

Application No: 11/3269M

Location: WINDMILL WOOD, CHELFORD ROAD, OLLERTON, KNUTSFORD, KNUTSFORD, CHESHIRE, WA16 8RX

Proposal: PROPOSED NEW DWELLING IN ASSOCIATION WITH EXISTING MANAGED WOODLAND BUSINESS.

Applicant: MR & MRS ANDREW

Expiry Date: 19-Oct-2011

SUMMARY RECOMMENDATION

Approve subject to conditions and the prior completion of a legal agreement.

MAIN ISSUES

- Whether the proposal is inappropriate development in the Green Belt.
- If it is inappropriate, whether there are any very special circumstances to justify the dwelling.
- Impact upon the character and appearance of the countryside.
- Impact upon the amenity of neighbouring property.
- Whether the proposal would adversely impact on protected species.

REASON FOR REPORT

The application is before the Committee as it represents a departure from the Local Plan.

DESCRIPTION OF SITE AND CONTEXT

The application site is a small area of land, which forms part of the wider 17 hectare area of Windmill Wood to the south of Chelford Road. The site contains a single storey warehouse building and a number of open sided structures. The remainder of the land is covered by woodland, which is also a Site of Biological Importance. Two public footpaths are located within the site, one which follows the northern site boundary and one which crosses north/south through the site. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This application seeks full planning permission to erect a new dwelling in association with the management of Windmill Wood.

RELEVANT HISTORY

The site has an extensive planning history involving applications for a variety of residential and commercial developments.

The most relevant applications are detailed below.

31026P – Agricultural dwelling – Refused 06.08.1982, Appeal dismissed 10.11.1983

01/2130P – Certificate of lawfulness for a building used for the storage of shotgun cartridges and the storage/assembly of domestic appliances only. Positive Certificate 28.01.2002.

05/1416P – Change of use of land for use for paintball games, erection of 2 marquees, 2 tents, 3 shipping containers and 3 portable toilets. Refused 08.11.2005.

09/0544M – Demolition of existing commercial buildings, residential/ office annex and attached garage, and the erection of three detached environmentally sustainable dwellings and associated works. Refused 06.07.2009

11/1115M - Proposed Erection of a Dwelling and Two Outbuildings in Association with the Management of Windmill Wood Including the Demolition of a Brick Built Warehouse, One Shed and Two Open Stores – Withdrawn 28.06.2011

POLICIES

Regional Spatial Strategy

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP4 – Make the Best Use of Existing Resources and Infrastructure

DP5 – Manage Travel Demand; reduce the need to travel and increase accessibility

DP7 – Promote environmental quality

DP9 – Reduce emissions and adapt to climate change

RDF4 – Green Belts

Local Plan Policy

NE7 – Woodlands

NE11 – Nature Conservation

NE13 – Nature Conservation

BE1 – Design Guidance

BE16 – Setting of Listed Buildings

GC1 – New Buildings

H1 – Phasing Policy

H2 – Environmental Quality in Housing Developments

H5 – Windfall Sites

DC1 – New Build

DC3 – Amenity

DC6 – Circulation and Access

DC8 – Landscaping

DC9 – Tree protection
DC38 – Space, light and privacy

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Strategic Highways Manager – No comment or objection to make on the proposal

Environmental Health – No objections subject to condition requiring a phase 1 contaminated land survey

Public Rights of Way – No objections

Manchester Airport – No safeguarding objections

VIEWS OF THE PARISH / TOWN COUNCIL

Knutsford Town Council - Object on the grounds that the development does not meet the functional test for a dwelling in the Green Belt.

Ollerton with Marthall Parish Council – Believe the application goes a long way towards accommodating the suggestions already put to you by the Parish Council and some local people, in correspondence. A very tight 106 Agreement would ensure that any new dwelling is tied to the care and management of the wood.

We have also had another site visit and meeting with the local residents who still have some concerns.

1) They continue to have doubts about the future management of the wood because, from their experience, it has not been well managed in the past. They give as an example, fallen trees that are causing obstructions by blocking paths.

2) They continue to be unhappy with the noise levels, particularly from the metal and wood cutting machines.

3) They request that if planning permission is given for this dwelling, can there be a condition whereby the existing dilapidated buildings are demolished

4) Like many people in the village who have an interest in the future of the wood, they request that you arrange for the 106 Agreement to be watertight re ownership of the dwelling being tied to the long term care and management of the wood.

Plumley with Toft & Bexton Parish Council - There is empty property nearby, so there is no conviction that a new build within green belt land is necessary. There appears to be no extraordinary need for the application to be granted. When business accounts stretching 3 years are available they will show the business is viable and could possibly warrant a house. The applicant states that the house is transportable. It is too large to transport, except in component form: a mobile home would be more appropriate for this enterprise. If the business fails, who pays to demolish and remove the house? The proposed new build is close to a very dangerous corner.

OTHER REPRESENTATIONS

24 letters of representation have been received from a local residents and interested parties. 15 of these letters, and a petition signed by 11 further local residents on Manor Lane, object to the proposal on the following grounds:

- Provision of dwelling for a worker to maintain wood is not a valid argument as wood is so small
- Workers could live off site
- Not convinced of sustainability of wood as a business
- Little input to sustain the current woodland by the present owners and suddenly attached to this planning application is the desire to develop the business
- Previous attempts to get permission for dwelling have been unsuccessful
- Woodland not in need of management
- Alarm systems could be used for security
- Crime in the area is overstated in the application
- Why did applicant sell his house on the edge of the woodland a short time ago?
- Kerfield Lodge is now back on the market, and if purchased would avoid the need for a new dwelling in the Green Belt.
- Detrimental to natural habitat, wildlife and trees
- Impact upon highway safety.
- Contrary to Green Belt policies
- The application is not an exceptional circumstance
- The development would set a precedent.
- Woodland is of Special Scientific Interest
- Any increase in number of septic tanks in the area is likely to exacerbate existing problems.
- Windmill Wood does not have the required acreage or stock of timber to make it commercially viable.
- Windmill Wood management has been limited to the removal of fallen trees, branches and selective felling. Arguable that this woodland can be left to self manage without human intervention.
- Applicants have previously allowed extensive paintball activities to damage the woodland they now want to preserve and manage.
- No need for an additional building

8 of the letters support the proposal, or raise no objection, noting that:

- Dwelling would not look out of place and could easily be taken down
- Woodland management plan functional to the site
- Forestry Commission recognises that British woodlands make large contribution to meet growing demand for wood.
- Will ensure continued existence of the wood for generations
- The application will allow the forest to be continually maintained, to the benefit of the woodland and wildlife.
- Toft Church has received considerable cost saving support and assistance from the applicant in maintaining the grounds.
- Toft (Windmill) Wood is part of Knutsford's history.

- For many years members of the Scouting Association in the Knutsford District have used parts of Windmill Wood to practice.
- Without these facilities the scouts would have to travel considerable distances to practice outdoor scouting activities.
- Security breaches are an important consideration

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a design and access statement, a planning statement, a bat and barn owl survey, an arboricultural statement with woodland management plan a climate change statement and a draft unilateral undertaking. The planning statement outlines the following:

- A small business producing logs, planks, woodchips and sawdust will be created (Business plan appended to planning statement)
- Dwelling will provide essential accommodation required for safe and efficient working of woodland management and woodland business.
- Site for proposed dwelling discussed with Council's Forestry Officer.
- Proposal offers significant ecological enhancement measures.

OFFICER APPRAISAL

Design / character

The proposed dwelling will take the form of a dormer bungalow, constructed in Canadian pine with a slate roof, which would be suited to its woodland setting. There are a variety of properties along Manor Lane, and the dwelling will not be unduly prominent from public vantage points. Consequently there is not considered to be any significant impact upon the character of the area arising from the proposed dwelling.

In addition, due to the distance to and the extent of intervening vegetation, the proposal is not considered to have a significant impact upon the setting of the Listed Building on the adjacent site.

Amenity

The dwelling will be located over 60 metres from the nearest residential property, with significant vegetation in between. Therefore, having regard to the distance to, and relationship with, the nearest neighbouring dwellings no significant amenity issues are raised.

Ecology

The application site is located within the Windmill Wood Site of Biological Importance. Local Plan policy NE13, which restricts development that would adversely affect the SBI, is applicable to the determination of this application. The Nature Conservation Officer has commented on the application and advises that the proposed dwelling will not have a significantly adverse impact upon any habitats of nature conservation importance.

The application is supported by a woodland management plan, the implementation of which would be beneficial for the SBI. The management plan makes reference to the treatment of the on-site wetland however no detailed proposals have been provided. Furthermore, the

management plan also specified the use of herbicide, which may not be appropriate within the SBI.

The use of herbicide has therefore been replaced with hand weeding within the management plan. Subject to the resolution of the other outstanding matter the management plan could lead to an overall nature conservation enhancement. By leading to a nature conservation enhancement, the proposal would comply with the objectives of policy NE11 of the Local Plan, which seeks to conserve, enhance and interpret nature conservation interests.

Highways

The existing vehicular access from Chelford Road is to be used to serve the proposed development, and parking for 5 vehicles will be provided within the site. The proposed access and parking arrangements are considered to be acceptable having regard to the existing use of the site and the Strategic Highways Manager raises no objection to the proposal. No significant highways safety issues are therefore raised.

Trees / Woodland

The application follows pre-application discussion with the Council's Arboricultural Officer, and a Woodland Management Plan has been submitted, which sets out the way in which the woodland will be managed over the next 10 years.

The construction of the proposed log cabin and space around it will require the removal of some sixteen Larch and Birch which form part of the north east edge of the woodland. It is accepted by the Arboricultural Officer that these trees are of poor quality and have no significant merit in terms of visual amenity nor do they contribute to the composition of the woodland. Irrespective of any development proposals, these trees would merit removal as part of any required management of the woodland.

The Council's Arboricultural Officer notes that the woodland has long been recognised as one of the most important woodlands in the area, in terms of its size and prominence and contribution to the local landscape in and around Knutsford. In addition he acknowledges that some parts of the woodland will enter into decline without long term management and intervention.

The submitted Management Plan sets out proposals for the management of the woodland over a 10 year period with a series of management operations with the aim of improving the structure and species diversity of the woodland, eradicating invasive rhododendron, removal of neglected plantation stands, selective felling to enable the development of better specimens and recognition of veteran trees, re-stocking felled areas and improving species diversity in areas of Birch regeneration.

The Arboricultural Officer considers that the proposed Woodland Management Plan will provide an environmental benefit in the longer term by improving the age structure, species composition and biodiversity of the woodland, thereby maintaining its prominence and strategic importance within the local landscape.

By enhancing the existing woodland through the implementation of the management plan proposals, the proposal complies with the objectives of policy NE7 of the Local Plan, which

outlines that the Council will seek to retain and enhance existing woodlands by woodland management.

Green Belt

This proposal differs from the application withdrawn earlier this year by removing the storage shed and wood cutting building from the proposal. In the current scheme all the existing buildings / sheds will remain on the site together with the proposed dwelling.

As the current application relates to the erection of a new dwelling in the Green Belt, the proposal is defined as inappropriate development in the Green Belt by both the National Planning Policy Framework and policy GC1 of the Local Plan. Such development should not be approved except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt, and it is for the applicant to justify that the harm by reason of inappropriateness, and any other, harm is clearly outweighed by other considerations.

In addition to the harm by reason of inappropriateness, it is considered that there would also be a reduction in the openness of the Green Belt, arising from the proposed dwelling. The dwelling will have ridge height of 7.5 metres and a footprint of 123 square metres. Whilst the extent of built form has been reduced from the previous scheme, a dwelling of this scale will still serve to reduce the openness of the Green Belt. The preservation of openness is a primary aim of Green Belt policy, and it is considered that substantial harm should be attached to developments that serve to reduce the openness of the Green Belt.

Very Special Circumstances

The applicants maintain that it is essential for the safe and efficient working of the woodland management for living accommodation to be provided on site. The supporting information put forward on behalf of the applicants does not identify the proposed dwelling as being inappropriate in the Green Belt. Therefore very special circumstances are not specifically outlined within the application. However, they identify a number of factors that weigh in favour of the development are referred to in the application documents. These include:

- Dwelling is demountable
- Will provide security for the woodland
- Long term future of woodland secured through woodland management
- Ecological enhancement

The most significant of these considerations is the long term future of the woodland secured through woodland management. As noted above Windmill Wood has long been recognised as one of the most important woodlands in the area, in terms of its size and prominence and contribution to the local landscape in and around Knutsford. The woodland will enter into decline without long term management and intervention. This application serves to facilitate the retention of the woodland which will be to the benefit of the area as a whole, and is compliant with the NPPF by protecting and enhancing valued landscapes. As such the considerations outlined above are considered to represent the very special circumstances required to outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. It should be noted that given that the woodland land is one of the most important woodlands in the area, and be managed for the foreseeable future it is necessary to secure the management plan via legal agreement rather than by condition. The applicants have

shown their acknowledgement of this by submitting a draft unilateral undertaking with the application.

Heads of Terms

Given the very special circumstances of the application and the requirement to manage the woodland in perpetuity, should Members be minded to approve the application, then the legal agreement would be required to include the following matters:

- The occupancy of the dwelling is only to be in association with the management of Windmill Wood in perpetuity
- The woodland management plan has to be submitted to the council and approved prior to the commencement of development on the house
- The woodland management plan has to be implemented fully in accordance with the terms of the plan – and any amendments are to be prior approved by the Council
- If the plan is not implemented fully, or ceases to be implemented at all, the house has to be removed within 12 months of that date
- If the site is disposed of, the house shall cease to be occupied on completion of the sale and be removed from the site within 12 months

Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now 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;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The management of the woodland for the foreseeable future represents the very special circumstances required to outweigh the identified harm to the Green Belt, and is therefore necessary to make the development acceptable in planning terms. The dwelling is directly related to the management of the woodland as it would be occupied by the person responsible for the implementation of the plan. The provision of the dwelling would help to sustain the long term future of the woodland, which would be a benefit to the area as a whole. On this basis the woodland management plan and the restrictions on the dwelling directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposal is an inappropriate form of development in the Green Belt that reduces openness. However, Windmill Wood is one of the most important woodlands in the area and its long term improvement is considered to outweigh the identified harm to the Green Belt. Accordingly a recommendation of approval is made subject to conditions and the completion of the unilateral undertaking.

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01GR - Removal of permitted development rights
5. A22GR - Protection from noise during construction (hours of construction)
6. A12LP - Subsequent removal of building
7. A01TR - Tree retention
8. A02TR - Tree protection
9. A01LS - Landscaping - submission of details
10. A02LS - Submission of landscaping scheme
11. A17MC - Decontamination of land
12. Occupancy
13. Development in accordance with arboricultural statement

