

Application No: 20/4682M

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

Proposal: Variation of conditions 1 and 2 on approved application 18/3219M - Proposed continued use of construction compound including associated access, car parking, construction vehicle storage, portacabins and other associated works

Applicant: Galliford Try, Balfour Beatty and Tatton

Expiry Date: 22-Jan-2021

SUMMARY

The proposed development would constitute inappropriate development in the Green Belt which by definition would be harmful. However, as was argued in the original permission for the Smart Motorway works and would equally apply for this proposed extension here, 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.

The issue however is how long this permission is extended for. Highways England indicate works will be complete by March 2022 and Galliford Try's project plan indicate main works will be complete by July 2022, but that overall the project will not be complete until July 2024. Clarification of these dates has been sought and a final recommended extension date will be given to Members in an Update Report.

RECOMMENDATION

Approve until end July 2022

SITE DESCRIPTION

This application relates to a contractors 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 some 6 Ha, and consists of two broad areas. 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 and to the west of the site is an area marked as “laydown” and top soil storage on the plans where there is currently a mound of earth which has grassed over. The site is accessed from the A56 sharing the Cheshire Lounge access road, which forms the eastern boundary. The site has both wooden and metal security fences to the boundaries.

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

This Section 73 application seeks to vary two conditions attached to the original consent granted in 2018, to continue the use of this temporary contractors compound.

The current compound was originally erected for use in connection with the A556 Knutsford to Bowdon Improvement Scheme. 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.

Planning permission was granted in 2018 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 were anticipated to begin in early 2019 and run to the end in 2020-2021. Galliford Try is the appointed contractor by Highways England.

The conditions attached to this approval (and sought to be amended) are as follows:

Condition 1:

The use hereby permitted is temporary. It shall discontinue and the land returned to agricultural use, with all existing hardstanding and structures removed from the site, on or before 30 September 2021. The land shall be restored in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

Condition 2:

The development hereby approved shall be carried out in total accordance with the Proposed Site Compound Plan Rev 3 Dated 18/09/2018.

The applicant now writes:

“Since the permission was granted in September 2018, there have been delays associated with the proposed M56 smart Motorway Works, with the substantive works in this section of the M56 now scheduled to start in the next year rather than the previously planned start of Spring 2019. The Galliford Try compound is now nearing completion for this. In addition to this, Balfour Beatty have taken part of the compound site to support a second and a third nationally significant infrastructure requirement in the local area to be used in associated with their site investigation works around the currently preferred route for the high speed north rail network (the touch point of HS2 and Northern Powerhouse Rail (NPR) to improve East-West connectivity).”

The supporting letter sets out the need for the works and the anticipated timescales, and concludes:

“Given the above reasons, this section 73 application therefore seeks to vary condition 1 to allow for a five year period post this Section 73 determination and update the plan to reflect the current configuration anticipated. Assuming an 8-week determination period, this would allow the site to operate as a compound up to December 2025, thereby extending the life of the permission by 4 years (currently 2021).”

Following a request for further information with regards to dates/need the following documents have been received:

- Letter from Galliford Try to applicant dated 22 December stating the contract is due for completion in August 2024.
- A GAN Chart setting out the key dates for the project, which whilst being difficult to interpret without knowing what the various “Stages” are, shows final completion by July 2024, but it appears “main works” are completed by July 2022. It is unclear what happens for the two years between these dates.
- A plan showing what is assumed to be the outline of the area affected by the HS2 works through the area of the A556/M56 interchange, showing the compound location to the north west.

RELEVANT PLANNING HISTORY

18/3219M - Proposed continued use of construction compound including associated access, car parking, construction vehicle storage, portacabins and other associated works Costain Compound, Land South Of, LYMM ROAD, LITTLE BOLLINGTON APPROVED

20/1321M Non material amendment to application 18/3219M - Costain Compound, Land South of LYMM ROAD, LITTLE BOLLINGTON APPROVED April 2020

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 – There are no objections to the continued use of the site as a compound for construction.

CEC Public Rights of Way – Note that the development is to affect Public Footpath No.15, Millington as recorded on the Definitive Map of Public Rights of Way. An advisory note is recommended to ensure the PROW is not affected by the development.

CEC Environmental Protection – No objections subject to conditions/informatives relating to hours of use and contaminated land.

The National Trust – They re-state their previous objections to the compound, namely:

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, as 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. 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.

They now add

“Given the location and sensitivity of the site, we do not consider that this constitutes good planning (to continue the site as a compound). If such sites are needed in the longer term, then less sensitive locations should be sought in the first instance. We do not consider that the applicant has demonstrated either the ‘very special circumstances’ necessary for the approval of development in the Green Belt, or demonstrated a requirement for a Green Belt location, as required by NPPF paragraphs 143 -147.”

VIEWS OF THE PARISH COUNCILS

High Legh Parish Council – Any extension of time should be based on the approved use only for the M56 Smart Motorway project. This requires an extension up to the end of Summer 2022. The application for an extension to 2025 is not justified.

We are concerned about the creep of development and encroaching nature on the Green Belt that would in time mean an inevitable increase in heavy traffic through High Legh. This site, as part of the then named Cheshire Gateway, was subject to a review by the Inspectorate with CEC who determined that it should not be removed for Green Belt and could not be reclassified as protected Developable Land. The Inspectorate review was the Land Owners appeal and the extension of temporary status beyond the use for a specific contract (the M56 works), is cynical at best, and represents what would appear to be another attempt by the landowner to build their desired distribution centre and circumvent the reinforcement of the Green Belt by the Inspectorate.

The possibility of HS2 using the site should not be taken into account. We would also suggest that no other usage of the compound be permitted beyond the M56 works ongoing and that any additional use currently underway should cease.

OTHER REPRESENTATIONS

A number of comments have been received from residents of both Cheshire East, and Trafford. These can be summarised as follows:

- Concern that the continuous use of this site for development will lead to the erosion of this important Green Belt site and set a precedent.
- Part of the applicant's plans for their Cheshire Gateway proposals.
- The longer the compound is there, the longer it will take to restore to agricultural use.
- Continued use will cause problems of traffic and pollution.
- When the M56 motorway works the compound should be removed.
- Other sites should be considered for the HS2 works.
- Light pollution from floodlights on the site.

- Will exacerbate flooding of the River Bollin.
- Contractors have blocked the PROW.
- Compound extended outside the permitted area.
- Concerns about impacts on Nature Conservation.

OFFICER APPRAISAL

Principal of Development/Green Belt/Alternative sites

The Revised NPPF 2019 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 smart motorway works, for HS2 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 question then is whether very special circumstances (VSC’s) exist to outweigh the harm caused. The applicant does not specifically mention VSC’s but states that the Smart Motorway works are a continuation of that approved. In respect of the Balfour Beatty HS2 works it is stated (as set out in the supporting statement):

“This requirement also needs to be well located to, and easily accessed from, the strategic road network and located close to the proposed route through this part of Cheshire. Given the extent to which all of this areas is washed over in Green Belt, no other identified sites have been located that could accommodate the compound site outside of it or indeed at all and it makes logical sense to accommodate the two compounds in a single location that are already in use for this purpose (and Costain used it for the A556 project recently).”

Whilst VSC’s were argued for the Smart Motorway works approved in 2018 and could be argued until the end of this particular contract, which according to the Highways England website expect to complete the main construction work by March 2022. It is unclear how long the compound needs to be in operation. Clarification of this was sought and it seems main works would be completed in 2022 but the overall project not completed until July 2024. It is unclear why the compound is needed for the two years between the July 2022 and July 2024 dates.

The Balfour Beatty works for HS2 are using this compound as the planning permission was not restricted to one contractor and the applicant is seeking for them to remain on site for a further 4 years. What is unclear however is why Balfour Beatty need to be on this site and what other locations have been considered. The HS2 works could theoretically cover a much larger geographical area than the Smart Motorway works and therefore other sites need to be considered, many of these will not be in the Green Belt. When the applicant was asked to clarify this matter a plan showing the area affected by the HS2 works through the area of the A556/M56 interchange, showing the compound location to the north west was received - but this does not answer the question as why it has to be this site. Whilst there is clearly a logic to co-locating on the Galliford Try site, it appears to be a convenience rather than an absolute requirement and this is important when assessing Green Belt policy.

The applicant set out the VSC's for the previous application (for the Smart Motorway works) in their supporting statements. In brief these VSC's were:

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 was required for the Highways England works and the existing site met all the requirements. Other sites were considered but the number of viable options was (and would continue to be) very limited, each lies in the Green Belt and will have at least as much, if not more impact on the openness of the Green Belt as the current proposal.

Given the Smart Motorway works have been delayed, but are now on site carrying out the works it is considered that given the VSC's then it is appropriate they are given an extension until a reasonable period after completion of the works (March 2022) to spring/early summer 2022. The need for it beyond this date remains unclear.

Whilst there may be some logic in using this existing location for an HS2 compound at this time it is not considered that sufficient information has been presented to demonstrate very special circumstances. It should be noted that it is a high bar that needs to be satisfied to outweigh the harm to the Green Belt so the requirements need to be clearly presented.

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 an extension to this temporary consent.

The applicant has sought to vary condition 2 to allow for some flexibility in the compound and has sought the following wording:

“The development hereby approved shall be carried out broadly in accordance with the Proposed Site Compound Plan 001 Rev 9.”

Whilst in principle this is acceptable, the main issue would be the height of materials stored as this could have a significant visual impact and as such should be restricted as an addition to the wording above. This is being discussed with the applicant and an agreed height will be included in any update 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. A resident has raised the issue of light pollution from the site, but Environmental Protection have raised no objections subject to conditions.

Ecology

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

Highway Implications

Highways raise no objections to the continued use of the site for a contractors compound.

Public Right of Way

As noted above a PROW (Public Footpath No.15, Millington) runs along the eastern boundary of the site, but it is also noted Public Footpath 11 Little Bollington also runs along the western side of the site. An advisory is recommended to remind the developers to maintain access to these routes during the operation of the compound.

A resident has commented that the footpath has been blocked by contractors during the works. The PROW unit have no records of any obstructions being recorded, and on a recent site visit there was no evidence of the footpath having being blocked in any way.

Other matters

A resident has indicated that the compound has extended outside its original permitted boundaries. There is no reason to be believe this is the case as the site has natural boundaries defined by roadways, a PROW and a field boundary, and as a Variation of Condition application this application has to relate to the same site.

Flood Risk/Drainage

Whilst some residents have raised concerns that the use of the site – with corresponding areas of hardstanding, will exacerbate flooding of the River Bollin which runs close by, there is no evidence this is the case. 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. However, as was argued in the original permission for the Smart Motorway works, and would equally apply for this proposed extension here, 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 alternatives 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.

The issue however is how long this permission is extended for. Highways England indicate works will be complete by March 2022 and Galliford Try's project plan indicate main works will be complete by July 2022, but that overall the project will not be complete until July 2024. Clarification of these dates has been sought and a final recommended extension date will be given to Members in an Update Report.

RECOMMENDATION

Approve subject to the following conditions;

1. **Temporary consent until End July 2022**
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 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 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 Committee's decision.

