

Application No: 18/3219M

Location: Costain Compound, Land South Of, LYMM ROAD, LITTLE BOLLINGTON

Proposal: Proposed continued use of construction compound including associated access, car parking, construction vehicle storage, portacabins and other associated works

Applicant: ., TEM Property and Galliford Try

Expiry Date: 10-Oct-2018

SUMMARY

The proposed development would constitute inappropriate development in the Green Belt which by definition would be harmful. However in this case it is considered that very special circumstances exist to outweigh the harm caused namely:

1. The compound is required in support of a major infrastructure project and meets all the requirements for a compound – and is already set up as such.
2. There are no preferable alternative sites available, and all alternatives are in the Green Belt having equal or greater harm on openness.
3. The site is of a temporary nature.

There are no objections on the grounds of landscape impact, amenity, ecology, Highways or flood risk.

RECOMMENDATION

Approve with conditions

SITE DESCRIPTION

This application relates to the existing Costain compound located on the south side of the A56 Lymm Road adjacent to the Bowdon Roundabout, close to the newly constructed A556 in Little Bollington, but close to the Trafford MBC boundary.

The compound extends to an area of 6.09 Ha, and consists of three elements. To the east, adjacent to the Bowdon Roundabout, is an extensive area of hardstanding used for parking, and a series of mobile low (but long) flat roofed buildings used for office accommodation and welfare facilities. In the centre of the site is an area marked as “laydown” on the plans where there are currently extensive mounds of earth. Finally to the west are areas of grassland with a water storage lagoon. The site is accessed from the A56 sharing the Cheshire Lounge access road, which forms the eastern boundary.

The site sits within areas of open countryside, with open fields to the south and west, but with woodland belts along the road side to the north. The nearest buildings consist of two farms and the Cheshire Lounge, but all are some distance from the site boundary.

The site lies entirely within the North Cheshire Green Belt.

PROPOSAL

The current compound was erected for use in connection with the A556 Knutsford to Bowdon Improvement Scheme which is now nearing completion. The works were done as a nationally significant infrastructure project, and in 2014 the A556 Knutsford to Bowdon Improvement Development Consent Order was granted by the Secretary of State, which included the compound in question to be used by Highways England as a site compound.

The proposal is to retain the compound for the forthcoming M56 smart motorway works, a significant national infrastructure project in its own right. The proposed smart motorway works would start at Junction 8 on the M56 close to this site, and run to Junction 6 adjacent to Manchester Airport. The smart motorway works are anticipated to begin in early 2019 and run to the end in 2020-2021. Galliford Try is the appointed contractor by Highways England.

The applicant is seeking a 3 year temporary consent which allows for some flexibility as the timescales for the project are not yet fixed as the scheme design is in the process of being finalised and consultation is due to start shortly. Whilst the scheme should be complete in 2 years, 3 years is requested to allow for unforeseen delays and to allow for the compound to be closed and all the hardstanding to be removed.

RELEVANT PLANNING HISTORY

None - The Development Consent Order referenced above is a National order not one granted by Cheshire East Council.

POLICIES

Cheshire East Local Plan Strategy – 2010-2030

PG3 – Green Belt

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

IN 1 - Infrastructure

SE 1 - Design

SE3 – Biodiversity and Geodiversity

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 13 - Flood Risk and Water Management

CO2 – Enabling Business Growth Through Transport Infrastructure

Macclesfield Local Plan (Saved policies)

BE.1 – Amenity
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.17 – Pollution Control
NE.20 – Flood Prevention
GC1 – Green Belt
T1 – General Transportation Policy

Other Material Considerations

The National Planning Policy Framework

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System

National Planning Practice Guidance

The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014

CONSULTATIONS (External to Planning)

CEC Highways – No objections

CEC Public Rights of Way – Although it is unlikely the development will impact on the adjacent PROW it is recommended that an advice note be attached to any approval reminding the developer of their obligations.

The National Trust – Writing in connection with the nearby property of Dunham Massey which lies some 700m to the north of the site. They disagree with the applicant's view that the proposal conforms with Green Belt policy, stating "since the development clearly impacts upon the openness of the Green Belt, and conflicts with the purposes of including land in the Green Belt." They do not feel the applicant has presented a robust case as to why an exception should be made to Green Belt policy. Finally stating: "Should the Council be minded to approve the application however, we would wish to ensure that suitable conditions are imposed, ensuring that the land use is temporary, for a fixed period of time, and that the site is appropriately reinstated."

VIEWS OF THE PARISH COUNCILS

Little Bollington Parish Council – Concern is expressed about the proposals, as the consent order required the land to be restored at the end of the A556 works, and the site is in the Green Belt. They go on to say:

"Should exceptional circumstances prevail such that it is deemed prudent to grant planning permission for a strictly temporary use, then safeguards must be applied to ensure the protection of this green belt status and to prevent any form of development becoming the long term use of the land."

Any such planning permission must:

- ensure the use of the land is strictly temporary with a clear end date
- guarantee restoration of the land to its former use as farm land
- not allow the “the tarmac and hardstanding components of the compound” to “be retained in perpetuity”
- respect and protect the Green Belt”

Finally the PC remind us of the specific clauses of the Consent Order and in particular requirements to remove the compound on completion of the works.

Millington Parish Council – The Parish Council agree that the existing site is reused. However they do insist that after the works for the smart motorway has finished or indeed if it does not go ahead, that the land should be reinstated to farm land; which was a condition in the development consent order of the A556.

Dunham Massey Parish Council - The site is part of the Green Belt. The review by Cheshire East Council and the Government Planning Inspector in 2016 concluded that the site should NOT be allowed as a site for development. Allowing retention of the hard surfacing on the site will make it easier for the landowner to ignore or overturn this decision in the future. The land should be returned to its original state as defined in the approvals given for work on the A556 link road.

Dunham Massey Parish Council has previously considered proposals for developments on this site, and fully supports opposition to these and any other proposals.

OTHER REPRESENTATIONS

A significant number of comments have been received from residents of both Cheshire East, and in particular Trafford, clearly concerned that the compound would be retained beyond the A556 works, and concerned that it could lead to the site being permanently used for some form of development. Many of the residents do not object to the principle of the site continuing to be used, but wanting to ensure it is time limited and upon completion requiring the land to be restored to agricultural land. The other points raised generally are covered by the points raised by the Parish Council's and the Nation Trust set out above.

OFFICER APPRAISAL

Principal of Development/Green Belt/Alternative sites

The Revised NPPF 2018 continues to afford the Green Belt significant protection, again stating at para 144:

“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 resulting from the proposal, is clearly outweighed by other considerations.”

New buildings are defined as being inappropriate in the Green Belt unless listed in the exceptions. Site compound offices/welfare uses etc. are not listed and therefore constitute inappropriate development which is by definition harmful to the Green Belt. At Para 146. Other forms of development are not

considered to be “inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it”. Within this list is:

“c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;”

However whilst this may include the building of the A556 or the smart motorway works, it is not considered it includes a compound, and as such it is considered the compound and its associated buildings constitutes inappropriate development in the Green Belt.

The NPPF advises that substantial weight must be given to the harm to the Green Belt. Any other harm additional to that of inappropriateness must also be considered. The proposal, due to its scale and nature, will have a significant impact on the openness of the Green Belt for the duration of the development. It will also cause encroachment into the countryside contrary to the purposes of including land in the Green Belt. Although the impact is tempered considerably on the basis that the harm will persist only for a temporary period, substantial weight must still be attributed to the loss of openness and encroachment.

As noted in the report, there would also be additional harm to the landscape which carries moderate weight against the proposal.

The question then is whether there are other considerations in favour of the development that clearly outweigh the identified harm. If so, then very special circumstances (VSC's) may exist to justify granting planning permission. The applicant sets them out in their supporting statements. In brief these are:

1. A compound is required for the M56 smart motorway works as “strategic infrastructure” and this needs to be as close as possible to the motorway, with easy access. Whilst there are a number of open sites along the M56, few are adjacent to the adjacent motorway junctions (No. 6, 7 & 8) and all (with one exception set out in the applicant's statement near the airport which is unavailable) are also in the Green Belt and would equally be defined as inappropriate.
2. The compound is already in existence, with a good access link direct onto the Bowdon Roundabout, and then onto the M56, and has the required service links to power/water etc. Areas of hardstanding are already laid out.

The compound requirements are set out as being:

- Minimum distance from, and easy access to, the proposed works (J6-8 M56);
- Available from November 2018 and to be continuously available till at least the end of 2020;
- Site area of at least 6 ha;
- Need for hardstanding areas for parking, offices and storage of materials;
- Utilities connections and appropriate drainage;
- Access into the site and HGV access on surrounding roads;
- Located away from residential properties; and,
- Secure site and lighting.

The existing compound meets all these requirements.

3. The use is temporary for a maximum period of 3 years.

In short a compound is required for the Highways England works, and the existing site meets all the requirements. Other sites have been considered but the number of viable options are very limited, each lies in the Green Belt and will have a least as much, if not more impact on the openness of the Green Belt as the current proposal. Logically therefore it is sensible to continue the existing site. It is considered that these factors, in combination, do clearly outweigh the harm to the Green Belt and the other harm identified.

It is considered VSC's exist in this case on the condition that the use is temporary and the site is restored to agricultural use when the works are finished.

Landscape Impact

The site is very open to views, particularly from the south, and particularly from the A556 and the access road to the Bowdon Roundabout which is elevated as it approaches the site. Screening is limited to the tree belts to the north, which does limit views from the Bowdon Roundabout itself and from receptors to the north including the National Trust property Dunham Massey.

Whilst the site does have some landscape harm, this is limited by the height of the structures and most significantly by the temporary nature of the proposals. The Council's landscape officer has raised no objections to a temporary consent.

The applicant has been asked to clarify the layout proposed, and whilst it is not anticipated that it will change significantly from the existing, this needs to be conditioned to restrict the areas of hardstanding and to control the location of buildings, parking and material storage to limit visual impact. This matter will be reported in an update report to Members.

Amenity

The nearest residential properties, two farms, are some distance from the site and it is not anticipated that there will be any amenity concerns with the proposals. Any comments received from Environmental Protection will be reported in an update report.

Ecology

The Council's ecologist has raised no issues with the continued use of this compound site.

Highway Implications

The Highways officer writes "There are no material highway implications associated with the above proposal for the continued use of the construction compound, which was used during the construction of the A556 bypass; as I would not expect the traffic generation associated with the proposed six mile stretch of the M56 Smart Motorway scheme to be significantly different to that associated with the A556 bypass scheme."

Flood Risk/Drainage

No known issues, but any comments received from the Flood Risk Team will be reported in an update report.

CONCLUSIONS

The proposed development would constitute inappropriate development in the Green Belt which by definition would be harmful. There would also be harm to the Green Belt as a result of loss of openness and encroachment, as well as some additional harm to the landscape. However in this case it is considered that very special circumstances exist to clearly outweigh the harm caused namely:

1. The compound is required in support of a major infrastructure project and meets all the requirements for a compound – and is already set up as such.
2. There are no preferable alternative sites available, and all alternatives are in the Green Belt having equal or greater harm on openness.
3. The site is of a temporary nature.

There are no objections on the grounds of landscape impact, amenity, ecology, Highways or flood risk.

Whilst there are requirements to refer certain Green Belt departure applications to the Secretary of State, in this case, whilst the site is a significant size, the impact on openness is limited by virtue of the temporary nature of the use, and as such it is not considered necessary to refer the matter. Members will also note that the Secretary of State granted the original Consent Order which included the compound site, and this ultimately is a Highways England proposal for a major infrastructure project.

RECOMMENDATION

Approve subject to the following conditions;

- 1. Temporary 3 year consent**
- 2. Land to be reinstated to agricultural land at the end of the approved period with all hard-surfaces being removed.**
- 3. Approved plans**

Informatives;

- **Public Rights of Way**

In the event of any changes being needed to the wording of the Board'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 Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.

