main green in the centre of the site.

## **Planning History**

06982P - Garden centre and associated car parking - Refused - 08-01-1990

56711P - Garden centre and associated parking - Withdrawn 20-03-1989

72668P - Glasshouse and polytunnel (determination) - Approved 11-01-1993

77020P - Glasshouse and polytunnel - Approved - 03-03-1994

96/0448P - Glasshouse and polytunnel - Approved - 13-05-1996

98/1285P - Formation of new delivery access off Seven Sisters Lane - Refused - 12-08-1998

98/1287P - New glasshouse - Approved - 01-09-1998

03/0291P - Erection of two-storey detached dwellinghouse for agricultural worker with double garage and granny annexe and construction of two polytunnels - Approved - 19-04-2004

13/3560M - Lawful Development Certificate For Existing Use As A Single Dwellinghouse – Approved - 05-Nov-2013

16/1775M – Lawful Development Certificate for existing use of the land as a Garden Centre (A1 use class) – Approved - 27-Jun-2016

16/3647M - Development of former garden centre to 26no. dwellings, community shop, public open spaces including associated landscape works – Refused - 05-May-2017

## **POLICIES**

Para 215 of The Framework indicates that relevant policies in existing plans will be given weight according to their degree of consistency with The Framework.

## **NATIONAL & LOCAL POLICY**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

Macclesfield Borough Local Plan Policy:

Policy DC3: Amenity

Policy DC6: Circulation and Access

Policy DC8: Landscaping

Policy DC9: Tree Protection

Policy DC35: Materials and Finishes

Policy DC36: Road Layouts and Circulation

Policy DC37: Landscaping

Policy DC38: Space Light and Privacy

Policy DC40: Children's Play Provision and Amenity Space

Policy DC63: Contaminated Land

Policy NE11: Protection and enhancement of nature conservation interests

Policy NE14: Natural habitats

Policy NE17: Nature Conservation in Major Developments

Policy NE18: Accessible areas of nature conservation from residential properties

Policy H9: Occupation of Affordable Housing

Policy RT1: Recreational land and open space  
Policy RT2: Open spaces/amenity areas in residential areas  
Policy RT5: Standards for open space provision  
Policy GC1: Green Belt – New Buildings  
Policy GC8: Reuse of Rural Buildings – Employment and Tourism

#### Cheshire East Local Plan Strategy – Adopted July 2017

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG3 Green Belts  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
EG1 Economic Prosperity  
EG3 Existing and allocated employment sites  
SC1 Leisure and Recreation  
SC3 Health and Well-being  
SC4 Residential Mix  
SC5 Affordable Homes  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport  
CO4 Travel plans and transport assessments

Ollerton with Marthall Neighbourhood Plan – Regulation 7 – Area designated only no plan, no weight can be attached.

#### The National Planning Policy Framework

14. Presumption in favour of sustainable development  
49. Housing supply policies  
50 and 54. Wide choice of quality homes  
56-68. Requiring good design  
Part 9 Green Belts  
109. Conserving and enhancing the natural environment  
186-187. Decision taking  
196-197 Determining applications  
203-206 Planning conditions and obligations

## Supporting Information

Planning design and access statement  
Landscape and Visual Impact Assessment  
Design justification  
CE design guide checklist  
Arboricultural Impact Assessment  
Arboricultural Method Statement  
Daytime bat and barn owl survey  
Extended Phase 1 Habitat Survey  
Transport Statement  
Site Analysis  
Below Ground Drainage plan  
Flood Risk Assessment  
Revised Acoustic Report  
Phase 1 Contaminated Land report

## CONSULTATIONS (External to Planning)

<b>Ollerton</b>	<b>with</b>	<b>Marthall</b>	<b>Parish</b>	<b>Council</b>	<b>–</b>	<b>Objection</b>
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Object to the proposal on the following grounds:

- Drainage issues
- Premature to the neighbourhood plan
- Harm to the character of the area
- Inappropriate green belt development, harmful to its openness
- 2 new dwellings approved on Seven Sisters Lane, this scheme would contribute to further overdevelopment of the area
- The site is clearly agricultural
- Not submitted under call for sites
- Poor design contrary to local vernacular
- Highways issues
- Unsustainable site

**ANSA** – No objections subject to conditions and commuted sum of £11,000 towards offsite provision of Recreational Open Space (improvements to playing fields at Oaklands Road facility).

**Flood Risk Team** – No objections subject to conditions

**United Utilities** – No objections subject to conditions

**Environmental Health** – No objections subject to conditions

**Highways** – No objections subject to conditions

## REPRESENTATIONS

### **Neighbour and public comments –**

20 letters of objection have been received from residents and a local residents group on the following grounds:

- Impact on openness of Green Belt
  - No special circumstances to outweigh the harm
  - Uncharacteristic design for location
  - Proposals devoid of character
  - Bad design of buildings
  - Not previously developed land
  - Not a suitable location for development
  - Objection to chimney stacks – too urban in character
  - Scheme is alien in this rural location
  - Drainage and flooding issues locally
  - Detrimental to the landscape
  - Premature to the neighbourhood plan
  - the proposals fail to meet planning policy and will have a detrimental impact on road safety.
  - Light pollution
  - Christmas trees have been planted to screen the site which will be removed
  - drainage problems will impact existing properties
  - already dangerous junction
  - already new homes planned in Knutsford
  - proposal close to dangerous junction
  - Already been assess as undevelopable by SHLAA
  - No current need for affordable housing in the area
  - Village survey carried out in 2013 confirmed that residents did not want further development.
- Traffic issues
- Out of character with surroundings
  - Loss of ecology
  - Lack of engagement with community
  - Office space not needed
    - Holly House drainage rights of access on building land.
    - No provision for Holly House Oil delivery.
    - No consultation reference party wall Holly House to Proposed Office
  - Only beneficial to land owner and developer
  - Unsustainable location

17 letters of support on the following grounds:

- Respectful innovative design
- Reduction in volume of buildings and hardstanding across the site
- Good use of a brownfield site
- provides much needed housing
- Will attract people of all ages to area
- Good design, fresh look
- Tasteful design
- Will boost the continued growth of Ollerton village
- Offices will be of benefit to the village
- Add value to the immediate and surrounding area

- Will bring new life into the village
- Will remove unsightly commercial buildings
- good use of local materials
- site is derelict and an eyesore, breath of fresh air
- sympathetic development will boost local services
- imagination in the design reflective of times we live in not pastiche
- Horticultural businesses have declined in recent years, proposal will not decrease openness.
- Residential development is welcomed over potential commercial redevelopment of the site which could have a greater impact on residents.

## **OFFICER APPRAISAL**

### **Principle of development / Green Belt**

The proposal is located within the Green Belt where there is a presumption against inappropriate development. There are certain types of development which are considered to be an exception and are not inappropriate by definition. These are set out in saved policy PG3 of the Cheshire East Local Plan Strategy (PG3), policy GC1 of the Macclesfield Borough Local Plan, and within paragraphs 89 and 90 of the National Planning Policy Framework (NPPF).

Paragraph 89 allows for the following:

*'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'*

This site received a certificate of lawfulness for a retail use in 2016, therefore the site is previously developed and is a brownfield site. However this does not automatically imply that any development would be acceptable. The proposed development must not have a greater impact on the openness of the Green Belt and further must not conflict with the purposes for including land within the Green Belt.

In terms of openness, the application proposes the redevelopment of the site through the removal of low glasshouses and polytunnels with a very distinctive horticultural character, notwithstanding the certificate of lawfulness. The site has a mixture of sizes of structures within, the main glasshouse covers a very large area with a considerable footprint, however is low, measuring 4.1m to the ridge.

The existing buildings are constructed in glass, plastic and a timber building. Whilst these are considered to be buildings, they are of a very light weight and transparent design. The replacement buildings which would be slightly higher (approx. +0.4m) and constructed in brick and timber with some glazed openings. The designs have clearly sought to maintain a low profile through the contemporary architecture, however the building height would still be higher than the existing buildings on site.

Particular concern is raised with 3 proposed dwellings to the northern corner of the site. These would be sited adjacent to an existing building (at the northernmost point). However, they would not replace any existing permanent structures, and would simply seek to continue

the residential development in a more linear form along the cul-de-sac. Whilst this may make sense in terms of the residential layout, the erection of a building (or 3 in this case) on a siting whereby no building currently resides, would amount to a greater impact on openness. It should be noted that openness is the *absence of built development*. The scheme in its essence seeks to spread the development across the site, contrary to the existing focus of built development to the southern aspect.

The placement of these 3 dwellings, along with increases in height across the site with brick / timber clad buildings and associated boundary treatments and paraphernalia, it is considered that the proposal represents a scheme that will have a greater impact on openness than the current albeit informal built development arrangement.

Some weight has been given to the reductions in volume, and footprint of the buildings on site but this does not outweigh the impact on openness described above.

Paragraph 89 states that the proposal must not conflict with the purposes for including land within the Green Belt. The purposes for including land within the Green Belt are set out in paragraph 80 and below:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

With regard to the purposes for including land within the Green Belt, whilst the proposal would see the recycling of the land, it is not considered to be urban land as a garden centre. The proposals, by virtue of the 3 dwellings to the northern corner of the site would result in encroachment as these aspects of the site are areas absent of built development within this brownfield land. As outlined in the Glossary of the NPPF, the definition of “previously developed land” outlines clearly that “it should not be assumed that the whole of the curtilage should be developed”. This has been given weight in assessing the principle of re-using this brownfield site and the impact on openness identified.

With regard to the re-use of the traditional farm building for the village shop, the re-use of redundant buildings is an acceptable form of development, therefore alone this does not conflict with Green Belt policy at a local or national level.

It is considered that the amount of development proposed, which exceeds that in floor area and height across the site will result in a loss of openness and permanence of the Green Belt contrary to guidance set out in paragraph 89 of the NPPF.

The proposal therefore represents an inappropriate form of development within the Green Belt. The NPPF at paragraph 88 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to harm by virtue of inappropriateness (paragraph 88).



It is noted that no very special circumstances have been put forward by the agent, and generally that no very special circumstances are immediately apparent that would outweigh the definitional harm attributed through inappropriateness.

It is considered therefore, that the proposed development is contrary to national Green Belt policy set out in paragraph 89 of the Framework and PG3 of the Cheshire East Local Plan Strategy.

## **Housing**

The proposed development would provide much needed housing within Cheshire East. The proposal provides a housing mix of units including 1, 2, 3 and 4 bedroom units with 30% of the dwellings being affordable housing. Which is 6 units. The proposal includes 4 social rented units and 2 intermediate tenure units.

Vacant building credit may also be relevant on this site, which may have a direct implication for the number of affordable units to be provided on-site and secured via any s.106 agreement. A verbal update will be provided to members at the meeting.

## **5 year supply**

Local Plan Update - On 27th July 2017 the Council adopted the Cheshire East Local Plan Strategy. Accordingly the new Local Plan now forms part of the statutory development plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” This is the test that legislation prescribes should be employed on planning decision making. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means: “approving development proposals that accord with the development plan without delay”.

As a consequence where development accords with the adopted Local Plan Strategy the starting point should normally be that it should be approved – and approved promptly. The Inspector’s Report on the Local Plan was published on 20 June 2017 and signalled the Inspector’s agreement to the plans and policies of the Local Plan Strategy. The Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes: “I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years” The Council have recently released the Annual Housing Monitoring Update and this has shown that the Council now has a supply of 5.45 years.

On 8 November 2017 the White Moss Quarry (WMQ) appeal was dismissed due to conflict with the LPS settlement hierarchy and spatial distribution of development. The appeal related to an outline application for up to 400 homes as a second phase to the existing White Moss Quarry development.

However, the Inspector did not come to a clear conclusion whether Cheshire East has a five year housing land supply. His view was that there was a deliverable housing land supply of

between 5.07 years (a headroom of 200 dwellings) and 4.96 years (a deficit of 130 dwellings). He concluded that on the evidence before him and the risk of the housing supply falling slightly below the 5-year requirement, he could not be confident that there is a sufficiently robust deliverable supply: “I conclude that it would be both cautious and prudent in the circumstances of this case to regard policies for the supply of housing to be considered not up-to-date, thus engaging the tilted balance of paragraph 14 of the Framework.”

As the Council won the appeal, the decision will not be challenged by the Council. However, having reviewed it, there are serious concerns about the inspector’s findings that are material to your deliberation and which will form the basis for the Council’s case in relation to other appeals:

- the Council disagrees with the WMQ Inspector’s findings on the five year housing land supply;
- in several cases, the WMQ Inspector, reached incorrect conclusions on the evidence before him;
- the Council’s housing supply witness at the Park Road Inquiry was able to demonstrate a robust 5 year housing land supply;
- development lead-in time assumptions agreed by the Local Plan Inspector through the more extensive and inclusive Local Plan examination process should be followed, particularly so soon after the publication of the Local Plan Inspector’s report (June 2017);
- the Council’s approach on the deliverability of housing is consistent with the judgement of the Court of Appeal in St Modwen (20/10/17) which post-dated the White Moss Inquiry. This judgement confirmed that ‘deliverability’ in the context of NPPF paragraph 47 means a realistic prospect of the site being delivered. There is no need to demonstrate that every home in the five year supply will be built;
- updated information is now available to further support the Council’s judgements as to the contribution that particular sites will make towards the five year supply.

The Council has submitted to the Park Road Inspector that he should find that the Council can demonstrate a 5 year supply of deliverable housing land. There are material differences between the evidence that was before the WMQ Inspector and the evidence that is before the Park Road Inspector to warrant the Park Road Inspector reaching a different conclusion.

For the purpose of determining current planning applications it is therefore the Council’s position that there is a five year supply of deliverable housing land. This position has also now been confirmed in a very recent appeal decision (10/04/18) relating to a site at New Road, Wrenbury.

## **Public Open Space**

The proposed development will need to provide an on-site Local Area of Play, which would give the children of the development an opportunity to play without having to cross Chelford Road, a main ‘A’ road running past the site. This accommodates the required on-site POS provision, and can easily be incorporated into the scheme and is to be secured by condition

including a programme for its management. However a further Recreation and Outdoor Sport off site financial contribution of £11,000 would be required which is to be secured through a s106 agreement towards improvements at improve the playing field area [including pitch] at Oaklands Road facility. Policy SE6 requires that Cheshire East, deliver good quality ,and accessible green spaces for people to enjoy, providing for healthy recreation and biodiversity and to secure social, economic and health benefits. The contribution of £11,000 would contribute towards these goals.

## **Accessibility**

The proposal is within the settlement of Ollerton which is not defined in the Cheshire East Local Plan Strategy Settlement Hierarchy. Therefore this is considered to be another settlement and rural area. However it is within close proximity to Knutsford which is a Key Service Centre with many local services, such as retail, restaurants, bars, schools, leisure facilities, places of worship and greater public transport opportunities through the railway station. The site is located on the Chelford Road and has residential development within very close proximity. There is a regular bus service and the bus stops are located close to the site. It is considered to be a sustainable location in terms of accessibility.

## **Highways**

The internal road layout proposes a 5.5m carriageway with 2.0m footways on the adoptable areas within the site. The internal roads are split into two cul-de-sacs, the proposed design of the internal roads are of an acceptable standard and turning facilities for refuse vehicles are provided.

There is sufficient off site parking provided for the units proposed and also small car park for the office accommodation that has 4 spaces including a disabled space.

There are no traffic impact issues arising from the 16 units and it also has to be borne in mind that this site is a former garden centre that generated trips to the site.

The position of the access has not changed and does provide acceptable levels of visibility in both directions

Considering the accessibility of the site, there is an existing footway that runs along the opposite side of Chelford Road but no footway on the development side. A frontage footway is required to be provided that links to the nearby bus stop to the south of the access. The A537 Chelford Road is a principal route running between Macclesfield and Knutsford and does have a relatively frequent bus service and the location of the bus stops are close to the site.

The current access has restricted visibility to the left and the proposed access will improve this situation by relocating it further south. The level of development proposed will not produce capacity problems on the road network and could not be considered to result in a severe impact on the highway network and subject to conditions no objections are raised.

## **Trees**

From an arboricultural perspective, the proposed layout is now acceptable. The proposed development gives views over the proposed green where the protected trees will be a focal point of the site.

With regard to the submitted Landscape Layout (Barnes Walker Drawing M2917.01C Rev C, the arboricultural officer has requested substitution of the two *Prunus avium* to the south of the access with three large canopy (high forest) trees within the open space. Three Scots Pine would be appropriate in this location. This can be dealt with via a suitably worded condition which would seek to secure the substitution of the above trees. Details of which would be required prior to the commencement of works for assessment by the LPA.

Therefore the proposal is acceptable in respect of trees.

## **Ecology**

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the barn. The usage of the building by bats is likely to be limited to individual animals using the buildings for relatively short periods of time during the night and there is no evidence to suggest a significant roost is present.

The loss of the roosts associated with the buildings on this site, in the absence of mitigation, is likely to have a low impact upon on bats at the local level.

The submitted report recommends the installation of bat boxes as a means of compensating for the loss of the roost.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) that the development is of overriding public interest, and (iii) the favorable conservation status of the species will be maintained. Evidence of how the LPA has

considered these issues will be required by Natural England prior to them issuing a protected species license.

Current case law instructs that if it is considered clear or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable “other imperative reasons of overriding public interest” then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

### Alternatives

The alternative would be for any buildings to fall into further disrepair to the detriment of the character of the area and for housing to not be secured.

### Overriding public Interest

The proposals would bring about an improvement to the existing site and character of the area whilst providing much needed housing.

### Mitigation

Outline bat mitigation proposals have now been submitted, as outlined in the Daytime Bat and Barn Owl Survey 2018 – 2018 Rev. A. It is recommended by our Ecology Officer that the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of the bat concerned. A condition will be included in any approval for the recommended mitigation.

On the basis of the above it is considered that requirements of the Habitats Directive would be met.

It is advised that if planning consent is granted the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned.

### Hedgerows

Native species hedgerows are a priority habitat and a material consideration. The proposed development will result in the loss of sections of hedgerow from the interior of the site. The submitted layout plan includes proposals for the provision of native species hedgerows around the site boundary to compensate for this loss. It is recommended that if planning consent is granted the submission of a detailed specification for the proposed hedgerow planting be secured by means of a condition.

### Barn Owls

No evidence of this protected species was recorded during the submitted surveys. No further action in respect of barn owls is therefore required.

## Great Crested Newts

The ponds located in the vicinity of the application site appear unsuitable for great crested newts. I therefore advise that this protected species is not reasonable likely to be present or affected by the proposed development.

## Nesting Birds and Breeding Birds

If planning permission is granted conditions relating to safeguarding of nests is to be included.

The proposals are acceptable in respect of protected species subject to conditions providing mitigation.

## Landscape

The application site covers an area of approximately 1.4 hectares. The A537 Chelford Road forms the north eastern boundary, the south eastern boundary follows the back gardens of properties located along Seven Sisters Lane, the south western boundary links to the wider part of the garden centre and beyond the north west boundary is the wider open countryside. The wider landscape is agricultural, the site itself is characterised by built development and hardstanding areas, with an open grassed area fronting onto Chelford Road.

The Landscape and Visual Impact Assessment indicates that the assessment has been undertaken in accordance with the Guidelines for Landscape and Visual Impact Assessment, Third Edition, 2013. The assessment refers to the National Character Area, Area 61 – Shropshire, Cheshire and Staffordshire Plain/Cheshire Sandstone Ridge, and also to the Cheshire Landscape Character Assessment 2009, which identifies the application as being located within Type 10 Lower Farms and Woods, specifically LFW1 – Marthall ; landscape type 9 Estate, Woodland and Mere –EWM5 Tabley, is located a short distance to the north of the application site.

The landscape and visual impact assessment identifies that this is a landscape of medium sensitivity, a minor magnitude of change and a minor/moderate landscape effect on the site, the wider agricultural landscape and a minor/negligible effect on the Ollerton residential townscape. The visual assessment identifies that there will be a moderate adverse effect for Footpath 1 Ollerton, a major/moderate effect for Holly House, a major/moderate effect for Tanglewood, a minor effect for properties located at the junction of Chelford Road and Marthall lane and a moderate effect for residents of Yew Tree Cottages, 1, 2 and 3 and Marstan on Seven Sisters Lane.

The Landscape Officer broadly agrees with the Appraisal, and while the proposals will not cause a significant landscape effect, there will be more significant visual effects for two of the visual receptors, the properties known as Holly House and Tanglewood. The visual impact, however would not be significantly dominant due to the scale of the dwellings, landscaping (including boundary treatments) and separation distances between the above properties and the site.

## Flooding

A number of objections have been raised in relation to flooding and sewerage, however, the site is not within flood zones 2 or 3. United Utilities and the Council's Flood Risk Team who are the Lead Local Flood Authority have commented on the proposals. Works need to be undertaken in line with submitted FRA and early drainage strategy / design submitted. However, it is worth noting in areas of the development trial hole pits have indicated areas of clay, which is not appropriate ground for soakaways if further ground/percolation tests undertaken deem an unacceptable rate the system will need to be fully drained through flow limited drainage system (5l/s restricted discharge) with additional attenuation. Policy SE13 requires that developments must integrate measures for sustainable water management to reduce flood risk and avoid adverse impacts on water quality and quantity within the borough. The Council's Flood Risk team have considered the details outlined in the submitted Flood Risk Assessment (FRA). Conditions will ensure that the development proceeds in accordance with the above FRA, and that a detailed drainage strategy, and finished floor levels, are submitted to the LPA prior to the commencement of works. Subject to these conditions, the proposal would be acceptable in respect of flood risk and in accordance with the direction of policy SE13 .

## **Contamination**

Objections have been raised in relation to contaminated land; however, the Council's Environmental Protection team have commented on the proposals and raise no objections subject to conditions.

## **Design**

Affordable: The units are the same architectural styling as the market value types and so blend seamlessly.

Architectural Styling: It is of modern styling but uses materials commonly found in the local area – red brick and zinc panels that reflect the local slate roofs.

Massing: The units reflect the scale of the existing barn. With the proposed units partially sunken, the height is further softened within the landscape.

Visual impact of development: Overall the scheme is very well screened on all sides, the scale is in keeping with the adjacent properties. The layout takes into account screening to protect long and short views into the site as well as planned green infrastructure within the site.

Office: The office will provide the opportunity for local enterprise and so is a bonus to the site's offer. The form compliments the residential units and so tie in stylistically.

Ground materials: The road layout should comply with CEC residential Design Guide and reflect the existing area's material palette and specification.

## Design conclusion

The scheme is well considered all around with a good architectural design that refers to the local vernacular in its material palette and overall scale. The design itself would contrast with

some of the surrounding architecture, in its contemporary form and scale. Saying this, the site is well landscaped and the visual impact would not result in a significantly intrusive impact on the character of the area. Following the minor amendment to remove the large chimney stacks it is considered that the contemporary nature of the design is acceptable in this location.

### **Neighbour Amenity**

Due to the juxtaposition of the proposed development sufficient boundary treatments, in relation to the proposed dwellings along with interface distances achieved, the minimum being 24m from the nearest property, it is not considered that the proposed development would have a detrimental impact by virtue of loss of light, overlooking or loss of privacy to neighbouring dwellings or future occupiers of the units. Therefore the proposal accords with policies DC3 and DC38 of the MBLP.

A neighbour has expressed concerns regarding the impact on a party wall, although this is not a material planning consideration. This would be a civil matter for discussion between the two parties.

### **Employment**

The development proposes the introduction of offices; this will generate an employment opportunity within the locality. The submission does not provide employment details, however does specify opening hours (Monday to Friday: 0800 – 1800), Saturday (0800 – 1700), and closed on Sundays/Bank Holidays. It is considered that employment would be generated as a result of the proposals, probably a small increase to the current level of employment at the site. The opening hours are recommended to be conditioned.

The proposal would generate jobs in the short term through the construction and landscaping of the proposed development along with associated contractors.

It is considered that the proposal will create employment opportunities, and will provide an economic boost by facilitating new development. Therefore the proposal is economically sustainable.

### **Representations**

A large number of representations have been received in respect of this application many in support and in objection to the proposals. Material planning considerations have been addressed in the report. Some representations have mentioned the lawful use of the site, a certificate of lawfulness confirms the status of the site which is previously developed land. Concerns have also been raised over light pollution, a condition for a lighting scheme is recommended to be submitted to ensure that lighting is appropriate for this rural setting and not excessive. A number of representations relate to flooding and other drainage issues, these matters can be appropriately mitigated through conditions.

### **CIL**

The application proposes in excess of 10 dwellings, therefore requires on-site and off site



planning obligations. The application proposes affordable housing provision, 30% on-site provision is required through policy SC5 of the CELPS (subject to clarification on the vacant building credit). Further on site POS and off-site ROS contributions are required which include improvements to the local play facility in Ollerton. Consultation comments in respect of education requirements have not been received at the time of writing the report, however members will be provided with an update in respect of this matter prior to the meeting.

## **Section 106 agreement**

The following planning obligations have been required through the application process:

- Provision of 6 affordable units on site. – which can be clarified as an update to members during the committee meeting.
- Recreation open space financial contribution of £11,000 secured
- Public open space (Local Area of Play) on site provision secured and managed

## **Community Infrastructure Levy (CIL) Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following: a) Necessary to make the development acceptable in planning terms; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified, meet the Council's requirement for policy compliance. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

## **Conclusions and Recommendation**

The proposal represents an inappropriate form of development within the Green Belt where there is a presumption against inappropriate development. No very special circumstances have been put forward to justify this scheme in light of this inappropriateness and the substantial weight which is attributed to this definitional harm.

Therefore for this reason the proposal would not accord with local or national policy and the application is recommended for refusal.

## **Recommendation – Refuse subject to the following reason:**

- 1. The proposal represents an inappropriate form of development within the Green Belt. The proposed redevelopment of this previously developed site would have a greater impact on the openness of the Green Belt and would conflict with the purpose for including land within the Green Belt through encroachment. The proposal is therefore contrary to the National Planning Policy Framework (2012) and policies PG3 of the Cheshire East Local Plan Strategy (2010 – 2030) and GC1 of the Macclesfield Borough Local Plan (2004).***

*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.*

