

# Northern Planning Committee

## Agenda

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**Date:** Wednesday, 3rd May, 2017

**Time:** 10.00 am

**Venue:** The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA

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Please note that members of the public are requested to check the Council's website the week the Northern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and in the report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

To receive any apologies for absence.

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. **Minutes of the Meeting** (Pages 3 - 8)

To approve the minutes of the meeting held on 5 April 2017 as a correct record.

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**Please Contact:** Sarah Baxter 01270 686462

**E-Mail:** [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk) with any apologies or request for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

#### 4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **16/3647M-Development of former garden centre to 26no. dwellings, community shop, public open spaces including associated landscape works, Ollerton Nursery, Chelford Road, Ollerton for Brighthouse Homes (Mobberley) Ltd (Pages 9 - 28)**

To consider the above application.

6. **17/0841M-Demolition of detached bungalow and the construction of two two-storey detached dwellings with associated accesses and detached garages. Resubmission of 16/4651M, 5,Harefield Drive, Wilmslow for Mr Herring, Herring Properties Ltd (Pages 29 - 42)**

To consider the above application.

7. **17/1052M-Demolish poultry building and replace with steel portal frame building to be used for business storage, Mere Hall Farm, Bucklow Hill Lane, Mere for Messrs Ian & Andrew Faulkner (Pages 43 - 54)**

To consider the above application.

## CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 5th April, 2017 at The Capesthorne Room - Town Hall,  
Macclesfield SK10 1EA

### PRESENT

Councillor G M Walton (Chairman)  
Councillor C Browne (Vice-Chairman)

Councillors C Andrew, E Brooks, T Dean, L Durham, P Findlow, H Gaddum,  
S Gardiner, A Harewood, N Mannion and M Warren

### OFFICERS IN ATTENDANCE

Mrs N Folan (Planning Solicitor), Mr K Foster (Principal Planning Officer), Mrs  
N Wise (Ford (Principal Planning Officer) and Mr N Jones (Principal  
Development Officer)

#### 100 APOLOGIES FOR ABSENCE

None.

#### 101 DECLARATIONS OF INTEREST/PRE DETERMINATION

It was noted that all Members had received an email from Heidi Gilks in  
respect of application 17/0163M.

In the interest of openness in respect of application 15/0795M, Councillor  
S Gardiner declared that he was a friend of the All Party Parliamentary  
Group on leaseholding and co-ownership.

In the interest of openness in respect of application 16/5475M, Councillor  
S Gardiner declared that the owners of the site 3G, were a previous client  
of his.

#### 102 MINUTES OF THE MEETING

##### RESOLVED

That the minutes of the meeting held on 8 March 2017 be approved as a  
correct record and signed by the Chairman.

#### 103 PUBLIC SPEAKING

##### RESOLVED

That the public speaking procedure be noted.

104      **15/0795M-RESERVED MATTERS APPLICATION FOR THE ERECTION OF 175 DWELLINGS WITH ASSOCIATED ROADS AND FOOTPATHS AND GENERAL LANDSCAPING ZONES, TOGETHER WITH DETAILS OF LAYOUT AND DESIGN OF ALL BUILDINGS, LAND SOUTH OF COPPICE WAY, HANDFORTH FOR P E JONES (CONTRACTORS) LTD**

Consideration was given to the above application.

(Councillor B Burkhill, the Ward Councillor, Simon Poucher, an objector and Kerren Phillips the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report and in the written update to the Committee, the application be approved subject to the following conditions:-

1. To comply with outline permission
2. Development in accord with approved plans
3. Submission of details of building materials
4. Obscure glazing requirement
5. Tree retention
6. Tree protection
7. Unexpected contamination
8. Implementation of acoustic mitigation scheme
9. Use of cranes during construction
10. Bird hazard safeguarding measures to be incorporated
11. Development to be carried out in accordance with the Great Crested Newt Mitigation Strategy
12. Updated badger survey to be submitted
13. Proposals for improvements to footpath 89 and the section of footpath 127 within the application site to be submitted
14. Details of lighting to south west access point of the site on the plans to be submitted.
15. Details of anti motor vehicle measures across footpath 89 to be submitted
16. Broadband

Informative: The reserved matters application for Landscaping must include details of a landscaping solution to remove accessibility for motor vehicles on the south west access point of the site on the plans.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chairman) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

(Councillor S Gardiner requested it be minuted that he voted against the motion to approve the application as he considered the application to be inappropriate development which failed to meet the needs of all of the people living in Cheshire East particularly the old and disabled).

105      **16/5475M-THE RETENTION OF EXISTING MOVEABLE GROUND BASED COMMUNICATIONS EQUIPMENT FOR A TEMPORARY PERIOD OF NINE MONTHS, TELEPHONE EXCHANGE, 22 MOSS LANE, ALDERLEY EDGE FOR MR MATTHEW WAUGH, ARQIVA LTD (FOR EE LTD & HUTCHISON 3G UK)**

Consideration was given to the above application.

(Parish Councillor Christine Munro, representing Alderley Edge Parish Council and Richard Stewart, an objector attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons in the report the application be approved subject to the following conditions:-

1. Temporary period - 9 months from the date the application was submitted. The equipment shall only be used until 31 August 2017 and then removed from the site by 30 September 2017.
2. Development in accord with approved plans

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chairman) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

(The meeting adjourned for a short break).

106      **17/0163M-GENERAL PURPOSE AGRICULTURAL BUILDING TO STORE MACHINERY AND PRODUCE (RE-SUBMISSION OF 16/1388M), WHITE PEAK ALPACA FARM, PADDOCK HILL LANE, MOBBERLEY, KNUTSFORD FOR MR A HODGSON**

Consideration was given to the above application.

(Councillor J Macrae, the Ward Councillor, Parish Councillor John Unterhalter, representing Mobberley Parish Council and Heidi Gilks, an objector attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report the application be approved subject to the following conditions:-

1. Standard Time Limit (3 years)
2. Development to be carried out in accordance with approved plans
3. Materials in accordance with application
4. Landscaping conditions (Scheme, Implementation). Scheme to be submitted prior to commencement of the development and implemented prior to the first occupation.
5. Building is to only be used to store agricultural material, not livestock.
6. The proposed building will not be enclosed without the prior consent of the LPA.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chairman) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

(Prior to consideration of the following item, Councillor C Andrew left the meeting and did not return).

107      **17/0837M-THE ERECTION OF AN ANNEX TO CREATE TEN BEDROOMS, ALONG WITH ALTERATIONS TO EXISTING PUBLIC HOUSE INCLUDING THE CONVERSION AND EXTENSION OF EXISTING BARN TO FORM NEW RESTAURANT AND 4 HOTEL BEDROOMS, THE STAGS HEAD HOTEL, MILL LANE, LITTLE WARFORD, ALDERLEY EDGE FOR RIBBLE VALLEY INNS LTD**

Consideration was given to the above application.

(Councillor J Macrae, the Ward Councillor, Parish Councillor Peter Halman, representing Great Warford Parish Council, Donald Strathdee, a supporter and Neil Culkin, representing the applicant attended the meeting and spoke in respect of the application).

### **RESOLVED**

That the application be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Northern Planning Committee and the Ward Member to approve subject to resolving design issues; subject to securing a mechanism to ensure community use of the site and subject to conditions.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chairman) of Northern Planning Committee to

correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

(This decision was contrary to the Officer's recommendation of refusal).

The meeting commenced at 10.00 am and concluded at 1.30 pm

Councillor G M Walton (Chairman)

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Application No: 16/3647M

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

Proposal: Development of former garden centre to 26no. dwellings, community shop, public open spaces including associated landscape works.

Applicant: Brighthouse Homes (Mobberley) Ltd

Expiry Date: 04-Nov-2016

**Summary**

The application site is Ollerton Nursery which is located off Chelford Road, and proposes the redevelopment of the site for 26 dwellings, community shop and open space including local area of play.

The proposal is the redevelopment of previously developed land. However due to the size of the proposal it represents an inappropriate form of development within the Green Belt where there is a presumption against inappropriate development. The very special circumstances put forward do not justify the harm to the openness and permanence of the Green Belt and do not overcome the conflict with the purposes for including land within the Green Belt.

Furthermore the layout of the proposed development does not create a good relationship with the Oak trees on the site in respect of social proximity, and the layout does not create an inclusive community or links to the wider settlement, due to the separate clusters of gated cul-de-sac development.

Therefore for the reasons mentioned above the proposals do not accord with local or national policy and the application is recommended for refusal.

**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 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 23 dwellings. The scheme has been amended following the initial submission, which reduced the number of dwellings from 31. The proposed dwellings follow a converted barn style concept with small clusters of dwellings and courtyards. The site will be split into 4 plots which are designated as A, B, C and D. The proposed plots with dwelling clusters would have their own parking provision and gated entrances. However no final boundary treatments have been submitted.

The proposal includes a community shop which will include the conversion of the existing barn to the front of the site. The front of the site will also include the Local Area of Play as onsite open space provision.

The application proposes 30% onsite affordable housing provision including shared ownership and shared ownership (senior living units). However the full detail relating to the affordable units has not been submitted. The access will be located off Chelford Road.

The plans submitted shows a mix of 26 units, 16x 3 bed units, 4x 4 bed units, 6 x 1 bed units. This includes 6x 1 bed shared ownership (over 55) units and 3x 3 bed ownership units.

### **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

### **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 BE1: Design Guidance  
Policy DC1: New Build  
Policy DC3: Amenity  
Policy DC5: Natural Surveillance  
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 T1: Integrated transport policy  
Policy T2: Provision of public transport  
Policy T3: Improving conditions for pedestrians  
Policy T4: Provision for people with restricted mobility  
Policy T5: Development proposals making provision for cyclists  
Policy T6: Highway improvements and traffic management  
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 H2: Environmental Quality in Housing Developments  
Policy H5: Windfall Housing  
Policy H8: Provision of Affordable Housing  
Policy H9: Occupation of Affordable Housing  
Policy H13: Protecting Residential Areas  
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 boundaries  
Policy IMP1: Development Sites  
Policy IMP2: Transport Measures

Cheshire East Local Plan Strategy – Proposed Changes Version July 2016

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles

IN1 Infrastructure  
IN2 Developer contributions  
EG1 Economic Prosperity  
EG3 Existing and allocated employment sites  
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

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  
80, 81 and 89 Protecting Green Belt Land  
109. Conserving and enhancing the natural environment  
186-187. Decision taking  
196-197 Determining applications  
203-206 Planning conditions and obligations

### **Supporting Information**

Design and access statement  
Landscape and Visual Impact Assessment  
Visual Impact Briefing Note  
Planning Statement  
Material Concept  
Transport Statement  
Tree Constraints Plan  
Tree Survey Schedule  
Floodcheck Report  
Below Ground Drainage – outline strategy  
Habitat Suitability Index Survey  
Bat/Barn Owl Survey  
Phase 1 Geo-environmental assessment

### **CONSULTATIONS (External to Planning)**

### **Ollerton with Marthall Parish Council – Objection**

- This development is in conflict with Green Belt policy.
- No special circumstances have been demonstrated to outweigh the harm to the openness of space.
- It is in conflict with policies set out in the Local Plan
- The proposal is outside the defined settlement and a disproportionate addition to the parish.
- It is distant from local services and at odds with the principles of sustainability
- The site was assessed by Cheshire East Plan Strategic Housing Lane Availability Assessment (No.4234) and identified as not suitable for development.
- The emerging Local Plan Strategy [LPS] which has objectively assessed housing need in the area has accepted 1000 houses to be built in the neighbour town of Knutsford. This assessment includes Ollerton, Toft and Tabley. There are also large housing developments proposed for Chelford, a town on the other side of Ollerton.
- Ollerton recently accepted 14 affordable houses and currently 10 dwellings are under construction, development is not stagnant but happening at an appropriate rate.
- The level of development proposed is still too high compared to the existing number of dwellings in the vicinity, the proposal is typically of a more urban scheme. Also the design does not meet the recommendations set out in Cheshire East Borough Design Guide. High density housing in a cul-de-sac does not contribute to protecting and enhancing the character of Ollerton.
- This is a premature application, a situation where a development plan document (Ollerton Neighbourhood Plan) is being prepared or is under review, at the time of an application.
- No housing need evidence has been established, the first steps of Cheshire East's 2016, 10 step guide toolkit.
- The 2013 village survey undertaken by the Parish Council on behalf of this developed in regard to their proposal concluded that large scale developments are not appropriate for this size of Parish.
- Ollerton Nursery has always functioned as a horticultural concern, not a retail garden centre, activity and traffic has been lower level. This will change drastically with this large development.
- The certificate of lawful use, approved on 27 June 2016, was only sought to make the transition from agricultural to residential easier.
- The premise of whether this site has been previously developed is based upon, if the non-permanent buildings polytunnels and greenhouses constitute previously developed land. These structures are non-permanent or substantial in their construction and should not form part of the impact assessment. Also the NPPF defines that not all the curtilage should be assumed developable.
- The visual impact the three storey buildings will have on this site compared to the lower level temporary structures is clearly evident. There is also a lack of elevation drawings illustrating the comparison of new buildings to be the existing neighbouring cottages.
- There are serious concerns with respect to the dangerous junction and increase traffic volume that would be created from this site. No practical scheme or financial contribution is evident to overcome the added issues caused, only minor alterations to the site lines.
- The drainage concerns raised by residents have been overlooked. Existing residents already drain onto the nursery site. The addition of many more septic tanks on this flat land introduces further challenges and problems for existing residents.

**Open Spaces** – I am pleased to see the retention of much of the landscaping to the front of the site and key trees. I understand from the proposal that these will be 'community spaces'

with public access which is encouraging. They will provide a useful facility for the village, combined with the village shop.

The development clearly triggers the need for the provision of open space at a rate of 40sqm per family dwelling in accordance with existing policy. Subject to detail design, confirmation of size and management and maintenance arrangement, I'm happy to accept the on site space fulfils this requirement. However, the requirement is for amenity and children's play and given the nearest play facility is across a busy road and a walk away, that the site is proposing a good number of family homes and is providing on site amenity, a LAP should be included on site. This can be natural in style, with social/ imaginative pieces of play, sensitively designed and incorporated into the retained landscapes. This should incorporate some seating and art features to build on the sites sense of place and provide a place for new and existing communities to integrate. Given the inclusion of the shop in the proposal and its location to the front of the site, there is a clear opportunity here.

There is also a requirement for ROS and taking into account the affordable units and existing dwelling, a com sum of £27,000 would be required for offsite provision. This would be used to improve the playing field area [including pitch] at Oaklands Road facility.

The detailed design for the LAP and proposed management arrangements including Landscape Management Plan should be submitted and approved prior to commencement on site.

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

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

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

**South Knutsford Residents Group** - Members of the South Knutsford Residents Group [SKRG], wish to comment that an additional 34 houses in this location will increase traffic and lengthen queues at the Seven Sisters Lane/Chelford Rd A537 junction. Drivers are already increasingly using the alternative route through Goughs Lane, a housing access road only 5m wide in places. SKRG residents currently have to contend with long queues at either end in the morning and evening peak hours. The Community Speed Check Group regularly records speeds in sections of the road in excess of the 30MPH permitted maximum when drivers attempt to make up time. Additionally, the extent and density of the proposed development seems contrary to Macclesfield Borough Council saved Green Belt policies and the Green Belt policies under the emerging Local Plan Strategy [LPS]. Under the LPS, Knutsford, two miles away, is scheduled to accept 1000 new homes to meet objectively assessed housing needs in the area including Ollerton, Toft and Tabley. SKRG wishes to draw the LPA's attention to these matters in their consideration of this application.

## REPRESENTATIONS

**Neighbour and public comments** –

39 letters of objection have been received on the following grounds:

- Conflicts with Green Belt policy
- The development is outside a defined settlement contrary to planning policy
- Is distant from local services
- Not a sustainable location
- Drainage issues
- No regard for the local community
- Already been assess as undevelopable by SHLAA
- No Very Special Circumstances
- Not permanent structures, not previously developed land
- Low current traffic levels quiet nursery
- Near to dangerous junction
- Disproportionate size of development compared to the village
- Village survey carried out in 2013 confirmed that residents did not want further development.
- Low level polytunnels and glasshouses cannot be compared to 3 storey brick structures.
- Not justified
- Decrease in numbers will not make any difference to the environmental harm.
- Contaminated land
- Additional development is not welcomed locally
- Noise pollution
- Air pollution
- Traffic generation would be higher due to limited business at nursery
- Will remove rural character of the area
- Used to be a local shop/post office which was closed due to lack of use
- Issues with trees and landscaping
- The site does not have good pedestrian or cycling links due to the high speed along the main road
- Negative impact on highway safety
- No footway along Chelford Road to Knutsford
- High density cul-de-sacs
- Different to temporary greenhouses
- Threatens the Green Belt and rural nature of Ollerton
- Shop would not be viable
- Residents should have more of a say in local decisions
- Only beneficial to land owner and developer

### 34 letters of support:

- Design and style of the scheme is excellent
- New planning rules support development of this type
- Farm/barn style is in keeping with village
- The barn character and design will inject new life into the plot
- Unobtrusive development set back from the road
- A shop on the site is welcomed reduce travelling to Knutsford
- Provides much needed affordable housing in the area
- Great opportunity for young people to stay in the area
- May assist in traffic calming
- New housing will inject life into the area
- Local person who had to move from the area, due to lack of housing options, new affordable scheme has given life to the area, this development would do the same.
- Didn't see the need to reduce the number of houses

- Will allow daylight and outdoor living
- Healthy living conditions
- Would allow people who have downsized and had to move out of the area to move back to Ollerton
- The current situation does not have an open feel to it
- Many nurseries have struggled and had to diversify to retail uses, new retail use welcomed with shop
- Will allow the community to prosper
- Will provide support for the bus route
- If the site is left to deteriorate it could become home to vermin
- The development will strengthen the heart of the village
- New shop would create employment
- Only reason the last shop didn't survive was because there was no parking in front of it
- Creative and well thought out scheme
- Attended community engagement event, very useful, welcomed development
- Brownfield site, development on brownfield sites should be encouraged
- Will help the future of the community in a sustainable way
- Help young families move into the area
- Opportunities for an ageing population
- Ollerton staying the same does not help it into the future
- Well screened

### **OFFICER APPRAISAL**

#### **Principle of development**

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 GC1 of the Macclesfield Borough Local Plan, and within paragraphs 89 and 90 of the National Planning Policy Framework (NPPF).

This application proposes the complete redevelopment of a brownfield or previously developed site.

Policy GC1 does not have allow provision for such development however, the NPPF sets out in paragraphs 89 and 90 what are not inappropriate forms of development. Where the development plan is silent, decision makers must defer to the NPPF for policy guidance.

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.

Openness is considered to be the absence of development, and whilst the buildings are constructed from glass and plastic predominantly along with a timber building, they are built development. However, due to the lightweight nature of the construction this along with significant increases in height across the site with brick 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.

The impression the built development gives is important across a large development site, however the measure of openness is also tangible through measuring the amount of development.

Following amendments to condense the spread of development and reduce the number of units. Across the site, the amount of development results in a decrease in volume of built development of 14cu.m. In terms of floor area, which includes three storey units there will be an increase of 1136sq.m equalling a 41% increase in floor area. The footprint of built development across the site sees a reduction of 37.5%.

With regard to building heights, the existing buildings total around 4.1m in height, save for the redundant farm building which is proposed to be converted. The proposed dwellings across the site will have a ridge height of 7.7m. This represents a height increase of around 3.5m across the site, exceptions being the car port buildings which measure around 5.2m in height, which also show a height increase.

When considering the amount of development proposed, whilst the buildings will be arranged in courtyards so will give relief and will be set back from the highway, it is considered that there will be an increase in development across the site, the height increase coupled with the solid nature of the buildings proposed and the floor area increase of 41% it is considered that without doubt the proposal will have a greater impact on openness than the current built arrangement.

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, further the proposals through the amount of development and permanence of the development would result in encroachment where there are areas absent of development proposed to be developed.

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 81 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

### Very Special Circumstances

A case for very special circumstances has been put forward by the applicants. This includes the following:

- The effective re-use of previously developed land
- Landscape and visual benefits
- Biodiversity benefits
- Highway improvements
- Delivery of sustainable development

Whilst the re-use of previously developed land is welcomed, especially for housing development in the absence of a 5 year housing land supply, this re-use must be of a scale to not harm the openness of the Green Belt and the purposes for including land within it. The re-use of brownfield sites is a clear priority as set out at a national level, however within the Green Belt further detail is provided through the NPPF, and whilst it can be not inappropriate in this instance it does not meet the requirements of paragraph 89. This is not considered to amount to very special circumstances.

With regard to landscaping and visual benefits, the current situation includes a series of horticultural buildings in an albeit piecemeal form of development, however the site is unassuming and comprises low buildings with a traditional farm gated access, the current situation is an acceptable form of development in this rural area, and whilst the proposals will tidy the site through redevelopment, it is not considered that this development would provide such visual benefits from public vantage points enough to amount to very special circumstances.

The proposed biodiversity benefits will be through the planting of a wildflower meadow at the site, any development must provide mitigation for losses in biodiversity, therefore whilst

biodiversity benefits are welcomed these do not amount to the very special circumstances required to outweigh the harm caused by the proposed development.

The highway improvements include the relocation of the access, along with other highway improvements, including the proposed reduction in speed limit. The highway improvements including a suitable footpath and better access are a benefit of the proposal, however are only required as a result of the proposal. The change in speed limit has not been supported as the current speed limit has been considered to be the most appropriate for the area. These measures are not considered to amount to very special circumstances.

The delivery of sustainable development has been put forward as a very special circumstance. However the NPPF places great importance on the delivery of sustainable development, however this is the benchmark that all new development should achieve as a minimum, and therefore is not considered to amount to very special circumstances.

Having considered the circumstances put forward, it is not considered that alone or in combination that these amount to the circumstances required to outweigh the automatic harm caused by inappropriate development.

It is considered therefore, that the proposed development is contrary to national Green Belt policy set out in paragraph 89 of the Framework.

### **SOCIAL SUSTAINABILITY**

#### **Housing**

The proposed development would provide much needed housing within Cheshire East. The proposal provides a housing mix of units including 1, 3 and 4 bedroom units with 30% of the dwellings being a form of affordable housing in an intermediate product of shared ownership dwellings. These being all 1 bed and some 3 bed units. These will be in part for over 55s. The application forms state that these units will be social rented which is welcomed. However conflicting information within the plans shows that these units will be shared ownership. The provision of affordable housing is welcomed however detailed information would be required as part of heads of terms for a section 106 agreement to agree the precise mix.

#### **5 year supply**

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council's position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council's position, this cannot be given material weight in application decision-making.

The Council's ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

### **Local Area of Play**

The proposed development provides 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 provision. However a further Recreation Open Space off site financial contribution would be required which could be secured through a s106 agreement.

### **Social Sustainability Conclusion**

It is considered that the proposed development is on balance socially sustainable, this is subject to an acceptable mix of affordable housing combined with ROS off-site financial contribution along with the short term and limited long term employment, and the provision of much needed market housing in the absence of a 5 year housing land supply. However there are concerns over the layout of the site and how this could affect occupiers of the site as set out in the Design section below.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Accessibility**

The proposal is within the settlement of Ollerton which is not defined in the Cheshire East Local Plan Strategy Settlement Hierarchy. Therefore is considered to be an other 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**

A large number of objections relate to highways issues, the CEC highways officer has

commented on the proposals and the revised proposals. This is a revised application indicating a reduction in units from 34 to 26, all other highway details remain the same. Given that no highway objections were raised on the larger development and that this application would produce slightly less traffic impact, there are similarly no objections raised to this application.

For information, the comments made on the previous application are attached below.

The proposed access is being relocated further south along the site frontage to improve the visibility available at the access point.

The applicant has submitted a Transport Statement in support of the application and has proposed mitigation measures that involve a reduction in speed limit on Chelford Road and supporting traffic calming measures.

With regard to the proposed access siting, the main current visibility issue relates to non leading direction where visibility is limited and moving the access further south improves visibility. The applicant has undertaken speed surveys on Chelford Road and recorded 85%ile speeds of 40.5 westbound and 43.5 eastbound, these vehicle speeds would require visibility of 120m using DMRB standards.

The drawings submitted with the application indicate that 120m visibility is being provided on each approach although in the non leading direction this is being provided to the road centreline.

The level of peak hours traffic generation from the 34 dwellings is some 23 trips and this level of trips does not result in a capacity problem on the road network. Clearly, it also has to be recognised that there is a certain level of traffic using the site on a daily basis.

The internal road layout proposes a 5.5m carriageway with 2.0m footways on the adoptable areas within the site. There are a number of gated private drives that are proposed off the main carriageway. The design of internal road is of an acceptable standard and turning facilities for refuse vehicles are provided in the design, although there will be a requirement for separate bin stores for each of plots that are gated.

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. The access proposals will need to provide drop kerb facilities to cross to the adjacent footway. A frontage footway is proposed 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.

This site has a current use as a garden centre and therefore traffic is currently accessing the site. The current access has restricted visibility to the left and the proposed access will improve this situation by relocating it further south.

Although the applicant has suggested a change in speed limit this has been considered by CEC and it is considered that the current speed limit is the most appropriate for the existing average speed of vehicles and also the road environment and as such no speed limit change

is supported.

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**

The proposed development is designed around the existing mature Oak trees within the site, the application was accompanied by an Arboricultural Impact Assessment, Tree protection Plan and Arboricultural Method Statement.

The solution for proposed NO DIG hard surfacing within the Root Protection Areas of Oaks T38 and T39 is not acceptable. BBS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations, states at para 7.4.2.3 that new permanent hard surfacing should not exceed 20% of any existing unsurfaced ground. The root protection area of T37 is covered by 29% of existing unsurfaced ground and in respect of T39 existing unsurfaced ground is covered by 23% of proposed hard standing.

The default position cited in BS5837:2012 is that structures (including roads) should be located outside the root protection areas of trees to be retained unless there is an overriding justification for construction within the RPA. The design as submitted does not provide an overriding or compelling case for this.

The position of Plots north of T38 and T39 is 8 metres and 11 metres respectively. BS5837:2012 paras 5.2.2; 5.2.3 5.2.4 and 5.3.4 detail requirements of good design for the long term retention of large trees within new development. The position of these proposed plots with trees located to the south does not take into account issues of shading, availability of light and sunlight and social proximity of the proposed plots and adjacent open space provision. This relationship/conflict is likely to give rise to future requests for regular pruning and/or felling of the trees.

It is not considered that the layout of the proposed development makes the best use of the trees as a focal point. They are located within the centre of the site, it has been suggested that the dwellings face this feature and that the trees are not located within or adjacent to the back gardens of the dwellings, however amendments in respect of tree matters have not been explored. Unfortunately the relationship as the layout currently stands with the trees is not acceptable, and would not secure the future amenity of the trees due to the social proximity of the dwellings and the trees.

### **Ecology**

The site is semi-rural in nature and involves the demolition of a number of buildings. Therefore the site has ecological potential and the application has been supported by protected species information. The Council's ecologist has commented on the proposals.

#### **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 to compensate for this loss, and submission of a detailed specification for the proposed hedgerow planting can be secured by means of a condition.

### Bats

No bat activity survey has been undertaken and the submitted survey consisted solely of an internal and external inspection of the buildings on site. The buildings on site however appear to have limited potential to support a bat roost and it is advised that roosting bats are unlikely to be affected by the proposed development.

### Barn Owls

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

### Great Crested Newts

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

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

## Landscape

The application site covers an area of approximately 1.43 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, and 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, but offers no assessment of the magnitude of change, or the resulting significance of landscape effect. The visual assessment offers commentary on a number of viewpoints, but offers no indication of what the sensitivity of the receptors are or the magnitude of change that would be experienced, nor is the LVIA accompanied by a plan showing the locations of the viewpoints in relation to the application site, or any illustrated material to identify the viewpoints chosen. Reference is made in the LVIA to more information being submitted in a final report, although this does not appear to have been submitted.

Unfortunately the LVIA is not considered to be complete. However the Council's Landscape Officer considers that the proposals would not result in any significant landscape or visual impacts, and therefore raises no objections.

### **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 and have raised no objections subject to conditions.

### **Contamination**

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

### **Design**

The proposal has received support from members of the public with respect to its design especially the design of the buildings. The design concept follows that of traditional farm buildings with brick buildings in clusters with high pitched roofs. The proposed clusters will be separated by gated entrances. Whilst the farm building concept is appropriate in this rural area, the proposal for separated gated entrances and a cul-de-sac arrangement, along with houses backing onto the central area of the site and particularly the trees which are the main focal point, does not create an effective layout. The proposal includes large amounts of hardstanding to accommodate the amount of highway and parking required to service the design of layout. The gated entrances could create isolation rather than following the inclusive theme of the development, and the cul-de-sac arrangement does not create active frontages allowing for natural surveillance and connectivity.

It is considered that the proposed layout does not achieve the urban design principles required of a development of this size, and may create small pockets of separate development rather than integration with the wider development and further the settlement of Ollerton. Therefore is contrary to paragraph 57 of the NPPF which states that:

*'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.'*

Therefore the proposed layout of the development is unacceptable contrary to policy BE1 of the MBLP.

### **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 25m 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.

### **Environmental Sustainability Conclusion**

It is considered that the proposal is within a sustainable location, within close proximity to Knutsford a Local Service Centre, the proposed development is acceptable in terms of highways impact, landscape impact, ecological implications, neighbour amenity, flooding and contamination.

However the proposal will have a detrimental impact on the Oak trees which are a focal point of the development, further the layout of the site does not provide an integrated and connected development. Therefore it is not considered that the proposal is environmentally sustainable.

### **ECONOMIC SUSTAINABILITY**

#### **Employment**

The development proposes the introduction of a village shop, this will generate an employment need within the locality. The submission does not provide employment details, however does specify opening hours. It is considered that employment would be generated as a result of the proposals, probably similar to the current level of employment at the site.

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

#### **Economic Sustainability Conclusions**

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.

### **SUSTAINABILITY CONCLUSIONS**

Paragraph 14 of the NPPF states that sustainable forms of development should be approved without delay, this however does exclude at footnote 9 areas of special interest where development is restricted, which includes Green Belt designation. This proposal does not constitute a sustainable form of development for the reasons mentioned above as it is not environmentally sustainable, for development to be truly sustainable it must be acceptable in terms of social, environmental and economic sustainability.

#### **Other Matters**

A number of matters have been raised through the consultation process, a number relating to the planning history of the site and the fact that the dwelling to the rear of the site, occupied by the operators of Ollerton Nursery was granted with an agricultural occupancy condition. However through the passage of time, a new lawful development has occurred at the site, therefore this point is not relevant in the determination of this application.

The proposals have been subject to amendments, further amendments have been recommended by officers, as the site is a previously developed site therefore could potentially accommodate a form of development of an appropriate scale and layout, however, it has been agreed to end discussions at this point and proceed to a conclusion.

### **Representations**

A large number of representations have been received in respect of this application many in support and in objection to the proposals. Only the material planning considerations a have been addressed in the report.

### **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 the Interim Affordable Housing Statement. Further on site POS and off-site ROS contributions are required which include improvements to the local play facility in Ollerton. Education contributions have not been calculated at this point, however should the application be approved by members, an education contribution would be sought based on the number of dwellings as set out in the amended scheme.

### **Conclusions and Recommendation**

The proposal represents an inappropriate form of development within the Green Belt where there is a presumption against inappropriate development. The very special circumstances put forward do not justify the harm to the openness and permanence of the Green Belt and do not overcome the conflict with the purposes for including land within the Green Belt.

Furthermore the layout of the proposed development does not create a good relationship with the Oak trees on the site in respect of social proximity, and the layout does not create an inclusive community, due to the separate clusters of gated cul-de-sac development.

Therefore for the reasons mentioned above the proposals do not accord with local or national policy and the application is recommended for refusal.

### **Recommendation – Refusal**

1. The proposal represents an inappropriate form of development within the Green Belt, the proposed redevelopment of the previously developed site would have a greater impact on openness of the Green Belt and the purposes for including land within the Green Belt through encroachment. The proposal is therefore contrary to paragraph 89 of the National Planning Policy Framework.
2. The proposed development is environmentally unsustainable, the layout of the proposed development does not create a good relationship with the Oak trees on the site in respect of social proximity and could lead to pressure for removal in the future contrary to saved policy DC9 of the Macclesfield Borough Local Plan. Furthermore, the layout does not create a vibrant and healthy community by creating a high quality inclusive built environment due to gated and cul-de-sac clusters of development.

Therefore the proposal is contrary to saved policy BE1 of the Macclesfield Borough Local Plan and paragraph 57 of the NPPF which encourages inclusive development.

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.



Application No: 17/0841M

Location: 5, HAREFIELD DRIVE, WILMSLOW, CHESHIRE, SK9 1NJ

Proposal: Demolition of detached bungalow and the construction of two two-storey detached dwellings with associated accesses and detached garages. Resubmission of 16/4651M.

Applicant: Mr Herring, Herring Properties Ltd

Expiry Date: 12-Apr-2017

### **SUMMARY**

The proposed scheme is considered to have addressed the reasons for the refusal of the previous application and the subsequent appeal which was dismissed. The proposals constitute an appropriate development that would be of a design and scale which would have an acceptable impact on the character and appearance of the locality. The development would not have an adverse impact on neighbouring amenity, the highway network, trees subject to conditions. The proposed development plan complies with the relevant development plan policies and is considered to be sustainable in the social, environmental and economic sense. The application is therefore recommended for approval.

### **MAIN ISSUES**

- Principle of Development
- Design/ Scale/ Impact on the character and appearance of the locality
- Highway Issues
- Arboricultural Implications
- Ecology
- Sustainability

### **SUMMARY RECOMMENDATION:**

**That Authority is DELEGATED to the Head of Planning (Regulation) in consultation with the Chairman of Northern Planning Committee to APPROVE the application for the reasons set out in the report, subject to;**

**The submission and approval of an updated Bat Survey and Report;**

**And Conditions.**

## **REASON FOR REPORT**

The application has been called in to Committee by the Ward Councillor, Cllr Rod Menlove, for the following reason:

*The scale, mass and bulk is out of keeping with the character of the area and will have a detrimental impact on the street scene.*

*This site has been considered previously by NPC so it is right and proper that this resubmission should be decided by Members*

The previous applications (15/1278M and 16/4651M) were considered by the Northern Planning Committee.

## **SITE DESCRIPTION**

The application site relates to a large corner plot occupied by a detached bungalow. It is located within a predominantly residential area of Wilmslow. The locality is characterised by dwellings of a variety of architectural styles and scale, with bungalows on the opposite side of the street, and two storey dwellings adjacent and on nearby roads.

## **PROPOSAL**

The proposed development is for the demolition of the existing 7.2m high bungalow and the erection of a pair of two storey detached dwellings, with the formation of an additional access, hardstanding and landscaping.

Whilst the proposed house types are of the same design and appearance as those which were the subject of the previously refused application (16/4651M), the site layout has been revised to maximise the space between the proposed houses.

Highway access arrangements from Harefield Drive have also been revised to provide a shared access point towards the centre of the site frontage. In addition turning areas are proposed on the site frontage to enable vehicles to exit the site in a forward gear.

In order to improve visibility to the proposed access point, the front boundary hedge is required to be removed and replaced with a 1m high brick boundary wall on the site frontage

## **RELEVANT HISTORY**

15/1278M - Demolition of existing bungalow and the construction of two two-storey detached dwellings with accesses. Refused and appeal dismissed 29.06.2016

16/1983M - Demolition of existing bungalow and the construction of two two-storey detached dwellings with associated accesses (resubmission of 15/1278M) Withdrawn.

16/4651- Demolition of detached bungalow and the construction of two two-storey detached dwellings with associated accesses and detached garages (resubmission of 16/1983M)  
Refused 30.11.2016

## **LOCAL AND NATIONAL 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. This is repeated in the NPPF (para 2).

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004).

### **Macclesfield Borough Local Plan (2004)**

Since publication of the NPPF the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The saved Local Plan policies considered to be most relevant are outlined below

- BE1 (Design Guidance)
- H2 (Environmental Quality in Housing Developments)
- H5 (Windfall Sites)
- H13 (Protecting Residential Areas)
- DC1 (Design & Amenity – New Build)
- DC3 (Design & Amenity – Amenity)
- DC6 (Circulation and Access)
- DC8 (Landscaping)
- DC9 (Tree Protection)
- DC35 (Materials and Finishes)
- DC37 (Landscaping)
- DC38 (Space, Light and Privacy)
- DC41 (Infill Housing Development or Redevelopment)

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

- Policy SD1 (Sustainable Development in Cheshire East)
- Policy SC2 (Sustainable Development Principles)
- Policy SE1 (Design)
- Policy SE2 (Efficient Use of Land)
- Policy SE4 (The Landscape)
- Policy SE5 (Trees, Hedgerows and Woodland)
- Policy SE9 (Energy Efficient Development)
- Policy SE12 (Pollution, Land Contamination and Land Instability)
- Policy IN1 (Infrastructure)
- Policy PG1 (Overall Development Strategy)
- Policy PG2 (Settlement Hierarchy)

### **National Policy**

The National Planning Policy Framework (NPPF) (2012) establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

- 7 (Achieving Sustainable Development)
- 14 (Presumption in Favour of Sustainable Development)
- 17 (Core Planning Principles)
- 32 (Promoting Sustainable Transport)
- 47-50 (Wide Choice of Quality Homes)
- 56-68 (Requiring Good Design)
- 69-78 (Promoting Healthy Communities)
- 109-11 (Conserving and Enhancing the Natural Environment)

### **National Planning Practice Guidance (NPPG)**

The NPPG came into force on 6<sup>th</sup> March 2014, replacing a range of National Planning Policy Guidance Notes and complimenting the NPPF.

### **CONSULTATIONS**

**Strategic Infrastructure Manager**- No objection

**Environmental Health**- No Objection.

### **VIEW OF THE TOWN COUNCIL**

Wilmslow Town Council - Objects on the following grounds:

*“Recommend refusal on the grounds of the scale and mass of the proposed development being inappropriate to the location and the proposal being little changed to the previous application.”*

### **REPRESENTATIONS**

17 objections have been received. The planning related objections are on the following grounds:

- Issues raised in the appeal decision and refusal reasons of 16/4651 have not been addressed
- The scale, bulk and form of the houses would significantly detract from the character and appearance of the street scene along Harefield Drive, contrary to Local Policies BE1 and DC1, the emerging local plan and the NPPF.
- Overdevelopment of the site
- The proposed properties are still too big. The footprint of the two houses taken together occupies some 50% of the total site.
- The overall bulk of the development remains unchanged, massively increased upon the existing property.

- The scheme should be revised to reflect the scale of development approved (12/2910M) at 116 Gravel Lane, Wilmslow.
- Layout and design is inappropriate for a corner plot, and would be excessively prominent from several viewpoints, undermining the character and appearance of the area
- Loss of boundary hedge and replacement with boundary wall out of keeping with the character and appearance of the street scene'
- The proposal fails to maintain the established standards of Harefield Drive with regard to space between properties and privacy.
- Siting of new house on plot 5 will result in a loss of outlook, daylight and privacy to No 3 Harefield Drive.
- The existing and proposed street scenes are misleading as dwellings are drawn set back from existing properties and therefore look smaller and less obtrusive;.
- Proposed driveways still located close to a bend of a busy road, with increased traffic in close proximity to a dangerous junction of Harefield Drive and Whitehall Close, not addressing highway safety refusal reasons of 16/4651.
- Adverse impact on highway safety particularly for pedestrians given lack of pavements Inadequate linear parking arrangements will result in vehicles reversing onto the highway in close proximity to a sharp bend
- Harefield Drive is narrow and on street parking is very limited.
- Lack of on- street parking for visitors
- Tree Report is inaccurate/out of date as trees have been removed alongside the site boundary with 3 Harefield Drive. Trees indicated for retention should be protected
- Loss of trees and impact on planting from siting of Plot 5a  
Adverse impact on bats and loss of wildlife habitat
- Bat survey completed in September 2014 is now out of date. An updated bat survey is required.
- Local demand for bungalows
- Precedent for future development in this area.
- Disruption and highway safety issues during construction due to delivery & storage of materials and parking of contractors vehicles
- Application fails to meet local and national planning guidelines.

The full content of the objections is available to view on the Council's website.

Wilmslow Civic Trust objects on the following grounds:

### Character and Design.

*Contrary to Policies BE1 and DC1 of Macclesfield Local Plan.*

*Little change from the proposals rejected on appeal, with little attempt to satisfy those objections. Does not reflect the NPPF as Inspectors analysis, with adverse effect on the character and appearance of the street scene along Harefield Drive, especially with the proposal to remove the established hedges, characteristic of the Drive.*

### Access Parking or Traffic.

*Turning circle for on site cars minimal or even inadequate, leading to backing out on a blind bend, with visitor parking likely to be forced outside on the road on the blind bend.*

Ecology and Natural Environment.

*Ecology report calls for the retention of the mature hedging in the interests of retention of biodiverse habitats for the benefit of the on site bats. TIF Bat survey indicated the likely presence of Bats and therefore the requirement for any demolition to be overseen by a Bat Ecologist. Supply Like for like Bat roosting facilities and Bat food Ecology, see retention of Hedging.*

**Avoid** any demolition between May and September inclusive, to prevent interference to the nesting and breeding season.

## **APPRAISAL**

### **Key Issues**

- Principle of development;
- Design considerations/ Character of the area
- Impact upon amenity of neighbouring properties
- Highway Safety Implications
- Ecology Implications
- Arboricultural Implications
- Sustainability

### **Principle of Development**

The application site is lies within an area designated as predominantly residential (as defined by the Macclesfield Borough Local Plan, 2004). Within this designation, the principle of development is considered acceptable by the development plan and national policy. The NPPF strongly emphasises, at paragraph 14, there is a “presumption in favour of sustainable development” and that this is vital in decision-taking. With reference to decision-taking, this means approving development proposals that accord with the development plan without delay, unless there are significantly adverse reasons for doing so.

An appeal relating to the refusal (15/1278M) of a previous scheme for two detached houses on this site was dismissed last year. The appeal Inspector’s concerns principally related to the scale and appearance of the proposed dwellings and their impact on the character and appearance of the street scene along Harefield Drive. The Inspector concluded;

*The site is located in a convenient position with ready access to an extensive range of services and other facilities. To that extent it is a sustainable location for people to live and an additional house would be a contribution, albeit limited, to the current shortfall in the area of land for housing. However, these factors do not outweigh my concerns that the scale and form of the houses would significantly detract from the character and appearance of the street scene along Harefield Drive, contrary to LP Policies BE1 and DC1 and NPPF.*

A subsequent planning application 16/4651M was refused by Northern planning Committee on 30 November 2016 for the following reasons;

1. *The development by virtue of its scale, massing and bulk will result in an overly cramped and intrusive form of development in the street scene, out of character with the surrounding urban form. The proposal is therefore contrary to policies BE1 and DC1 of the Macclesfield Borough Local Plan 2004 and guidance in the NPPF.*
2. *The development will have an adverse impact on highway safety due to proximity of the new access to the junction of Harefield Drive and also proposed linear parking arrangements will result in cars reversing onto highway at this junction. The proposal is therefore in conflict with policies DC3 and DC6 of the Macclesfield Borough Local Plan 2004.*

As set out below, it is considered that the scheme now proposed is of a layout and design which has addressed and overcome both the concerns raised by the appeal Inspector and the refusal reasons of 16/4561M. Therefore the site can therefore satisfactorily accommodate the pair of dwellings now proposed in accordance with the Local Plan and objectives of the NPPF.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Design / Character**

The revised development is considered to have addressed the Inspectors reasons for dismissing the appeal scheme and the design grounds of refusal 16/4561M.

It is considered that the site is capable of accommodating two dwellings without harm to the character and appearance of the area. Significantly, the Inspector raised no objections to the principle of subdivision of the plot, and as regards the character and appearance of the area it was concluded that;

*“Harefield Drive serves a small residential area that has developed over the years, and leads into Whitehall Close. It also leads to older buildings connected with Fulshaw Hall and Harefield Farm. The incremental nature of the enclave is reflected in the variety of property in the area with bungalows and houses, detached and semi-detached, of differing size, scale, architectural style and design. The layout of the more modern development is informal with dwellings grouped along winding access-ways. Directly opposite, across Harefield Drive, is a row of bungalows, whilst No 3 Harefield Drive, next door, is a detached house.”*

It is therefore accepted that an important characteristic of the locality is the variety of houses types of different size and design. Therefore the replacement of the existing bungalow with a development of two detached houses would not in itself be out of keeping with the appearance and character of the locality. The principal concerns raised in the inspector’s appeal decision with regard to the scale and design of the previous scheme was that;

*The houses, reflected in their height, width and depth and their relative closeness to the boundaries on either side, would be seen as an uncharacteristically bulky and substantial block stretching across the plot. The development would have a cramped appearance at odds*

*with the attractive and generally low density, spacious environment of the small enclave of properties served by Harefield Drive.*

Whilst the proposed development application still relates to two detached houses with a similar alignment and orientation to Harefield Drive, in comparison to the appeal scheme they are of reduced scale, massing, and footprint. The dwellings would be well set back from the main site frontage onto Harefield Drive, albeit in positions slightly forward of the existing bungalow.

To address refusal reason 1 of 16/4561M, the spacing between them has been further increased to 7.7m. In addition the distance of the side elevation of dwelling 5A from the southern site boundary with the corner of Harefield Drive should enable much of the existing planting to be retained, albeit this is indicated to be subject to further review. The impact on existing trees and planting is addressed below.

Furthermore when compared to the appeal scheme, the proposed dwellings have been individually designed to be of different scale and appearance, including the use of different materials (one being in brick and the other in render). Plot 5, would have a ridge height that would be identical to that of No.3 Harefield Drive but would incorporate a lower eaves height. Plot 5A would have a ridge height about 0.6 metres lower than Plot 5 and also have a correspondingly lower eaves height. Plot 5A is designed to utilise the roof space at first floor level and include dormer windows, which is characteristic of several properties in the area.

Given the overall reduction in the height, width and depth of the houses in comparison to the appeal scheme, combined with the greater spacing between and around the dwellings which is now proposed, the development would be of a density and appearance that achieves an acceptable relationship adjacent properties. Revised street scenes and comparative drawings have been submitted which demonstrate that the development would not be of cramped appearance or constitute an overdevelopment of the site and is therefore be in keeping with the character of Harefield Drive. The distance between properties would be commensurate with those of the surrounding area.

The applicant has submitted additional information to demonstrate that the proposed development is significantly more spacious than developments approved elsewhere within the urban area of Wilmslow.

In particular, direct comparison is made with separate developments approved at 116 and 118 Gravel Lane, Wilmslow in October 2012 and 2013, which both concerned the replacement of a detached bungalow with a pair of detached dwellings. This is in response to representations made by local residents that the scheme should be revised to reflect the scale of development approved (12/2910M) in October 2012 at 116 Gravel Lane.

The applicant has demonstrated that the plot sizes of the approved dwellings on both Gravel Lane schemes (12/2910M and 13/3381M) are significantly smaller, whilst the footprints of the Gravel Lane dwellings are either larger or of similar size to those proposed by this application. Consequently the density of the proposed development, and the footprint to plot ratio, are less than the approved developments at 116 and 118 Gravel Lane.

As with Gravel Lane, this application site does not fall within a low density housing area designated by the local plan, and consequently it is therefore considered that the proposed development is of siting and design which would not adversely affect the character of the area.

Whilst the loss of the hedge is noted, which is a relatively uniform characteristic of the boundary treatment in the locality, it is noted that boundary trees would remain and that in any case a 1m high wall could be built along the site frontage without the need for planning permission.

Conditions are proposed to remove Permitted Development Rights to ensure that extensions, dormers or other large roof extensions cannot be achieved without planning permission. This will prevent any significant harm to the character of locality.

It is therefore considered that the development is now of a layout and design proposed satisfactorily addresses the appeal Inspectors concerns and the design grounds of the previous refusal. The scheme accords with all design objectives within this predominantly residential area as designated in the local plan in accordance with policies BE1, DC1 and DC41 of the local plan.

### **Residential Amenity**

The objections have been considered. The nearest property opposite the development is a bungalow at No.8 Harefield Drive. A distance of approximately 22m would remain between the front elevation of No 8 and the proposed houses. Taking into account the difference in height between the buildings, this would still allow a commensurate degree of space, light and privacy to remain between the properties in accordance with policy DC38.

The side elevation of dwelling 5a would be approximately 17m away from the front elevation bedroom window to 10 Harefield Drive, which would be the only window affected on this property. This, coupled with the orientation of the respective properties in relation to the sun's path, would mean that there would not be an adverse impact in terms of overshadowing to this bedroom that would be substantial enough to warrant refusal of the development.

The gable end of Plot 5 is sited in front of existing windows within the side of No.3 Harefield Drive which serve a lounge. However, this room is served by a larger window within its rear elevation, and consequently these windows are secondary, ensuring that the development would comply with Policy DC38.

The proposed dwelling on Plot 5 is of a siting and design which would not be unduly dominant or overbearing, when viewed from habitable windows or rear garden of No.3 Harefield Drive. Furthermore, given the positioning of the new dwelling, any potential overlooking of the rear garden of No.3 from its upper floor windows would not result in an unacceptable loss of privacy.

Overall the development would not have an adverse impact in terms of loss of light or outlook, overbearing impact or overlooking and the scheme accords with policies DC3 and DC38.

Sufficient amenity space for the occupiers of the proposed dwellings would exist and the development would not result in an adverse impact in terms of overlooking of neighbouring gardens in accordance with policy DC41.

To further safeguard the amenities of neighbouring properties during construction condition included the submission and approval of a construction method statement prior to the commencement of development are recommended .

### **Highways**

The revised layout incorporates a shared point of access to the development in the approximate position of the existing vehicular access and away from the junction of corner at the junction of Harefield Drive with Whitehall Close. These access arrangements are considered to achieve sufficient visibility for vehicles accessing / egressing the site without resulting in highway safety problems, and consequently the development would accord with local plan policy DC6.

The Council's Highway Engineer has confirmed that the site layout ensures that sufficient space is provided for each dwelling for the provision of off-street parking in accordance with Councils standards. Turning areas are also provided to ensure that vehicles can exit driveways for each dwelling onto Harefield Drive in a forward gear.

The Highway Engineer considers that additional movements associated with one additional dwelling on this site would not pose an unacceptable risk to highway safety along Harewood Drive or the wider highway network .

As result the Strategic Infrastructure Manager has raised no objection to the amended access and parking arrangements, which are considered to have satisfactorily addressed the highway reasons for refusal of the previous application. .

### **Arboricultural Implications**

The application is supported by a Tree Survey Report providing information on the number, status and quality of trees within the application site. The Tree Survey has identified trees within the site, of which one, a Sycamore is protected by the Macclesfield Borough Council (Wilmslow - Harefield/Fulshaw Hall) Tree Preservation Order 1975 to the south east corner of the site.

The application proposes the removal of a number of unprotected trees (predominantly Cypress) along the northern boundary of the site, with the majority of trees along the southern boundary, including the protected Sycamore to be retained. Whilst trees have been removed alongside the boundary with No.3 Harefield Drive these were not protected.

The Tree Officer has advised that the protected Sycamore located in the south eastern corner is not affected by the proposal and the relationship of the development with the protected tree is acceptable

The Tree Officer considers that the position of the dwelling on Plot 5A is likely have an impact upon the group of unprotected Cypress and Cherry alongside the southern boundary of the site (shown as T4-T8 in the accompanying Arboricultural Report). As indicated on the revised planning layout their retention would be subject to review. It is accepted that although this group is not worthy of formal protection by a TPO, it does provide some functional screening. However should their removal be required, this can be adequately compensated by some additional boundary planting, which will be secured through a landscaping condition.

The Tree Officer raises no objections to the proposals subject to conditions including the submission of a Tree Protection Plan relating to retained trees and provision of a landscaping scheme including compensatory planting.

### **Ecology**

The application is supported by a preliminary ecological assessment and bat survey prepared by a suitably experienced ecological consultant. The only likely ecological issues associated with the proposed development relates to the presence of roosting bats and nesting birds.

To safeguard nesting birds, a condition is recommended requiring details of mitigation measures to be undertaken with regard to works involving the removal of vegetation or the demolition of the building.

The report identified the presence of a minor roost of a common bat species. The submitted bat survey was undertaken in 2014 and the report states that the surveys should be updated if development works have not commenced by the following maternity season. The Nature Conservation Officer advises that the bat survey report is consequently out of date. However given the low numbers of bats recorded in 2014 it is possible that the buildings on site no longer support an active roost legally protected roost, but conversely the numbers of bats present may have increased since the survey was completed.

To clarify the position as regards the potential impacts of the proposed development upon protected species in accordance with the Councils Statutory and policy obligations, it is advised that an updated survey should be undertaken and a report submitted prior to the determination of the application. However, it is considered that in this case, this is a technical matter which can be easily resolved. The recommendation therefore requests that the application is delegated back to officers to approve, subject to the satisfactory receipt of an updated bat survey.

### **Environmental sustainability conclusion**

Taking into account the above sections the proposal is considered to represent an appropriate form of development in the context of the area, and one which would preserve the environmental merits of the immediate and wider locality and uphold the existing residential amenities. The visual amenities which contribute to the street scene would be preserved, highway issues have been satisfactorily addressed, and adverse impacts will not result in respect of the wellbeing of any significant trees, or harm to the biodiversity of the area. The scheme is therefore deemed to be environmentally sustainable.

### **SOCIAL SUSTAINABILITY**

Paragraph 47 of the National Planning Policy Framework requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. The Council currently remains unable to demonstrate a 5 year supply of housing land.

Further to this, the NPPF clearly states at paragraph 49 that:

*“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”*

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in the Framework indicated development should be restricted.”

The key issue of this scheme is therefore, whether there are any significantly adverse impacts that would weigh against the presumption in favour of sustainable development or whether specific policies in the Framework indicate development should be restricted.

It is recognised that the provision of one additional house within the site would provide a small social benefit and a small contribution to the housing requirements of the Borough. The scheme would help to provide family housing with Cheshire East, which both locally and nationally is shown to be in demand.

### **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing to some extent as well as to some extent bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses.

### **PLANNING BALANCE**

Whilst the objections are noted, the proposed scheme provides an acceptable design and layout, the dwellings are appropriate to the mixed residential character of the area, would not harm neighbouring amenity and appropriate landscaping, protected species mitigation is provided. The amended layout has ensured that access and parking arrangements will not have an unacceptable impact in terms of highway safety.

Overall, the scheme is considered to represent a sustainable form of development in environmental, social and economic terms.

### **RECOMMENDATION**

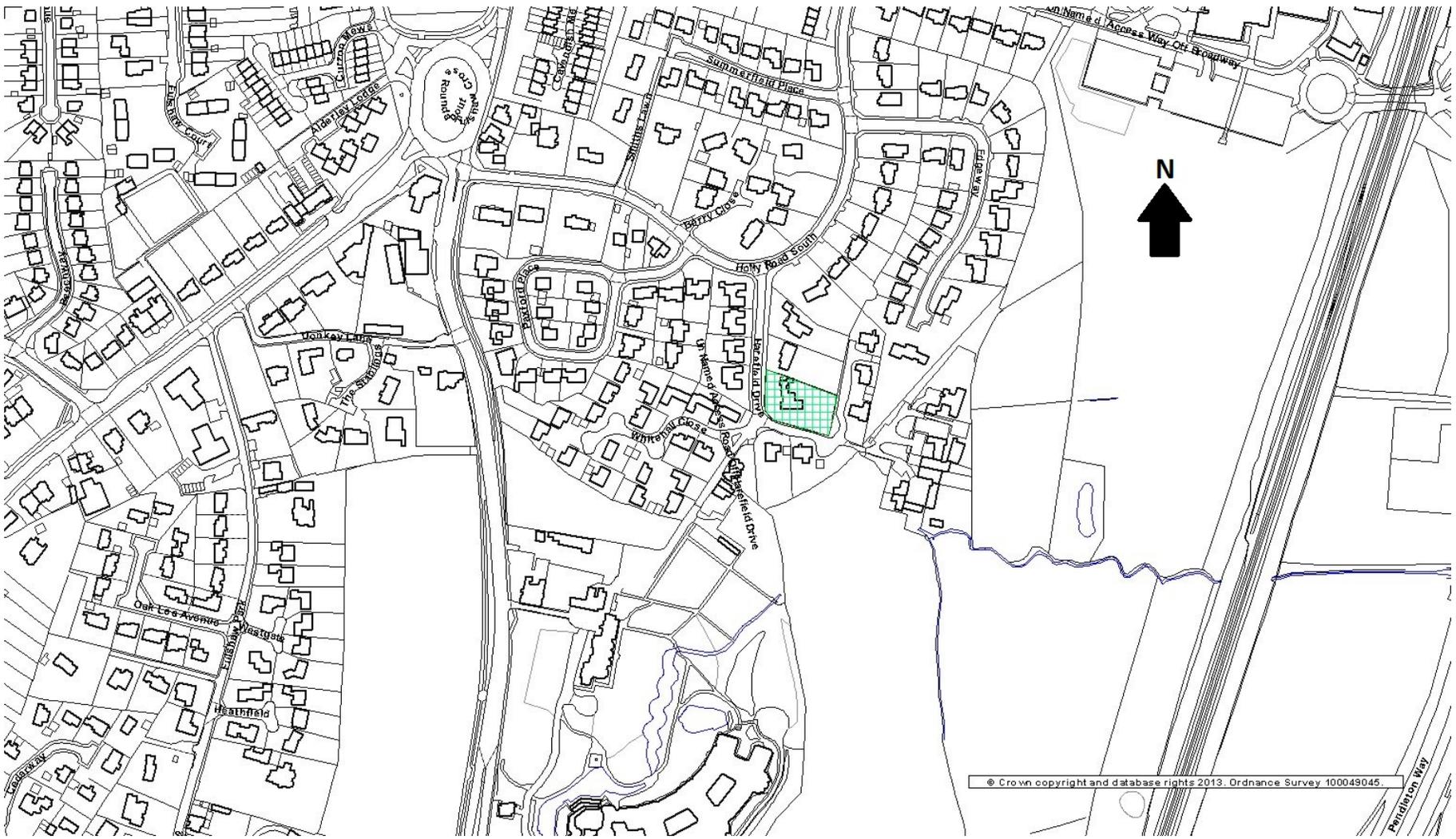
**DELEGATE to the Head of Planning (Regulation) in consultation with the Chairman of Northern Planning Committee to APPROVE the application, subject to;**

**The submission and approval of an updated Bat Survey and Report;**

**And the following conditions:**

- 1. Standard Time Limit (3 years)**
- 2. Development to be carried out in accordance with approved plans**
- 3. Details of Materials**
- 4. Levels details to be submitted**
- 4. Removal of Class A and B Permitted Development Rights**
- 5. Bird Nesting**
- 6. Bat Mitigation**
- 7. Parking to be provided and made available prior to occupation**
- 8. Landscaping to be submitted**
- 9. Landscaping Implementation**
- 10. Details boundary treatment**
- 11. Drainage Scheme to be submitted**
- 11. Tree Protection**
- 12. Tree Retention**
- 13. Construction Method Statement**
- 14. Piling details to be submitted**
- 15. Dust control measures to be submitted**

*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.*



Application No: 17/1052M

Location: MERE HALL FARM, BUCKLOW HILL LANE, MERE, CHESHIRE, WA16 6LE

Proposal: Demolish poultry building and replace with steel portal frame building to be used for business storage.

Applicant: Messrs Ian & Andrew Faulkner

Expiry Date: 26-Apr-2017

### REASON FOR REFERRAL

This application is referred to Northern Planning Committee as it has been called-in by the Ward Councillor (Cllr Hunter) for the following reason:

*“If the Planning officer is minded to refuse application number 17/1052M, for a replacement building at Mere Hall Farm, then I wish to formally request for the application to be called in to Northern planning committee, because I believe there are very special circumstances of this case, which should be given substantial weight in determining the application.*

*A replacement building is acceptable in planning terms, if it is in the same use and it is not materially larger than the one it replaces. In this case, the building would be in the same use. It would be materially larger, in terms of its volume, because of an increase in height that is necessary, given the unusually low height of the two existing agricultural buildings on either side of the proposed building, it is not considered that the proposal would look out of context on the site, or impact on the wider area.*

*VSC have been demonstrated, that would outweigh any harm to Green Belt, or cause any harm to Green Belt Policy and in accordance with National Planning Policy Framework”.*

#### Summary

The NPPF (2012) is clear in its aim to protect Green Belt land, stressing that the fundamental aim is to prevent urban sprawl by keeping land permanently open, with the essential characteristics being their openness and permanence.

The proposed replacement building would be materially larger than the one it replaces and would have a significantly detrimental impact on both openness and permanence. It is not considered that Very Special Circumstances have been suitably demonstrated, that would outweigh this harmful impact upon the North Cheshire Green Belt.

In respect of sustainability, the socio-economic benefits of the scheme are

outweighed by the substantial environmental harm. Thusly this proposal goes before planning committee with a recommendation that the application be refused.

**RECOMMENDATION**

**Refuse subject to reason**

**PROPOSAL**

This application seeks planning permission for the demolition of a storage building (B8) (previously used as a poultry building, converted under 16/4275m, approved 26/10/16), and replacement with a larger B8 storage building. The building would sit on a similar footprint albeit set back slightly and reduced in width. Materials include Juniper Green Box Profile sheeting and grey roofing sheets. Small roof lights are indicated within the roof slopes and the building would be accessed via a large shutter door to the front elevation.

The Planning Statement submitted with the application clarifies that a larger storage building is “necessary to make the building useable because of the unusually low eaves (of the existing building), given its previous use as a poultry house”. Justifications are further provided within the statement including reductions in traffic movements to the site, and supporting of a successful business enterprise. These are discussed in the appraisal.

Blackmagic Design (a manufacture of creative video technology) currently occupy 3 units and a warehouse at Mere Hall Farm, providing equipment / products which are sent worldwide.

The building dimensions are as follows:

	<i>Existing Building</i>	<i>Proposed Building</i>	<i>Difference</i>
Width	18.1m	15.2m	-2.9m
Length	27.5m	27.4m	-0.1m
Footprint	498m <sup>2</sup>	416m <sup>2</sup>	-82m <sup>2</sup>
Eaves Height	2.3m	5.4m	+3.1m
Max. Height	3.9m	7.5m	+3.6m
Volume	1543m <sup>3</sup>	2686m <sup>3</sup>	+1143m <sup>2</sup>

Full consultation has been carried out on the plans submitted with the application.

**SITE DESCRIPTION**

The application site comprises a rural enterprise (Mere Hall Farm), and a business centre (Mere Hall Business Centre). The business centre is currently occupied by four tenants including Blackmagic Design, who are a provider of broadcasting television and film products. The farm currently grows 140 acres of arable crops including wheat, barley, oats and spring beans. A sizeable area of parking is provided within the site (serving the business centre), and a farmhouse is located near to the entrance.

In the wider context, the A556 highway improvement scheme intersects the land to the west of the site which has permanently closed Bucklow Hill Lane. The section of Bucklow Hill Lane outside the site is still publicly accessible and sits at a higher land level allowing views across the site, notably towards the agricultural buildings to the rear. Open fields are located west of the site with some low density residential development to the east. Other nearby uses include a petrol station, public house, hotel and garage, situated alongside Chester Road (formerly a main route between the M56 and M6 motorways). The area does, however, remain characterised by its open land, and scenic character, typical of Cheshire's countryside.

Under planning ref. 16/4275m, a smaller agricultural building has been converted to B8 business use which is the subject of this application. This building sits in-between two larger buildings (both agricultural), one of which is open natured.

### **CONSTRAINTS**

Local Plan Green Belt  
Agricultural Land Grade 3

### **RELEVANT SITE HISTORY**

The site has been subject to a number of applications in the past and of particular relevance are:

16/4275m - Prior Approval for a Change of Use from an agricultural building to a flexible use for storage (B8). *Prior Approval not required (26/10/16).*

14/0764m – Prior notification of an agricultural steel portal building. *Prior Approval not required (17/03/14).*

12/1832m – Agricultural steel portal building. *Prior approval not required (01/06/12).*

11/3365m – COU from agricultural building to B8 storage use. *Approved with conditions (16/11/11).*

01/2949P – COU of farm buildings to Class B1 (Business Use) & demolition of modern farm building (revised scheme to Planning Consent 01/2128P). *Approved with conditions (23/01/02).*

61409P – Erection of poultry shed extension for the rearing of Poussins. *Approved (02/01/90).*

### **LOCAL AND NATIONAL POLICY**

#### **Macclesfield Borough Local Plan (2004)**

BE1 – Design Guidance  
DC1 – New Build  
DC3 – Amenity

DC6 – Circulation and Access  
DC8 - Landscaping  
GC1 – New buildings in the Green Belt  
GC3 – Visual Amenity in the Green Belt

**Cheshire East Local Plan Strategy – Submission Version (CELP)**

Policy CO1 (Sustainable Travel and Transport)  
Policy EG1 (Economic Prosperity)  
Policy IN1 (Infrastructure)  
Policy PG1 (Overall Development Strategy)  
Policy PG3 (Green Belt)  
Policy SD1 (Sustainable Development in Cheshire East)  
Policy SC2 (Sustainable Development Principles)  
Policy SE1 (Design)  
Policy SE4 (The Landscape)  
Policy SE8 (Renewable and Low Carbon Energy)  
Appendix C (Parking Standards)

**National Policy**

The National Planning Policy Framework (NPPF) (2012) establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

7 (Achieving Sustainable Development)  
14 (Presumption in Favour of Sustainable Development)  
17 (Core Planning Principles)  
Section 9, p79-92 (Protecting Green Belt Land)  
109-11 (Conserving and Enhancing the Natural Environment)

The National Planning Practice Guidance (NPPG) (as updated online)

**CONSULTATIONS**

**Mere Parish Council:**

Members of Mere Parish Council have studied the plans have no objections.

**REPRESENTATIONS**

1 x letter of support has been received:

Having visited the applicant's site and viewed the area for the planned building, as Ward Councillor, I discussed in detail the proposed application with both the applicant and the intended business user. When we have in our midst, successful and employer friendly businesses, needing to expand, to remain both competitive and forward thinking, then, providing they understand the boundaries of acceptance in accordance with the rules surrounding our Green belt, we should

take into consideration their compliance and understanding and allow them the benefit to grow within those boundaries and within, to a certain extent, our Green belt. This is, in my opinion, an acceptable, appropriate and accommodating structure, which would be fully acceptable in the surroundings it would stand in and be of great benefit, to both business and potential increased employment in this particular area of Cheshire East. I ask that you take my comments on board, when considering this application. Thank you.

*Comments are noted. See appraisal.*

*Two site inspections have been carried out on 5<sup>th</sup> December 2016, and during March 2017. Public consultation has been carried out in accordance with statutory requirements.*

## **APPRAISAL**

### **Key Issues**

- Principle of development and impact on the Green Belt
- Design considerations
- Character of the area
- Sustainability
- Planning balance

### **Principle of Development and impact on the Green Belt**

The site is located within the Green Belt. Paragraph 89 of the National Planning Policy Framework states the following;

*89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

- *buildings for agriculture and forestry;*
- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *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.*

In assessing whether a building is materially larger, case law has established that this can generally be quantified through increases in width, depth, footprint and volume. Whilst reductions in width and length are identified, the volume would be increased significantly by +1143m<sup>3</sup> (equating to a 74% increase over the existing building, one 1.75x larger) by virtue of the considerable increases in eaves height and subsequent roof height. Notwithstanding that the development would be highly visible from the street scene of Bucklow Hill Lane, harm to the Green Belt can be ascertained regardless of visibility and/or screening. The government is clear in their determination to keep land permanently open, and prevent urban sprawl. The visual dimension does, however, remain an important aspect in Green Belt policy and this can be assessed alongside volumetric calculations in determining the impact on openness (John Turner v Secretary of State & East Dorset District Council)..

With respect to the above calculations, it is clear that the replacement building would be one materially larger than the one it replaces and this larger built form would be visible within the surrounding rural landscape. With this in mind, the proposal is firstly deemed inappropriate with clear conflict identified with paragraph 89. The proposal would undermine the fundamental characteristics which contribute to the Green Belt, namely through its reductions in both openness and permanence.

As a result, paragraphs 87 and 88 of the NPPF are relevant and these state;

87. *As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*
88. *When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*

The agent has partially recognised the inappropriate nature of the works, and outlined some, to their judgement, very special circumstances, as follows:

- A need for a larger, modern, secure building more suited to the business needs.
- Retention of an existing business that employs local people and forms part of a global organisation that has significant foreign investment opportunities. The proposal would safeguard the UK element in the foreseeable future. Given the economic uncertainty following 'Brexit', global companies such as Blackmagic should be encouraged to stay.
- The business sustains the existing agricultural business at Mere Hall Farm. The proposal supports rural diversification.
- The proposed scale would not be out of context with its surroundings

- The building would have a smaller footprint, and whilst higher, this would be less than the existing building.
- Minimal impact on the openness of the Green Belt

Other material considerations outlined by the agent include reductions in the number of vehicle movements into the site. This would be achieved by having a larger storage area to allow larger vehicles to deposit and pick up products as opposed to multiple trips using smaller vehicles. Improvements in appearance are also suggested through the use of more appropriate materials.

It can be noted that financial information has been provided during the consideration of this application which have been assessed and discussed with the applicant. This information cannot be included within the report, but has been taken into consideration in determining the viability of the business. For the purposes of assessing this application, the business is considered a viable enterprise.

Very Special Circumstances (VSCs) can be assessed by not a quantitative test, but a qualitative judgement as to the weight to be given to the particular factor for planning purposes. Such circumstances should be unique to each site and not easily replicated. Each factor can be given varying levels of weight, but they are not mutually exclusive, and may be considered collectively to construct a unique argument.

It is generally agreed that this business would benefit from further secure storage, larger in size. The products exported are valuable, range in size, and the building size is reasonably justified through the safe use of fork-lift trucks within the building and more efficient racking of products. Furthermore, by allowing larger shipments to be received/exported as opposed to smaller frequent trips made by air-freight, this would facilitate reductions in the businesses Carbon footprint. The site is located closely to the M56 and M6 motorways, and is reasonably close to major ports whereby large cargo could be transported by sea as opposed to air. The cargo could reach the site through articulated Lorries, of which the access to the site appeared suited for.

With this in mind, there are certain socio-economic benefits associated with the development. The scheme would demonstrably support the existing business. Minimal weight can be afforded to Britain's exit of the European Union. This is an ongoing process in the early stages, and details of negotiations, such as access to the Single Market are yet to be fully established. The LPA acknowledges the uncertainty of this period, but this cannot be considered a VSC. It could also be argued that should the LPA afford weight to this matter in relation to Mere Hall Farm, this would set a dangerous precedent and lead the Council to a weaker position in preventing similar development in the Green Belt when this specific VSC is likely to be applicable to numerous sites across the Borough. It may also be noted that the existing building is being used for storage purposes at present and is therefore adapt for some modest commercial storage. Arguments have been put forward that the increased size of the proposed building could facilitate a simpler agricultural conversion in the future should the commercial activities subside. This could, hypothetically, support the remaining agricultural activities on-site. Any such scenario, however, may or may not materialise and therefore cannot be afforded weight in determining this application.

The argument relating to the business supporting the agricultural aspect of Mere Hall Farm and rural diversification is not agreed with. The two different operations should not be mutually dependent and should be able to independently operate irrespective of each other. Some of the income from business rates may be re-invested into the agricultural aspect but again this is not a VSC to outweigh the harm to the Green Belt. National Policy encourages farm diversification to support rural enterprise but such diversification should be subordinate to the main agricultural use on-site and generally directs farmsteads to incorporate uses such as B&Bs, different branches of farming, some subservient industrial use, and other appropriate rural uses. In this case, the commercial aspect is arguably the more prominent use within the site, which itself is generally considered an inappropriate use in the Green Belt.

Questions are raised as to why this site specifically has been chosen. No sequential approach has been included within the application, outlining what/if any other sites have been considered. A site within the settlement boundary of Knutsford, or other nearby business parks would have had a much lesser impact on the Green Belt. Whilst the success of Blackmagic is noted, as so is the business' connection to local people (namely through employment), any business which successfully establishes within the Green Belt should not have an automatic right to further expansion. Some farm diversification is encouraged by both national and local planning policy but the success of any commercial aspect cannot give weight to further encroachment/ development in the Green Belt in supporting this. Again this specific VSC outlined is likely to be applicable across numerous sites within the Borough and is not specific to this site.

The recent case of *John Turner v Secretary of State (CLG) & East Dorset Council* considered that the visual dimension of openness is an important aspect to consider alongside the increases in physical presence. With this in mind, the agent has suggested as a VSC that the building would sit sympathetically between the two larger agricultural buildings to each side and visually the proposal would preserve openness. Drawing No.2 highlights the respective roofscapes with the proposed building sitting below a line drawn between the two adjacent roof apex's. Perspectives from the east and west would be well screened by the adjacent buildings and mature vegetation/trees planted along the southern boundary presently limit views from a southern direction / Chester Road. Such screening can, however, only be afforded limited weight due to the semi-permanent nature of the vegetation.

The main perspective of the development would, however, be provided from Bucklow Hill Lane, which whilst cut-off to the east (due to the A556 works) remains a key viewpoint over the farm and is within the public realm. The present poultry building is low in profile and fairly subordinate from the street scene. The replacement building, however, would extend vertically by a further 3.6m (+3.1m eaves height) which would significantly increase its physical presence from perspectives of the public realm. As such, the development would clearly have a negative impact on the perception of the Green Belt and associated visual amenities. The visual impact, alongside the calculated increase, would further diminish the openness and permanence of the countryside in this location. This VSC is therefore disputed.

Collectively, these circumstances would not amount to 'Very Special'. An assessment against the benefits of the scheme is not required. It is clear that the development is inappropriate and would undermine both the openness and permanence of the Green Belt, two of the most fundamental characteristics. In the absence of genuine VSCs, a reason for refusal is justified by a significant level of harm to the Green Belt.

NB, generally the LPA would seek to restrict such commercial development to within settlement boundaries, or business parks / sites allocated for such purposes. Due weight, is, however afforded to the Town and Country Planning (General Permitted Development) Order 2015 which does allow conversions of agricultural buildings and the re-use of rural buildings within the Green Belt. The B8 storage use has been allowed under 16/4275m.

### **Design assessment and effect on the character of the area**

The use of green cladding and grey roofing sheets would lend itself to a more rural construction type. Slight issues are raised with the large steel shutter doors which, whilst partly justified on security grounds would detract from any typical agricultural appearance. This would be viewed in direct contrast to the adjacent agricultural building (which is open-fronted) when perceived from Bucklow Hill Lane. Despite this road being cut-off by the A556, it remains particularly aesthetic-rural in character, namely the open-fields, simple Cheshire brick terrace to the end, and low open-fronted nature of Mere Hall Farm (set below the highway). The larger agricultural building has been erected behind the farm although this is not viewed totally inappropriately within the countryside due to its open-fronted nature allowing perspectives of agricultural machinery.

The building would be set back further within the site (compared to the one it replaces) which does help, albeit only slightly, to soften its impact. It is also creates a larger gap to the business centre which could help to facilitate vehicle movements to the front of the building.

As per the above section, the main issue relates to the size of the building which would have a harmful impact on the perception of the countryside. The dominance of this building would be exacerbated given the low profile of Mere Hall Business Centre in the foreground. The impact is harmful to the countryside character, further undermining the characteristics of the Green Belt.

### **Highways impact**

There are two access points into Mere Hall Farm, (presumably one serving the farm, and the other the business centre). Access for larger vehicles would be sufficient for this development with medium-large sized vehicles, in addition to tractors, presently accessing the site this way.

### **Residential amenity**

The proposed building would be sited within fairly close proximity of main farmhouse on Mere Hall Farm (occupied by the owners of the site). The replacement building would be sited some 62m south east and its size and use is not considered to be significantly detrimental to residential amenity. The application states that deliveries would be reduced in frequency and this could arguably offer a slight benefit through less frequent noise disturbance.

### **Flooding issues**

The site is not situated within an Environment Agency designated flood zone.

It is not considered that this scheme would significantly exacerbate any present flooding within the neighbouring sites or the immediate locality and is thus acceptable in this aspect, in line with the NPPF.

### **Ecology and Nature Conservation**

The existing commercial building is in active use. The demolition works and construction of a replacement building are not considered to pose harm to any protected species or wider biodiversity.

### **Sustainability**

#### ***Environmental sustainability***

Taking into account the above sections the proposal is considered to represent a harmful form of development to the Green Belt. The replacement building would be materially larger (1.75x larger) than the one it replaces and in accordance with paragraph 89 of the NPPF, this development would be unacceptable in principle. The building, through its increased height, notably at eaves level, would result in a bulkier, taller, and subsequently more prominent building, which would collectively undermine the openness and permanence of the North Cheshire Green Belt. Further to this, the building would be very prominent from public space by virtue of Bucklow Hill Lane. The harm to the Green Belt can be identified both through the visual aspect, and the buildings 'materially larger' nature. This impact would amount to substantial harm contrary to the NPPF and policy GC1 of the Macclesfield Borough Local Plan. As per the above appraisal, no very special circumstances have been suitably demonstrated as to why this harm should be overlooked.

#### ***Social sustainability***

As per the supporting statement the development would not provide further employment opportunities. The development would, however, support an existing high-tech industry within the countryside.

The Council does fully support the growth of existing businesses within the Borough, but strong weight must be afforded to the Green Belt. No sequential test has been adopted highlighting if other sites have been considered and why these have been discounted. Benefits of security, cost effectiveness, and convenience would not be significant in outweighing the harm to the Green Belt.

#### ***Economic sustainability***

The proposed development would provide some economic benefits through the support of an existing business which has global trade links and some reductions in business transport costs. Support of the business could also ensure job security within the local area. Small benefits would also be available to the local workforce through construction contracts.

### **Summary and Planning Balance**

In weighing the merits of the scheme against the Green Belt harm, the development should not be approved. The irreversible and substantial Green Belt harm (environmental) is not outweighed by the arguments and merits (socio-economic) put forward within this application. The recommendation is therefore for refusal.

*In the event of any changes being needed to the wording of the Committee's decision (such as to debate, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Enforcement Manager 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.*

### **RECOMMENDATION**

**Refuse subject to the following reason:**

- 1. The proposal would be inappropriate development as defined in paragraph 89 of the National Planning Policy Framework and very special circumstances have not been suitably demonstrated to outweigh the clear harm to the openness and permanence of the Green Belt. As such the proposals are contrary to the requirements of Policy GC1 of the Macclesfield Borough Local Plan (2004) and the requirements set out in the National Planning Policy Framework (2012).***

