

Application No: 15/3058M

Location: Yewtree Farm, Moor Lane, Wilmslow, Cheshire, SK9 6BX

Proposal: Proposed residential development of land comprising an Abattoir and ancillary buildings at Moor Lane, Wilmslow.

Applicant: Cheryl Wood, Stewart Milne Group Ltd

Expiry Date: 15-Oct-2015

SUMMARY

The application site is located within the Green Belt as defined by the Macclesfield Borough Local Plan.

The proposed seeks full planning permission for what is described as: “...*the proposed residential development of land comprising an Abattoir and ancillary buildings at Moor Lane, Wilmslow*”. The proposed development comprises demolition of the existing buildings on site, removal of existing hard-standing and erection of 21 No. dwellings with associated access road, landscaping and public open space.

The 3 No. roles of sustainability outlined in the NPPF (social, environmental and economic) have been considered to arrive at a conclusion regarding the overall sustainability of the proposal. Benefits have been balanced against the disadvantages. The proposed development would provide social benefits with the provision of 15 No. open market houses and 6 No. affordable houses. The site would provide an area of public open space primarily accessible to future residents of the new dwellings. The proposed would provide some economic benefits, such as the employment opportunities during the construction phase, the wider economic benefits to the construction industry supply chain and future residents contributing to the local economy. As regards environmental sustainability, the impact on 1) the landscape, 2) trees and hedges, 3) ecology and 4) the character and appearance of the area/street-scene is considered to be of a limited and acceptable degree. It is also considered that there are no significant environmental health concerns arising from the proposal. However, the proposed development is considered to have a greater impact on the openness of the Green Belt than what exists on site and to threaten one of the purposes of including land within the Green Belt due to encroaching into the Green Belt. Therefore the proposed is inappropriate development in the Green Belt. No very special circumstances exist to outweigh the harm identified. The proposed is also considered to have a detrimental impact on the amenities of a number of neighbouring properties, due to not providing appropriate space between buildings, reducing light and being overbearing in respect of habitable rooms and gardens. Finally, there is insufficient information to be able to conclude on highways and flood risk matters.

RECOMMENDATION: REFUSE

It is considered that the proposed development does not constitute a sustainable form of development within the broad context of sustainability outlined in the NPPF. Although the Council does not have a 5 year supply of housing land, it is considered that the harm to the Green Belt identified and the impact on the amenities of neighbouring properties significantly and demonstrably outweighs the benefits of the provision of 21 No. dwellings and that other policies within the NPPF, especially section 9, Green Belts, indicate that development should be restricted. Therefore, it is recommended the application be refused due to 1) impact on the Green Belt, 2) impact on residential amenity and 3) insufficient information regarding highways and flood risk matters.

REASON for REPORT

The proposal is for 21 No. dwellings.

PROPOSED DEVELOPMENT

It is noted that revised plans have been received during the course of the application, the applicant has sought to address some of the issues raised by various consultees.

This application is a full planning application for what is described as “...*the proposed residential development of land comprising an Abattoir and ancillary buildings at Moor Lane, Wilmslow*”. The proposed development consists of demolition of the existing buildings on site and removal of existing hard-standing and the erection of 21 No. dwellings and associated access road, landscaping and public outdoor space.

SITE DESCRIPTION

The application site is located off the northern side of Moor lane, Wilmslow (approx. 1.9k from Wilmslow town centre) and covers an area of approx. 6.1ha. The site is located within the Green Belt, as defined in the Local Plan. There are residential properties beyond the site's north-eastern, eastern and southern boundaries and open countryside beyond the western and north-western boundaries of the site. The surrounding residential properties are a mix of two-storey detached and semi-detached properties and bungalows of varying architectural styles with a mixed palette of materials.

The site is situated approx. 50m from the nearest bus stops, 50m from a Public House, within 1-1.5k of a multi-functional outdoor space, convenience stores, local shops, Primary Schools, child care facilities, a place of worship, a public right of way, a post box, a supermarket and entertainment & leisure facilities and within approx. 2k of a Secondary School, medical & dental facilities, community facilities, financial institutions and the full range of facilities and services usually found in a Town centre. The site is approx. 2.7k from Wilmslow train station and 2.8k from Alderley Edge train station. The site is located within a flood risk zone 1.

There are a number of buildings on site, including a dwelling, and areas of hard-standing. It is considered by the applicant that the buildings on site (other than the dwelling) have a planning use as an Abattoir.

RELEVANT PLANNING HISTORY

The planning history dating back to the 1980s shows that there have been a number of applications on the site between 1981 and 2002 for agricultural buildings and extensions to buildings associated with a poultry farm (26339P, 29293P, 30933PB, 74267P, 46735PB, 63012P and 02/2934P); there have also been a couple of applications for a bungalow/garage (28856P and 29827PB). The more recent applications on site are as follows:

- 14/3785M Certificate of lawful development for existing use of building as a dwelling. Positive certificate, 06.03.2015
- 14/3787M Change of use from Agricultural buildings to B2 (Abattoir), the outbuildings having been in use since 2001. Withdrawn, 06.11.2014
- 14/4954M Certificate of existing lawful use as an Abattoir. Not yet determined.

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 (this statement 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 Plan (January 2004).

National Policy/Guidance

National Planning Policy Framework (NPPF)

Para 6 of the NPPF states that

The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 14 states that at the heart of the NPPF

...is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means

...approving development proposals that accord with the development plan without delay...and

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

- 1) 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*
- 2) specific policies in the Framework indicate development should be restricted.*

Sustainable development includes economic, social and environmental roles (NPPF para 7)

Para 47 of the NPPF states that Local Planning Authorities should “...boost significantly the supply of housing...” Furthermore

Para 49 states 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.

Additional sections of the NPPF of particular relevance to the appraisal and determination of the application are:-

- Part 1- Building a strong, competitive economy
- Part 4 - Promoting sustainable transport
- Part 6 - Delivering a wide choice of high quality homes
- Part 7 - Requiring good design
- Part 8 - Promoting healthy communities
- Part 9 – Protecting Green Belt land
- Part 10 - Meeting the challenge of climate change, flooding and coastal change
- Part 11 - Conserving and enhancing the natural environment
- Annex 2 (Glossary) – Esp. definition of ‘previously developed land’

National Planning Practice Guidance (NPPG)

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

Local Policy - Development Plan

Macclesfield Borough Local Plan – saved policies (MBLP)

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 listed below:-

NE11 (Nature conservation)

NE18 (Accessibility to nature conservation)

BE1 (Design guidance)
GC1 (Green Belt)
RT5 and DC40 (Children's play provision and amenity space)
H1 (Housing phasing policy)
H2 (Environmental quality in housing developments)
H5 (Windfall housing sites)
H8 & H9 (Affordable housing)
H13 (Protecting residential areas)
IMP1 (Provision for infrastructure)
DC1 (High quality design for new build)
DC3 (Protection of the amenities of nearby residential properties)
DC5 (Design and natural surveillance)
DC6 (Circulation and access)
DC8 & DC37 (Requirements for landscaping)
DC9 (Tree protection)
DC15 (New infrastructure & facilities)
DC16 (Servicing by existing infrastructure)
DC17 & DC18 (Water resources)
DC36 (Road layouts and circulation)
DC38 (Guidelines for space, light and privacy for housing Development)
DC63 (Contaminated land)

Other Material Considerations

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following policies are considered relevant material considerations as indications of the emerging strategy: -

IMP1 (Presumption in favour of sustainable development)
PG2 (Settlement Hierarchy)
PG3 (Green Belt)
PG6 (Spatial Distribution of Development)
SD1 (Sustainable Development in Cheshire East)
SD2 (Sustainable Development Principles)
IN1 (Infrastructure)
IN2 (Developer Contributions)
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)
SE12 (Pollution, Land Contamination and Land Instability)
SE13 (Flood Risk and Water Management)
CO1 (Sustainable Travel and Transport)

Interim Planning Statement: Affordable Housing - Feb 2011
Strategic Market Housing Assessment (SHMA)- Up-date Sept' 2013
Strategic Housing Land Availability Assessment (SHLAA)- Jan 2013
Article 12 (1) of the EC Habitats Directive 1992
The Conservation of Habitats and Species Regulations 2010
Nature Conservation Strategy (SPD) – 2006
Designing Out Crime (SPD) - 2006
Trees & Development Guidelines (SPG) – 2004
Supplementary Planning Guidance on s106 (Planning) Agreements

CONSULTATIONS

Head of Strategic Infrastructure (Highways)

The Head of Strategic Infrastructure (Highways) has requested additional information and amendments to plans as outlined below:

- Vehicle swept path analysis for a **large** refuse vehicle entering and exiting the site in a forward gear, the submitted analysis is for a small refuse vehicle; and
- Parking for plots 18, 19, 20 and 21 is still unusable

The following also needs to be clearly illustrated on plan and/or clarified:

1. Dropped kerb pedestrian crossing points with tactile paving should be provided across Moor Lane somewhere between Moorfield Drive and Winchester Close, to link the site with the bus stop outside The Rifleman's Arms;
2. Dropped kerb pedestrian crossing points with tactile paving should be provided across the site access at its junction with Moor Lane;
3. Dropped kerb pedestrian crossing points with tactile paving should be provided across Moor Lane to the west of the site access to link the site with the footway network opposite.
4. Confirmation is sought that the private road outside plots 7 to 10 is at least 6.0m wide to allow a vehicle to be manoeuvred in and out of the parking bays.

Heritage & Design – Landscape

No objections

Heritage & Design - Forestry

No objections, subject to conditions re tree retention and tree protection.

Heritage & Design – Ecology

No objections, subject to conditions re a) development to be undertaken in accordance with the recommendations in the reptile survey, b) landscaping to include preplacement hedgerows, c) protection of nesting birds and d) details of features to be included in the development suitable for nesting birds and bats.

Environmental Protection

No objections, subject to the following conditions: 1) details of dust control, 2) an Environmental Management Plan (covering air quality and noise impact, with mitigation measures as required), 3) waste management provision, 4) electric vehicle infrastructure and 5) a Phase II contaminated land investigation. An informative re Environmental Protection is also recommended.

United Utilities

No objections, subject to conditions relating to foul and surface water drainage and informatives re drainage options and water supply to the units.

Education Dept/Services to Children & Families

No objections, subject to commuted sums to provide additional Primary and Secondary Education places as the application is forecast to impact on both Primary and Secondary education in the immediate locality.

The application is expected to generate 4 No. Primary places (21 x 0.19) and 3 No. Secondary places (21 x 0.15).

Forecasts indicate an immediate shortfall and beyond for Secondary. Forecasts indicate a shortfall for 2018 and beyond for Primary.

The commuted sums required are outlined below (Heads of Terms)

Housing Strategy and Needs Manager

Initially objected due to lack of 'pepper potting' of 7 No. affordable units on the original layout of 22 No. units. Revised plans reduced the total number of units to 21 and, correspondingly, the number of affordable units to 6 No. with the affordable units spread more over the site. The Housing Strategy and Needs Manager accepts the degree of 'pepper potting' on the revised plans but has also expressed a preference for the original site layout of 22 No. units in total as this provided 7 No. affordable units rather than 6 No., and given the demand for affordable housing in Wilmslow the 7 No. units not 'pepper potted' is deemed preferable to the 6 No. units 'pepper potted'.

Greenspace

No objections, subject to appropriate commuted sums for recreation outdoor sports (£1,000 per open market dwelling), a management plan for the on-site public open space ensuring full access for maintenance and details of facilities/features to be provided within the public open space.

Flood Risk Manager

The Flood Risk Manager has requested that the applicant provide the following additional information:-

“...identify the greenfield runoff rates and proposed attenuated volumes associated with development under extreme storm/flood events (1 in 100 year plus climate change) to ensure that discharge rates and volumes are reasonable for location and site, and that measures could reasonably be accommodated within the site with no adverse impacts both on and off site. This would form the basis of the outline drainage strategy for the site.

As yet this information has not been submitted.

Environment Agency

No objections

TOWN/PARISH COUNCIL

Wilmslow Town Council

Recommend refusal – Development in the Green Belt without exceptional circumstances

REPRESENTATIONS

Representations have been received from approx. 45 No. households, 6 No supporting the proposal and the rest objecting; the objections include representations on behalf of ‘Residents of Wilmslow’; details can be read on file. A summary of supporting comments and objections/issues raised is provided below:

Support

- It can only improve the neighbourhood
- Would provide a worthy addition to Wilmslow’s housing stock
- Would remove a non-residential use; preferable to be used for housing rather than (unauthorised) abattoir
- Would result in buildings less overbearing
- Would improve outlook for some residents (by removing unsightly buildings)
- Would enhance the appearance of Moor lane
- Cannot be inappropriate development as the site is industrial
- Site hasn’t adhered to the original definition of Green Belt land (defined in 1955) for some time
- Note that local facilities will need improving, footpaths are inadequate and appropriate sight-lines need to be provided at the access
- Recommend a condition limiting construction to between 0800 to 1800, to minimise disruption to neighbouring properties

Object

- Impact on Green Belt; intrusion into Green Belt; inappropriate development in Green Belt; no exceptional/very special circumstances

- Should be refused just as the 12/1144M application was (Gypsy/traveller site in Green Belt)
- Would reduce openness of the countryside; height of proposed buildings higher than existing, which would reduce openness
- Not an abattoir; lived in the area for a) 34 years and b) over 20 years – no-one locally knows it as an abattoir; been used as a chicken farm and turkeys at Christmas; not operated at current level for 10 years nor are all the buildings used
- Agricultural buildings are not brownfield land
- Application 14/4954M not yet determined; regardless, the footprint of proposed is larger than footprint of existing farmyard
- Proposal would completely fill the plot
- Should look for suitable brownfield sites elsewhere in Wilmslow
- Majority of structures on site have been used for agricultural purposes/storing agricultural machinery
- Impact on wildlife
- Impact on flora and fauna
- Impact on Lindow Moss peat bog
- Too many trees removed
- Landscaping should improve the situation, not just replace things
- Overbearing on surrounding properties; height would impact on neighbouring bungalows; too dense
- Overdevelopment of the site
- Impact on daylight, visibility and outlook
- Impact on privacy
- Impact from increased noise
- Would reduce security
- Extra houses but no extra facilities (eg. Doctors, Schools, etc.)
- Previous applications rejected
- Would set a precedent
- Visual impact on the area
- Extra traffic undesirable in the interests of road safety
- Moor Lane not adequate for additional traffic
- Access has poor visibility/not safe
- Pollution and noise from additional traffic
- Insufficient parking for visitors
- Unsafe for eg. School children (limited footpaths available) and elderly
- Historic farmland; been used for farming for over 50 years
- Ground and air contamination
- Little detail, eg. ecology report inadequate
- Not seen any detail re building techniques (piling tests carried out, therefore piling likely to be required)
- Plans and submitted documentation include a range of errors relating to eg. calculations comparing existing and proposed, flood risk data, affordable homes not 'pepper-potted',
- Site is prone to subsidence and flooding
- Revised plans make very little change

- The road in the revised plans is worse than the original in that it encroached further into the Green Belt
- Would not object to a reduced form of development limited to the hard-standing buildings area only
- Main objection is the number of houses rather than the change of use

ADDITIONAL INFORMATION

The applicant has submitted the following documents, details of which can be read on file:

- Design & Access Statement (Inc. Landscape Impact Assessment)
- Planning Statement
- Ecological Assessments
- Site Investigations Reports
- Gas Report
- Flood Risk Assessment & Drainage Strategy Management
- Arboricultural Report
- Highways Report
- Info re respective sizes/areas/volumes etc. of existing buildings and hard-standing v proposed buildings and hard-standing

OFFICER APPRAISAL

There are three dimensions to sustainable development:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent (Paras 7 & 8 NPPF).

Key issues:

- Principle of the development
- Housing land supply

- Affordable housing
- Public Open Space
- Impact upon the Green Belt
- Design/impact on the character of the area, relationship with the street-scene
- Impact on residential Amenity
- Landscape, arboricultural and ecological impacts
- Highway safety
- Flooding and drainage
- Environmental issues
- Sustainability & planning balance
- Heads of terms

Principle of Development

Policy GC1 of the Local Plan states that

“Within the Green Belt approval will not be given, except in very special circumstances, for the construction of new buildings...” unless it is for one of a number of exceptions. The proposed development does not constitute one of the exceptions listed.

Para 89 of the NPPF states that

“A local planning authority should regard the construction of new buildings as inappropriate in Green Belt...”

“...inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances...” (para 87 NPPF).

‘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 (para 88 NPPF).

One of the exceptions listed in the NPPF (para 89) is

“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 advice is reflected in policy PG3 of the emerging Cheshire East Local Plan Strategy.

Annex 3 of the NPPF provides a glossary of key terms used within The Framework. ‘Previously developed land’ is defined as follows:

*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. **This excludes: land that is or has been occupied by agricultural or forestry buildings; land that***

has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

As noted above, the description of the proposed development indicates that the applicant considers the site to have a use as an Abattoir, which would constitute previously developed land. As also noted above the applicant has submitted a Certificate of existing lawful development (14/3787M); the essence of the certificate application is to establish from the Council whether or not the Local Planning Authority consider the use of the site as an Abattoir to be lawful or not. If the conclusion is that the site does not have a lawful use as an Abattoir then the applicant accepts that the current proposal would not meet the criteria of the exception of previously developed land and therefore the application would be inappropriate development in the Green Belt and should be refused. It is also noted above that at this stage application 14/3787M has not been determined. As the application has not been determined the current application to redevelop the site has been assessed on the basis of the site being deemed to be previously developed land. That said, it is noted that the Officer's view is that the site as presented does not constitute previously developed land. However, if the site is deemed to be previously developed land the key tests are a) whether or not the proposed has a greater impact on the openness of the Green Belt than the existing and b) whether the proposed threatens any of the purposes of including land within the Green Belt.

SOCIAL SUSTAINABILITY

Housing Land Supply

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.

This calculation of five year housing supply has two components: 1) the housing requirement and 2) the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The last Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector published his interim views based on the first three weeks of Examination in November 2014. He concluded that the Council's calculation of objectively assessed housing need is too low. He also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, Officers no longer recommend that this figure be used in housing supply calculations. The

Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Examination of the Plan was suspended on 15th December 2014.

Following the suspension of the Examination into the Local Plan Strategy and the Inspector's interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work in the form of the "Cheshire East Housing Development Study 2015 – Report of Findings June 2015" produced by Opinion Research Services, has now taken place.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

The definitive methodology for buffers and backlog will be resolved via the Development Plan process. However the indications from the work to date suggest that this would amount to an identified deliverable supply target of around 11,300 dwellings.

This total would exceed the total deliverable supply that the Council is currently able to identify. As matters stand therefore, the Council remains unable to demonstrate a 5 year supply of housing land.

On the basis of the above, the provision of housing land itself is considered to be a substantial social benefit of the proposal.

Affordable Housing

The proposed would provide 6 No. affordable dwellings, which is considered to be a significant contribution to the affordable housing needs of the area/Borough. The proposed is considered to accord with policies H8 and H9 of the Local Plan.

Public Open Space

Local Plan policies DC40 and RT5 require developments to include, or make provision for, outdoor amenity & play space. If provision cannot be made on site the commuted sums required for provision off-site are outlined in the SPG on s106 (Planning) Agreements.

It is noted that the site layout plan includes areas designated as Public Open Space (POS), x 1 area just to the west of the access road and an area to the north of the site.

The Officer for Greenspace makes the following comments:

If the retention of open space / green space is desirable for wider reasons, then on-site provision of public open space would be acceptable subject to the following caveats:

- Full access for maintenance to all parts of the POS
- A landscape management plan agreed with the Council with a clear mechanism for its maintenance in perpetuity
- Natural and timber play features to be incorporated into a scheme for the POS and seating, paths, kick-about area and appropriate landscaping, including amenity grassland, to be included
- The area to the front of the site would not be considered POS

There will be a requirement for a commuted sum for off-site provision of recreation outdoor space at a rate of £1,000 per open market family dwelling

Bearing in mind the above comments it is concluded that it will be possible to provide an appropriate level of public open space within the site which will meet the needs of future residents of the proposed dwellings. Contributions towards improving recreation outdoor sports facilities that future residents will be able to access can be secured via a s106 Agreement. As such, the proposed is considered to accord with policies DC40 and RT5 and other material considerations.

Green Belt assessment

The site edged red covers an area of approx. 15,160 sqm.

The existing buildings have a footprint of approx. 2,612 sqm and they have a volume of approx. 10,660 cum. The existing hard-standing covers an area of approx. 1,223 sqm. Therefore, the total area of hard-standing and building footprint is approx. 3,835 sqm. The height of the highest building on site is approx. 9.6m, the rest of the buildings are approx. 5.9m or below.

The proposed 21 No. dwellings (inc. detached garages) have a footprint of approx. 1,723 sqm; the associated gardens cover an area of approx. 3,800 sqm. Hence, the building footprint and gardens together cover an area of approx. 5,523 sqm. The volume of the proposed buildings is approx. 11,446 cum. The area of proposed hardstanding is approx. 2,488 sqm. Therefore, excluding the areas of Public Open Space, the total area of proposed building footprint, gardens and hardstanding is approx. 8,011 sqm. The heights of the proposed dwellings are all approx. 7.7 to 7.8m and the height of the proposed garages is approx. 6.4m.

It is considered that the proposed development across the whole of the site needs to be considered to appraise the impact on the openness of the Green Belt. It is considered that the built form (dwellings and garages), hard-standing (roads and footpaths), gardens (bearing in mind that they are likely to consist of various domestic paraphernalia) and areas of public open space (which cease to be 'open' when used by the public for recreational purposes) all impact on the openness of the Green Belt.

Hence, the worse-case scenario is that the whole of the site (i.e. 100%) is proposed for development compared with the existing development on site which constitutes only approx. 25% of the site area. If the proposed public open space is left out of the calculation the proposed development of dwellings (inc. garages), gardens and hardstanding constitutes

approx. 53% of the site area (again, compared with 25% existing). The proposed built form and hard-standing constitute approx. 28% of the site area. The volume of proposed buildings constitutes an increase of approx. 7% over the existing buildings. Although 1 No. existing building is approx. 9.3m high, the rest are approx. 5.9m and below; compared with the proposed dwellings which are all 7.7m to 7.8m and the garages which are approx. 6.4m. Therefore, all the proposed buildings are higher than all the existing buildings on site with the exception of 1 No. existing building.

Hence, the conclusion from the above comparisons is that the proposed development has a greater impact on the openness of the Green Belt than what currently exists on site – the development is spread across a wider area of the site, the buildings are generally higher, the volume of buildings is greater and the added to these factors is the fact that the use of the site for residential purposes with public outdoor space will result in a greater intensified use of the site compared to the existing use.

The proposed development also encroaches further into the Green Belt than the built form that exists on site, which threatens one of the purposes of including land within the Green Belt.

Bearing the above in mind it is considered that the proposed does not accord with local Green Belt policy (GC1) nor does it accord with policy guidance within the NPPF. Even if the site is deemed to be 'previously developed land' the proposed development would be inappropriate development in the Green Belt as the proposed has a greater impact on the openness of the Green Belt than existing and it encroaches into the Green Belt, thereby threatening one of the purposes of including land within the Green Belt. For such reasons the application should be refused, unless there are very special circumstances that outweigh the harm identified. It is considered that there are no very special circumstances that clearly outweigh the harm to the Green Belt identified.

Although 21 No. dwellings would be provided when the Council cannot demonstrate a 5 year supply of housing land, the harm to the Green Belt identified would a) constitute an unsustainable form of development (due to the detrimental impact on the environment), b) the harm would *“significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole”* and c) *“specific policies in the Framework [i.e. Green Belt policies] indicate development should be restricted”*.

Design/impact on the character and appearance of the area, street-scene

The site layout is such that there are a number of proposed dwellings fronting Moor Lane (6 No.), 2 No. of which are accessed directly via a proposed driveway off Moor Lane and the rest are accessed from the proposed main access road into the site, which runs south to north from Moor Lane.

The proposed dwellings are mainly detached, two-storey dwellings with a few semi-detached properties and a small terrace of 4 No. dwellings in the north-eastern corner of the site. Some of the properties have internal garages, some have detached garages and the small terrace has off street parking in front of the dwellings. The materials are to be agreed with the Local Planning Authority; the submitted street-scenes indicate a range of materials, which would be in keeping with the area. There is landscaping provided along the site frontage, within and

around the proposed gardens and within the areas designated as public open space. The density of the proposed development is comparable to that of surrounding residential development.

Bearing the above points in mind, and subject to relevant conditions if approved, it is considered that the proposed development will have an acceptable degree of impact on the street-scene and the character and appearance of the area. As such, the proposed accords with policies BE1, DC1 and DC5 and other material considerations.

Impact on neighbouring residential amenity

Concerns have been raised in representations about the potential impact of the proposed development on the levels of amenity currently enjoyed by the occupants of neighbouring properties, eg. overbearing, loss of outlook, loss of privacy, noise disturbance, etc. Policy DC38 gives guidance on recommended distances between dwellings re space, light and privacy. The recommended distances for new dwellings up to two-storeys high is 21m front to front, 25m back to back and 14m for a habitable room window facing elevations with either non-habitable room windows in them or blank elevations.

It is considered that there are some concerns regarding impact of the proposed development on the amenities of some neighbouring properties. Thus: 1) the side elevation of plot 11 is only approx. 9m from the rear elevation of number 4 Winchester Close (which has numerous habitable room windows in its rear elevation) and approx. 11m from the rear elevation of number 3 Winchester Close (which also has numerous habitable room windows in its rear elevation); as the south-eastern facing elevation of plot 11 has no habitable room windows in it the recommended distance is 14m; 2) the south-eastern facing side elevation of plot 10 is only approx. 7m from the north-western corner of number 5 Winchester Close, which has habitable room windows at ground and first floor levels on both its side and rear elevations and the outdoor amenity space is close to the proposed dwelling of plot 10; there are no habitable room windows in the south-eastern facing elevation of plot 10; 3) the north/north-eastern facing side elevation of plot 5 is approx. 12.5m from the rear elevation of number 23 Arlington Crescent and the garage of plot 5 is approx. 10m from the rear elevation of number 25 Arlington Crescent; there are no habitable room windows in the north-eastern facing elevations of the dwelling of plot 5; 4) the north-eastern corner/side elevation of plot 21 is only approx. 6m from a habitable room ground-floor window on the south-western elevation of number 1 Winchester Close; it is noted that there are no habitable room windows in the eastern facing elevation of plot 21.

Hence, the relationships referred to are considered to result in unacceptable reductions in amenity for the occupants of the surrounding neighbouring properties referred to (lack of space between buildings, loss of light and overbearing in respect of windows and gardens). As such, the proposed would not accord with policies DC38, DC3 and H13 or other material considerations.

It is noted that a few of the internal relationships between the proposed dwellings do not quite meet some of the desired distance standards. However, given the orientation of the buildings and the nature of the windows in the relevant elevations it is considered that the amenity levels of future incumbents of the dwellings would be acceptable and accord with relevant policies.

ENVIRONMENTAL SUSTAINABILITY

Landscape, arboricultural and ecological impacts

Landscape impact

The Landscape Officer broadly accepts the conclusions of the Landscape & visual Impacts Assessment submitted with the application and concludes that the proposal would not result in any significant landscape or visual impacts.

As noted there are areas of public open space provided at the western side of the access point and to the rear of the site. Some of the existing trees around the site perimeter are to be retained and the plans indicate that additional trees are to be planted throughout the site. Native hedging is proposed along the site frontage and there is hedging proposed along the boundaries of most of the plots. A semi-curved brick panel with piers is proposed at the site entrance. Close boarded timber fencing is proposed around some stretches of the site boundaries. There are brick piers and railings along the boundaries of some of the plots and there are some low level brick walls with piers and infill timber panels around the boundaries of other plots. The proposed dwellings all have front and rear garden areas. Should the application be approved, details of all soft and hard landscaping could be secured via conditions.

The information provided on plans at this stage is sufficient to conclude that the proposed development would not significantly harm the landscape character/visual amenity of the area. As such it is considered that the proposed accords with policies DC8 and DC37.

Arboricultural impact

Some minor issues initially raised by the Arboricultural Officer regarding trees not plotted and relationships between a few proposed buildings and existing trees have been addressed in the revised plans. Some trees are to be retained and there is indicative tree planting on the site layout. It is considered that the proposed development raises no significant arboricultural issues and that the proposed development accords with policy DC9 of the Local Plan.

Ecological impact

Great Crested Newts

The Nature Conservation Officer has concluded that Great Crested Newts are unlikely to be affected by the proposal.

Water Voles & Reptiles

The Nature Conservation Officer requested additional information regarding water voles and reptiles. Following submission of this information it has been concluded that a) no evidence of water voles were recorded and no further action is required b) no evidence of reptiles was recorded but there remains a risk that reptiles could appear on site. Consequently, if the

application is approved work should proceed in accordance with the measures outlined in the submitted report.

Bats

The Nature Conservation Officer requested additional information regarding bats. Following submission of this information it is concluded that roosting bats are not likely to be affected by the proposed development.

Hedgerows

It is noted that the proposed development would involve the loss of some existing hedgerows. However, additional hedgerows are proposed as part of the overall landscaping of the site. Should the application be approved it is recommended that the inclusion of replacement hedgerow planting is secured via a condition.

Breeding Birds

If approved it is recommended conditions are attached to a) protect breeding birds and b) provide details for the incorporation of features into the scheme suitable for use by breeding birds (inc. house sparrow) and roosting bats.

Bearing in mind the comments above it is considered that the proposed accords with policies NE11 and NE18 of the Local Plan and other material considerations.

Highways safety

As noted above, additional information is required in order for the Head of Strategic Infrastructure (Highways) to be able to fully appraise the highways safety implications associated with the proposed development. At this stage there is insufficient information to be able to conclude on matters pertaining to highway safety and whether or not the proposed development accords with policy DC6 of the Local Plan.

Flood risk and drainage

The site is located within an area designated as Flood Risk Zone 1 by the Environment Agency, which means the site is low risk in terms of surface water flooding. As noted above, the Council's Flood Risk Manager has requested additional information. However, at this stage the additional information requested has not been submitted. Without such information it is not possible to conclude whether or not the proposed development accords with Local Plan policies DC17 and DC18.

Environmental Health

As noted above, the Environmental Protection Team raises no objections, subject to conditions as outlined. Therefore it is considered that there are no significant environmental health issues arising from the application. The proposed accords with policy DC63 of the Local Plan and other material considerations.

ECONOMIC SUSTAINABILITY

It is considered that the construction of the proposed development would provide some employment opportunities and wider economic benefits to the construction industry supply chain. There would be some economic benefits by virtue of future residents contributing to the local economy. Bearing these points in mind it is considered that the proposed development would be economically sustainable.

HEADS OF TERMS & CIL REGULATIONS

S106 & CIL

Should the application be approved a s106 legal agreement will be required to include the following heads of terms:

- $4 \times £11,919 \times 0.91 = £43,385.16$ (Primary)
- $3 \times £17,959 \times 0.91 = £49,028.07$ (Secondary)
- Therefore, total education contribution = £92,413.23.
- A commuted sum for the off-site provision of recreation outdoor sport @ £1,000 per open market dwelling
- Therefore, total recreation outdoor sport contribution of £15,000
- Provision of 6 No. affordable housing units
- Management Plan for management/maintenance of the on-site public open space

COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the Agreement satisfy the following:

- (a) Are necessary to make the development acceptable in planning terms;
- (b) Are directly related to the development; and
- (c) Are fairly and reasonably related in scale and kind to the development.

The commuted sums for provision of education places and the commuted sum in lieu of recreation outdoor sport is necessary, fair and reasonable. As the proposed development is to provide 21 No. dwellings, some of the future occupiers will use local schools and local recreation/outdoor sport facilities. As such, there is a need to provide additional education places and upgrade/enhance existing recreation/outdoor sport facilities. The contributions are in accordance with the Council's Supplementary Planning Guidance. The 6 No. affordable dwellings are required to meet such housing needs in the area and a Management Plan for the POS is required to ensure future maintenance of such provision.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development proposed.

PLANNING BALANCE, CONCLUSION & RECOMMENDATION

All consultations and representation received to date have been borne in mind, alongside all the submitted documentation and plans.

The Certificate of existing lawful use application (14/4954M) has not yet been determined. It has not yet been demonstrated that the site can be classed as Previously Developed Land for the purposes of Green Belt policy. However, the proposed development has been assessed against the test required to enable the development of Previously Development Land in the Green Belt. It is clearly evidenced that the proposal fails this test.

The 3 No. roles of sustainability have been considered – social, environmental and economic. It is considered that the proposed development would provide social benefits in respect of a) 21 No. dwellings in total and b) the inclusion of 6 No. affordable dwellings. The proposed development also includes a relatively large area of on-site public open space, primarily accessible by future residents of the proposed dwellings. As regards environmental sustainability, the impact on 1) the landscape, 2) trees and hedges, 3) ecology and 4) the character and appearance of the area/street-scene is considered to be of a limited and acceptable degree. It is also considered that there are no significant environmental health concerns arising from the proposal. However, the proposed development is considered to have a greater impact on the openness of the Green Belt and to threaten one of the purposes of including land within the Green Belt due to encroaching into the Green Belt. Therefore the proposed is inappropriate development in the Green Belt. No very special circumstances exist to outweigh the harm identified. The proposed is also considered to have a detrimental impact on the amenities of a number of neighbouring properties, due to not providing appropriate space between buildings, reducing light and being overbearing in respect of rooms and gardens. The proposed development would provide some economic benefits, such as the usual employment opportunities and the wider economic benefits to the construction industry supply chain and future residents contributing to the local economy. Finally, at this stage there is insufficient information to be able to conclude on highways and flood risk matters.

Bearing all the above factors in mind it is considered that the proposed development does not constitute a sustainable form of development within the broad context of sustainability outlined in the NPPF. Although the Council does not have a 5 year supply of housing land, it is considered that the harm to the Green Belt identified and the impact on the amenities of neighbouring properties significantly and demonstrably outweigh the benefits of the provision of 21 No. dwellings and that other policies within the NPPF, especially section 9, Green Belts, indicate that development should be restricted. Therefore, it is recommended the application be refused due to 1) impact on the Green Belt, 2) impact on residential amenity and 3) insufficient information regarding highways and flood risk matters.

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 Planning & 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.

Application for Full Planning

RECOMMENDATION: Refuse approval

1. Inappropriate development in the Green Belt. Impact on openness of the Green Belt. Encroachment into the Green Belt. No very circumstances.
2. Detrimental impact on residential amenity
3. Insufficient information re highways and flood risk



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