

Application No: 16/4552M

Location: BARN, BOWDEN HOUSE LANE, WILMSLOW

Proposal: Proposed demolition of an existing building and the erection of a replacement office building (Use Class B1) with associated groundworks, services, drainage, landscaping, access arrangements and car parking.

Applicant: Ms Sarah Marginson, Bracken House Properties Ltd

Expiry Date: 15-Nov-2016

## **SUMMARY**

The site is located within the Green Belt where there is a presumption against inappropriate development. Policies GC1 of the Macclesfield Borough Local Plan, PG3 of the Cheshire East Local Plan and paragraph 89 of the NPPF set out the circumstances where development can be acceptable.

The replacement of a building is acceptable as long as it is not materially larger than the building it replaces. In this case it is considered to be materially larger, however very special circumstances have been demonstrated that outweighs the definitional harm to the Green belt.

A contemporary approach is taken in the design of the replacement building with the existing design being functional. Despite this views of the site are very limited from the surrounding area. The development includes a large basement area and this will form a parking area. This is a great benefit in design and Green Belt terms as the car park will be out of sight giving the building a more rural setting.

To conclude the proposals are considered to represent an inappropriate form of development in the Green Belt however very special circumstances have been demonstrated. The development raises no issues in respect of residential amenity, noise, trees or ecology. However some matters will be dealt through conditions.

## **SUMMARY RECOMMENDATION**

Approve subject to conditions.

## **REASON FOR REPORT**

Councillor Fox has requested that the application be determined by Northern Planning Committee for the following reason;

*'Planning statement says the building is "established for office use". It is not clear if there needs to be or is full planning permission for its current use. NPPF Paragraph 89 states replacement buildings should "not be materially larger". The increase in this application is from 411 sq metres to 1,363 sq metres. Very exceptional circumstances have not been demonstrated.'*

## **PROPOSAL**

The application is for the demolition of an existing building and the erection of a replacement office building (Use Class B1) with associated groundworks, services, drainage, landscaping, access arrangements and car parking.

As part of the proposals a car parking area beneath the ground is proposed.

## **SITE DESCRIPTION**

The application site consists of a building that is currently in B1 office use. The building is agricultural in style, brickwork and cladding, having been used for agricultural uses before being used as an office. The site is accessed via a private drive from Bowden House Lane, a pond is located to the south west of the building whilst open land is located to the west, north and east. The driveway extends in a southerly direction from the building to Bowden House Lane.

## **RELEVANT HISTORY**

15/0018M - Prior Approval for a Change of Use of an Agricultural Building to Offices. Prior approval given March 2015.

04/0095P – Access track (65M X 4M) to link hardstanding to gate to nursery hardstanding (agricultural determination) – Approved 11.02.2004.

02/2214P – Erection of glasshouse for use in existing horticultural business – Approved 21.11.2002.

28893P – Change of Use to golf course – Refused 29.03.1982

16267P – Residential Development (outline) – Refused 11.10.1978

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

79-92. Protecting Green Belt land

### **Development Plan**

BE1 (Design principles for new developments)

GC1 (Green Belt – New buildings)

DC1 (High quality design for new build)

DC3 (Amenity)

DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)

DC8 (Landscaping)

DC9 (Tree Protection)

DC17 (Water Resources)

NE11 (Nature Conservation)

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

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

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG3 Green Belt

EG2 Rural Economy

SE1 Design

SE5 Trees, Hedgerows and Woodland

SE13 Flood Risk and Water Management

### **Other Material Considerations:**

National Planning Practice Guidance (NPPG)

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

Environmental Health – No objection. Informatives have been requested relating to the construction hours of operations and contaminated land.

Head of Strategic Infrastructure – No objection. *The proposals for access to this site were agreed under planning application reference 15/0018M and I am satisfied there is sufficient space within this revised site layout for off-street parking provision to be in accordance with CEC minimum parking standards.*

*Furthermore, the commuter peak hour and daily traffic generation associated with the development proposal would not be expected to have a material impact on the operation of the adjacent or wider highway network.*

*Accordingly, the Strategic Infrastructure Manager has no objection to the planning application.*

United Utilities – No objection. A condition has been requested requiring the site to be drained on separate systems.

Flood Manager – No objection. A condition has been requested requiring details of how surface water will be dealt is submitted and agreed before development commences.

Natural England – No comments to make.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

Wilmslow Town Council – No objection.

## **OTHER REPRESENTATIONS**

A neighbouring property has made representation in support of the scheme as the proposal results in an improved development on the site.

## **OFFICER APPRAISAL**

- Principle of Development – Green Belt
- Design
- Trees
- Ecology

### **Principle of Development**

The site is located within the Green Belt where there is a presumption against inappropriate development. Policies GC1 of the Macclesfield Borough Local Plan, PG3 of the Cheshire East Local Plan and paragraph 89 of the NPPF set out the circumstances where development can be acceptable and these are;

- i. buildings for agriculture and forestry;*
- ii. 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;*
- iii. 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;*
- iv. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- v. limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- vi. 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.*

Part (iv) set out above permits the replacement of a building within the same use as long as the building is not materially larger than the building it replaces. Therefore it must first be

established if the replacement building is materially larger than the existing building. No definition of 'materially larger' is given in the NPPF and therefore it must be determined by the decision maker.

The application for prior approval to change the use of the building to a flexible commercial use was granted and has subsequently established the office use of the building and therefore the proposals will involve the replacement of a building within the same use class.

The amount of floorspace is significantly increased as a result of the development, from 411m<sup>2</sup> to 1363m<sup>2</sup>. This is mainly because a basement for car parking and housing staff facilities is proposed along with a mezzanine floor above the ground floor. The above ground volume of the building increase from 2083m<sup>3</sup> to 2212m<sup>3</sup>, this is mainly down to the slight increase in eaves level to accommodate the mezzanine floor, although the overall height of the building is 0.2 metres lower than it is currently. The footprint of the building is slightly reduced from 411m<sup>2</sup> to 400m<sup>2</sup>.

Taking the above into account it is considered that the building is materially larger than the building it replaces, this means that the proposals are by definition inappropriate development in the Green Belt and very special circumstances must be demonstrated that outweighs this harm. The circumstances put forward by the applicant are outlined in the Planning Statement that accompanies the application and are summarised as follows;

- The above ground element of the development is of a similar scale to the existing building and therefore will not impact on the openness of the Green Belt.
- The basement allows for the parking to be hidden from view reducing the urbanisation of the site,
- The building itself is heavily screened from view by existing landscape features.
- The development is a significant investment in the area creating a number of jobs with the building to accommodate around 20 employees initially with up to 50 in the future.

In assessing the above ground impact of the replacement building it is clear that the building will not have an unacceptable impact on the openness of the green belt. The proposed building is of a similar sized footprint when compared to the existing building and although the eaves level is higher the overall height of the building is lower.

The basement is where the majority of the additional floor space will be created. In this instance it is agreed that this will reduce the amount of overall development on this site because of the reduction of hardstanding surrounding the building which at the moment covers a significant area. Some above ground parking is proposed but this extends to just 3 spaces of which 1 is a disabled persons parking space, however this is much reduced from the 26 space car park and considerably sized turning area that is currently in place.

The site is indeed well screened from view. Protected trees along Dean Brow Road and Bowden House Lane provide screening from south and west of the site, whilst the trees around the pond to the south east of the building provide additional screening. A mature group of trees are located to the north east of the building that totally screens the site from view.

In conclusion it is considered that very special circumstances have been demonstrated. The site is well screened by mature trees some of which are protected, this combined with the fact that the above ground element of the building is of a similar scale to the existing building. The main material increase in the size of the building is at basement level, this will not be visible above ground. The incorporation of a basement allows for a much reduced parking area at ground level and this allows for a significant reduction in the amount of hardstanding around the building giving the site less of an urban character. Taking this all into account the proposals will have a limited impact on the openness of the green and in fact the design of the building and the parking being out of sight the appearance of the site would be vastly improved.

The proposals are therefore considered to be compliant with the requirements of Policy GC1 and the NPPF.

### **Design**

Paragraph 56 of the NPPF notes that “the Government attach great importance to the design of the built environment. Good Design is a key aspect of sustainable development, indivisible from good planning”.

Policy BE1 of the local plan requires new development to achieve the following design principles:

- Reflect local character
- Respect form, layout, siting, scale and design of surrounding buildings and their setting
- Contribute to a rich environment and add to the vitality of the area
- Be human in scale and not normally exceed 3 storeys
- Use appropriate materials.

The elevations of the proposed building are primarily glazed with a stone wall intersecting the building providing a feature that respects the rural nature of the site. The roof is a pavilion type roof.

The materials used give the building a lightweight appearance with the stone wall giving some variation to the design. The replacement building is significantly different to the existing building on the site which is a former relatively modern agricultural building of a functional design. The proposal is considered to result in a building that is visually more attractive than the existing building and provides a contemporary building that respects the rural nature of its surroundings.

The proposal therefore complies with Policy BE1 and the NPPF.

### **Residential Amenity**

Local Plan Policy DC3 seeks to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property due to amongst other things, loss of privacy, overbearing effect, loss of sunlight and daylight, noise, traffic generation, access and car parking.

The B1 use is a use that should be able to sit alongside residential properties without having a detrimental impact on their amenity. Therefore the proposals will not have any impact in terms of noise, dust or other environmental impacts.

The proposed building is located a significant distance from the nearest residential properties so no overlooking or overshadowing will occur. Additional traffic generation will be minimal and the proposal is acceptable in highway terms.

The proposals meet the requirements of Local Plan Policy DC3.

### **Tree Protection**

The application is supported by an Arboricultural Impact Assessment and Arboricultural Method Statement (Mulberry Ref TRE/BHL dated 21<sup>st</sup> August 2016).

A Tree Preservation Order Group G52 of the Macclesfield Borough Council (Dean Row) Tree Preservation Order 1974 protects a group of 9 Oak trees along the south western boundary of the site adjacent to Bowden House Lane and Dean Row Road. The submitted Assessment includes an Impact Table which provides details of Root protection Areas (RPA's) and whether trees can be successfully retained.

The Assessment identifies that four trees will require removal which includes one unidentified dead tree within the TPO group (G3 of the survey) and three unprotected Poplar trees within Group G4 to the south west of the proposed building which are shown as in decline. A recently planted Conifer hedge (H2) located internally within the site will also require removal to accommodate the proposed access. The hedge has no significant conservation value and is not a significant amenity feature and therefore there are no significant objections to removal.

The proposed new building footprint is proposed to be moved slightly further south west in order that the access road to the basement avoids the root protection areas of existing group of trees to the north east. This will have the effect of encroaching into the RPA of the three Poplars identified for removal, however given their poor overall physiological condition, it is considered their continued retention and the relocation of the building safeguards the group of trees to the north

The Impact Assessment suggest that there will be no impact on the protected group of trees located on the Bowden Lane frontage despite the proposed access encroaching within the RPA of the westernmost tree in G1. In accordance with BS5837:2012 (para 7.4.1) where permanent hard surfacing is proposed, specialist arboricultural and construction design advice should be sought whereby the design should avoid excavation and lowering of levels (para 7.4.2 of BS5837 :2012 applies). Whilst the intrusion within the RPA does not appear to be significant the design and construction of the access at this point will need to be so designed as to avoid compaction and damage to tree roots.

To conclude the impact of the proposal on the surrounding trees is considered to be acceptable subject to the inclusion of conditions for the protection of the trees being included on any grant of planning permission.

### **Impact on Protected Species**

#### Great Crested Newts

A number of ponds are located within 250m of the proposed development. A small population of great crested newts has been identified at a pond located a short distance from the proposed building. The application site however offers limited habitat for great crested newts would not result in the fragmentation or isolation of great crested newt habitat.

The potential impacts of the proposed development are limited to the low risk of any newts that venture onto the site being killed or injured during the construction process. In order to address this risk the applicant's ecological consultant has recommended a suite of 'reasonable avoidance measures'

If these measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

A condition will be included on the decision notice requiring the development be carried out in full accordance with the measures detailed in the submitted 'Review of Risks & Proposed Reasonable Avoidance Measures' report prepared by SESS.

#### Bats and Barn Owls

No evidence of these protected species was recorded during the submitted survey and they are unlikely to be affected by the proposed development. A condition will be included on the decision notice relating to the safeguarding of nesting birds.

#### **CONCLUSIONS**

The proposals are considered to be acceptable in Green belt terms as very special circumstances have been demonstrated that outweigh the definitional harm to the Green belt. The contemporary design of the replacement building is considered acceptable that incorporates some rural character into the final design.

*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) 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: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Landscaping - submission of details

4. Landscaping (implementation)
5. Submission of construction method statement
6. Details of drainage
7. Tree retention
8. Tree protection
9. Construction specification/method statement
10. Removal of permitted development rights
11. Levels survey
12. proceed in strict accordance with the measures detailed in the submitted 'Review of Risks & Proposed Reasonable Avoidance Measures' report prepared by SESS.
13. Bird nesting season

