

Application No: 21/1496M

Location: LAND ADJACENT TO YEW TREE FARM, MOOR LANE, WILMSLOW, SK9 6BX

Proposal: Demolition of existing building and structures and the erection of 2no. detached bungalows with associated access and landscaping

Applicant: YTF Developments Limited

Expiry Date: 25-Mar-2022

SUMMARY

The application site is a previously developed site in the Green Belt and the proposal of 2no. detached bungalows and associated access and landscaping is not considered to have a greater impact on openness of the Green Belt than the existing development following significant revisions. The proposals are therefore not an inappropriate form of development in the Green Belt. The design of the dwellings is considered to be acceptable, and suitably reflects the character of the neighbouring residential site that has been recently completed and wider surrounding area which has a varied architectural theme. No significant adverse impacts are raised in relation to highways, accessibility, ecology, trees, residential amenity, air quality, flood risk or contaminated land, and appropriate conditions on these matters are recommended, where relevant. Accordingly, the proposal is considered to comply with the requirements of the CELPS, the MBLP and the WNP, and a recommendation of approval subject to conditions is made.

SUMMARY RECOMMENDATION

Approve subject to conditions.

REASON FOR REPORT

The application was called to committee by Councillor Mark Goldsmith for the following reasons:

'The planned new buildings are higher than the existing barn. The Planning Inspector has already stated at Appeal, that building above this height would close down the openness of the Green Belt. Therefore, these new plans do not overcome this issue.'

PROPOSAL

The following Officer Appraisal is based on the revised proposed plans and elevations as received by the Local Planning Authority on 21st January 2022 and 2nd February 2022 and as such re-consulted on. The applicant seeks Full Planning approval for the 'Demolition of existing

building and structures and the erection of 2no. detached bungalows with associated access and landscaping'. It is proposed that the existing building (former abattoir/ poultry slaughterhouse of 333sqm) and structures will be demolished as part of the development. The development consists of 2no. four bedroom, detached, single storey, market bungalows arranged in tandem layout with associated access, parking and external amenity areas. The proposed materials for the construction of the dwellinghouses is indicated as: brick walls, slate roof, timber/upvc windows and doors with post and rail fence and hedgerow boundary treatments. The vehicular access and hardstanding is noted as tarmac/block paving. 3no. parking spaces are indicated for each of the dwellings, 6no. total which is a difference of 2no. spaces from the 8no. said to be provided on the existing site. It is proposed that surface water will be disposed of via soak away and that foul water will be disposed of via package treatment plant.

DESCRIPTION OF SITE AND CONTEXT

The site comprises a single detached building, currently vacant with an established lawful use as part of the abattoir that existed on the application site as well as the adjacent site, now Riflemans Close housing development recently completed. There are other items of paraphernalia associated with the site previous use. To the western boundary of the site is an established tree and hedgerow line however the rest of the site is highly visible from public vantage points due to its setting in agricultural fields with no other screening with views possible from Riflemans Close and from the rear of dwellings on Arlington Crescent.

RELEVANT PLANNING HISTORY

19/2035M – Demolition of existing building and construction of 2no. new dwellings – Committee Decision - refused – 5th December 2019 – appeal dismissed APP/R0660/W/20/3247641 – 2nd October 2020

17/5697M – Change of use of agricultural land and building associated with the existing abattoir to equestrian use and associated works – approved with conditions – 3rd April 2018

16/2344M – Application for a certificate of lawful existing use for abattoir and residential use – positive certificate – 21st June 2017

15/3058M – Proposed residential development of land comprising an Abattoir and ancillary buildings at Moor Lane, Wilmslow – refused – 20th January 2016

14/3787M – Change of use from agricultural buildings to B2 (Abattoir), for which the outbuildings have been in active use (as an Abattoir) since 2001 – withdrawn – 6th November 2014

14/3785M – Change of use from agricultural buildings to B2 (Abattoir), for which the outbuildings have been in active use (as an Abattoir) since 2001 – withdrawn – 6th November 2014

14/4954M – Certificate of lawful development of existing use of an abattoir (B2) – withdrawn – 17th May 2016

RELEVANT POLICIES/LEGISLATION

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in Favour of Sustainable Development
PG1 Overall Development Strategy
PG2 Settlement Hierarchy
PG3 Green Belt
PG7 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer Contributions
SC3 Health and Well-Being
SC4 Residential Mix
SE1 Design
SE2 Efficient Use of Land
SE3 Biodiversity and Geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE9 Energy Efficient Development
SE12 Pollution, Land Contamination and Land Instability
SE13 Flood Risk and Water Management
CO1 Sustainable Travel and Transport
CO3 Digital Connections
Appendix C – Parking Standards

Macclesfield Borough Local Plan – saved policies (MBLP)

NE11 Nature Conservation
GC1 Green Belt – New Building
DC3 Design – Amenity
DC6 Design – Circulation and Access
DC8 – Landscaping
DC9 – Tree Protection
DC15 – Provision of Facilities
DC16 – Existing Infrastructure
DC17, DC19 and DC20 – Water Resources
DC35 – Residential – Materials and Finishes
DC36 – Residential – Road Layouts and Circulation
DC37 – Residential - Landscaping
DC38 Space, light and privacy
DC63 Contaminated Land

Wilmslow Neighbourhood Plan (WNP)

LSP1 Sustainable Construction
LSP2 Sustainable Spaces
LSP3 Sustainable Transport
NE1 Countryside around the Town
NE5 Biodiversity Conservation
TH2 Lindow Moss Historic and Cultural Landscape

TA1 Residential Parking Standards
TA5 Cycling in Wilmslow
H2 Residential Design
H3 Housing Mix

Other Relevant Policy Documents

National Planning Policy Framework 2021 (NPPF)
National Planning Practice Guidance
Cheshire East Borough Design Guide 2017
Trees and Development SPD

CONSULTATIONS (EXTERNAL TO PLANNING)

United Utilities – no objection subject to conditions for drainage following sustainable drainage hierarchy.

LLFA – raised comment – ordinary watercourse close to development and sought clarification of if there will be any culverting works for the development which needs to be identified on a prior to approval basis. Clarification of access to the development in regards to ditches and ordinary watercourses is also sought. They note one property would be within 8m of an ordinary watercourse and it needs to be understood how it will be maintained following construction of the development.

Environmental Protection Officer – no objections subject to the use of planning conditions for the following: ultra-low emission boilers; 1no. electric vehicle charging point per dwelling; post demolition Phase II ground investigation works; remediation strategy should Phase II works recommend this; Verification Report; Soil importation; previously unidentified contaminated land and Environmental Protection Act informative.

Wilmslow Town Council – May 2021 – objected to the development for the following summarised reasons:

- The proposed two storey houses are excessive in terms of height impacting detrimentally on the openness of the Greenbelt.
- The Town Council don't believe that the application is materially different from the original application which are rejected by the Planning Inspector on similar grounds.
- Issues of flooding have not been dealt with in the application.

Cllr Goldsmith – May 2021 – objected to the development and called-in the application to committee successfully for the following reasons: the new buildings are higher than the existing barn, as stated by the Planning Inspector at appeal that building above this height would close down the openness of the Green Belt and the new proposals do not overcome this issue.

Cllr Goldsmith - February 2022 – objected to the development and re-confirmed the call-in of the application for the following reasons: while the revised plans now address the issue of openness of the Green Belt the applicant has just reconfigured 2 x 4no. bedroom houses on the plot for 2 x 4no. bedroom bungalows. This has resulted in overdevelopment of the site, a lack of landscaping and gardens and inadequate parking for these properties.

Esther McVey MP – May 2021 – objected to the development for the following summarised reasons:

- The revised plans compared with the previous applications do not lessen the impact on the greenbelt or on neighbouring properties. Inspectors dismissal supported the previous issues raised and there has been very little attempt to address this.
- The proposals are an attempt to turn an agricultural building into a residential development.
- Minimal height reduction compared with the previous scheme and the suggestion of comparable heights to moveable existing feed store structures is surely spurious and an attempt to muddy the water.
- The description of the properties as bungalows is inaccurate given the majority of sleeping accommodation is located on the first floor as such by definition making them houses.
- The application takes no account of the houses being taller than the existing barn and that the barn in an agricultural building therefore sits comfortably in the Green Belt.
- The development is a further incursion into the Green Belt and may be a precursor for further applications for sizeable residential properties.

REPRESENTATIONS

4no. letters of objection were received from local residents and interested parties objecting to the proposal on the following grounds, during the original consultation based on the original proposals:

- Bungalows are not two storey houses and the buildings shown cannot be accepted as them.
- The ground behind the houses on Arlington Crescent floods. The site has a watercourse running through it and there is constant flooding and more building of houses will increase such flooding as confirmed by Compressible deposits risk as confirmed in the High hazard rate noted within the Ground Investigation Report Appendix C and that building on the site may not be possible. The site flooding has increased following the construction of the 14no. Elan homes site and as such building here will worsen things. Package Treatment Plan is inappropriate and UU states that it needs to be dealt with via formal sewers. Soakaway on land that already has a high-water table is not appropriate and other surface water drainage needs to be chosen - Detrimental impact of the development on flood risk and water management.
- The schools, doctors and roads are full and would require updating to allow the development to go ahead – detrimental impact of the development on local services and infrastructure.
- The height of the dwellings has only been reduced 12% from 7.2m to 6.3m and does not address enough of the Inspectorates views. Current barn height is 4.3m and the proposals are 6.3m therefore is 47% higher than the current barn. Replacing a smaller low-level barn with two large in volume/height houses impacts on the ambiance of the Green Belt and local residents of Arlington Crescent/surrounding community. They would still impact the visual openness and be readily observable and inappropriate development within the Green Belt and very special circumstances necessary to justify granting planning permission do not exist – detrimental impact of the development on the green belt.

- The rear upper windows face directly onto Arlington Crescent back gardens and upper floors and will impact privacy and overlook neighbouring properties. Detrimental impact of the development on residential amenity.
- No details of who will maintain the landscaping or green belt area once the homes are built. Removal of 2no. trees is shown but no replacements have been proposed. Detrimental impact of the development on trees and landscape character.
- Wildlife and other bat surveys are missing from the submission noting also rats are disturbed. Loss of wildlife from the site including night owl as a result of the development. Detrimental impact of the development on biodiversity and geodiversity.
- Ground Investigation Report Appendix H is out of date and not the correct final agreed Elan Homes plan and refers to Orchard when the plan incorporates a pond. Uncertain how waste and recycling will be collected from the development. Detrimental impact of the development on contaminated land and pollution control.
- Uncertain where the access for construction vehicles, plant, equipment and materials will go and this may result in further incursion and building into the Green Belt. Detrimental impact of the development on amenity and pollution control.
- The silos can be recycled and should not be considered as buildings or structures to be replaced with new buildings – principle of the development not acceptable.

6no. letters of representation have been received from local residents and interested parties supporting the proposals during the original consultation based on the original proposals on the following grounds:

- The proposals represent a significant improvement for the outlook from properties on Riflemans Close, as the site is in a poor condition with abandoned trailers, materials and equipment.
- The proposals whilst taller than the barns are not taller than the silos and would have no greater impact upon the overall aspect than the existing housing on Arlington Crescent. The design of the dwellings is thoughtful and would complement the area.
- The dormer bungalows are largely contained within the footprint of the existing buildings and would not further encroach on the Green Belt and provided that storage containers and other materials are removed during the course of the development that part of the site will be restored to a more rural nature. The development would be sustainable development as it would reuse brownfield land without encroaching into the Green Belt and countryside.
- Two dwellings would make Riflemans Close feel more like a cul-de-sac and be more cohesive and safe.
- There are currently many vermin and wildlife inhabiting the trailers on the site which re-development will assist.
- The vacant building and unattended area around it could attract anti-social behaviour, redevelopment will assist this.
- Residential buildings on the site would be preferred over businesses or equestrian uses due to the noise, traffic and disturbance in comparison.
- The recent Elan Homes development has shown that residential development can occur here without detrimentally impacting rabbits, birds and other wildlife.

Wilmslow Civic Trust – object to the development for the following reasons:

- Notwithstanding the Planning Inspectorate dismissal of similar applications for the site these proposals would still give rise to inappropriate development in the Green Belt.

- Concerns raised by Floods team at CEC are in line with objections from neighbouring properties and it is considered that the development would have a detrimental effect on flood risk to neighbouring properties.
- The development would have an adverse effect on the openness of the Green Belt both in respect of increased height in comparison to the current agricultural building and the increased footprint.
- There is no pressure on CEC to increase planning consents at the moment and the provision of 2no. additional dwellings is not significant.

Residents of Wilmslow – object to the proposals for the following summarised reasons:

- Following the appeals the dwellings are still taller than the existing barn and thus will further close down on the openness of the Green Belt and the previous committee refusal in regards to policy PG3 and 145 of the NPPF is still the case.
- Paragraph 7 of the Inspectors decision has not been overcome and paragraphs 8, 9, 10 and 11.
- The floods and highways team have said they cannot recommend approval as it contravenes CEC byelaw 10 regarding the culvert running down the site side hedgerow boundary which is a main culvert taking water that emerges from the local estate from under Moor Lane. Another ditch runs diagonally across the adjacent field and appears to meet this culvert. Without detailed planning it is unsure how flood risk will be addressed and therefore agree with the flood team that the application must be refused. Any movements of the footprints of the houses to achieve 8m distances could well lead to footprints moving off the curtilage and encroaching into green field of the Green Belt.
- The access from Riflemans Close had a third drainage ditch that runs close to the current access to the barn and further information should be provided as to how this access will be created whilst addressing the issues created by culverts. It is accepted that any contravention of the CEC byelaw 10 can likely be addressed.

2no. letters of representation have been received from local residents objecting to the development during the re-consultation period based on the revised proposals:

- The land in front of the existing wooden shed/storage barn that is proposed for demolition is green belt land where there are no special circumstances or exceptional reasons to justify using the land in the Green Belt for residential development for development that exceeds the footprint, taller and is larger than the buildings that they would replace. The Inspectors decision still stands as they would detrimentally impact the visual openness and be readily observable and greater than the existing barn and are inappropriate development.
- Yew Tree Farm makes a significant contribution to the Green Belt as per the local plan another barn in its place as agriculture. The fall-back position for the site as per point 15 of the appeal decision is surely equestrian use rather than slaughterhouse.
- Given the closeness of the development to drainage ditches A, B and C it is surprising there is no water vole activity, noting that it also borders Franklyn Farm. The proposals would represent an overdevelopment in the rural area with only 10% of the total site being given to green infrastructure resulting in a reduction of biodiversity - detrimental impact on biodiversity.
- It is unacceptable for the proposals to have foul drainage that is not mains foul drainage instead proposed as PTP which is different to the recent residential dwellings erected. The mains sewers are close enough for connection. The watercourses and constant

flooding of the site is great local concern noting the compressible deposits risk as previously mentioned and the site flooding has increased following the 14no. Elan homes including into the culverts surrounding the site. Flooding also occurred to Burford Crescent and Arlington Crescent. Sewage and flood risk and drainage needs to be addressed on a prior to determination basis.

- Each property has 2no. parking spaces but no electric vehicle charging points are shown on the plan.
- CEC Parking Standards seek 3no. road parking spaces for a 4no. bedroom house and these plans only show 2no. spaces – insufficient parking.
- The borough has sufficient land and stock allocated to satisfy residential needs until the next Local Plan is in place and as such there is no immediate need for this proposed residential development to go ahead and as such the proposals should be deferred until the 2030's when the next Local Plan is agreed and in place.
- The large bungalows are still too bulky once parking and gardens are taken into account and should be reduced from 4no. bedrooms to 2no. bedrooms – detrimental impact on design and local character.
- No tree replacement for the 2no. lost is proposed – detrimental impact on tree life and landscape character.
- Insufficient information on waste and recycling for the site and how access will be gained.
- Insufficient information on how construction management be controlled noting significant uplift in vehicle movements, plant and materials etc.

2no. letters of representation have been received from local residents supporting the development for the following summarised reasons during the re-consultation period based on the revised proposals:

- The site is an eyesore and the proposals of two modest dwellings would be far more preferable and would prevent the site becoming more derelict and hazardous than it is now.
- Developing the site would make the Elan site feel more complete, cohesive and secure.
- The site should not be brought forward for business or equestrian use due to the constant, daily traffic that would involve would be dangerous for children playing on the cul-de-sac.
- The new dwelling design would be in keeping with the area and complement the current Elan housing development.

OFFICER APPRAISAL

Green Belt

As per paragraph 6 of the Inspector's decision on application 19/2035M, there remains no dispute as a result of this application that the site constitutes previously developed or brownfield land as defined in the NPPF.

Paragraph 147 of the NPPF states 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states '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. Paragraph 149

of the NPPF (or as mentioned in the Inspectors decision 145 of the NPPF 2019) states that ‘A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: g. limited infilling or partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: - not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.’

Policies PG3 of the CELPS and GC1 of the MBLP are most relevant in terms of the adopted local plan policies. Policy PG3 states:

‘...3. The construction of new buildings is inappropriate in Green Belt. Exceptions to this are:... 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.’

As noted in the Planning Inspectorate’s decision on 19/2035M in paragraph 5 it states that the final test in PG3 (3) in terms of not having a greater impact on the purposes of including the land within the Green Belt than the existing development, is not repeated in the updated versions of the NPPF both the 2019 and 2021 versions. Therefore PG3 is out of date insofar as it relates to the purposes of land in the Green Belt.

Regarding 19/2035M the Inspector dismissed the appeal concluding that the development would constitute inappropriate development within the Green Belt that would erode its openness as such contrary to policy PG3 of the CELPS which seeks such aims and for similar reasons does not fall within the exceptions outlined in the Framework. For the 19/2035M development the Inspector noted that the redevelopment of the site introducing 2no. dwellings would have a combined volume similar to that of the existing building and structures on site and would therefore give rise to a similar effect on the spatial openness of the Green Belt. The Inspector states in paragraph 7 that the 19/2035M proposals would have reduced the footprint of the built development but lead to an increase in overall height of the development on site noting the existing shed at 4.3m to the ridge with low eaves is typical utilitarian rural shed set low in the landscape, noting also substantial tree screening to one side. It was also noted that whilst views are limited from the settlement area to the south and from Moor Lane, the site is visible from larger parts of the new Rifleman’s Close development and existing rear views from some properties on Arlington Crescent. The Inspector noted that in those proposals the buildings were several metres higher than the existing building and modest feed tanks, though lower than Rifleman’s Close development, partly due to falling land levels, that they would be 67% (estimated by Council) higher than existing buildings as such have a significantly greater prominence. The Inspector also cited that when taking the taller overall height, with the bulky form, increased massing of the dwellings arising from long ridgelines and projecting gables and greater spread of the development across the site and the ability to see it above existing hedging resulting in significantly more obtrusive in surrounding views. The Inspector also noted that whilst there would be a gap between the buildings that this would be the relocation of development closer to the settlement area and that visual openness would be readily observable and greater than the existing development.

The following table, Table 1 is as taken from the proposed plans and elevations now supporting this current application. The previous application referred to is that of 19/2035M.

Proposed Dormer Bungalows						
	Existing Barn	Existing Feeding Towers	previous application		Current Proposal	
			Plot 1	Plot 2	Plot 1	Plot 2
Foot print	364m ²	7m ²	107m ²	121m ²	176m ²	170m ²
GIA	333m ²	N/A	172m ²	167m ²	160m ²	155m ²
Volume	1205m ³	31m ³	620m ³	615m ³	642m ³	613m ³
Ridge	4.3m	7m	7.2m	7.0m	5.1m	5.1m
Eaves	2.6 m	N/A	4.5 m	4.5 m	2.4 m	2.4 m

During the course of this application the proposals have been significantly amended from 2no. dormer style bungalows at 6.5m to ridge and 3.2m to eaves, to that now represented in the revised drawings and table above. Comparing the current proposals with the appeal scheme significant reductions in the overall height and volume have been made as well as a slight reduction in the floorspace of the 2no. dwellings, now proposed as true single storey bungalows. In contrast to the existing barn ridge and eaves heights the proposals now represent an 18.6% uplift in ridge and an 8% reduction in eaves heights. The combined footprint of both dwellings would be 346sqm and therefore compared with the existing barn and feeding towers totaling 361sqm, as with the appeal scheme would be a reduction in the overall footprint on site of 15sqm or 4%. In respect of volume the dwellings would total 1255sqm compared with the existing barn and feeding towers totaling 1236sqm, the proposals would be a slight increase in volume of 19sqm or 1.5%. Comparing the existing barn which is single storey and a single entity on site, it is clear that the 2no. dwellings with separation between for external amenity areas and parking would offer more visual relief than the existing building in this location offering views to the fields and tree screening beyond site boundaries and whilst having slightly taller and larger volume than the barn and silo would be more broken up visually and spatially and present a neater aesthetic in this open location and Green Belt. The proposals are much more comparable to the existing barn being of single storey and low height nature in terms of both ridge and eaves heights and are considered would not be obstructive or highly prominent from surrounding views or public vantage points. Limited weight can also be afforded to the neater aesthetic a residential development and associated landscaping may offer to the vacant barn/silos in situ which are in continuing decline.

Comparing the current proposals with the appeal scheme, the original proposals submitted with this application and the buildings and silos in-situ that the reason to dismiss the appeal by the Inspectorate has been overcome and the visual and spatial impact of the development will not be greater than the existing buildings. It is also therefore considered that the development would not conflict with the reasons for including the land within the Green Belt as it would not encroach further into the countryside and would still allow the surroundings to be permanently open or largely undeveloped. The impact on the Green Belts visual and spatial openness in this instance is finely balanced and comes as a result of significant revisions to the proposed developments overall height, volume and floorspace. Taking this into account it is recommended that any approval of the application is subject to the use of detailed planning

conditions to remove permitted development rights for extensions, alterations and outbuildings, including roof and additional storey extensions, as any further additional building or development would over urbanise and develop the rather open site and be detrimental to the key characteristics of the Green Belt. The principle of the development is therefore considered to be acceptable subject to conditions.

Design / Character

The most applicable policies and guidance to consider are SD1, SD2 and SE1 of the CELPS, DC2 of the MBLP, NE1, TH2, H2 and H3 of the WNP and the Design Guide SPD. Between them these policies seek that new development is of an appropriate size, scale and design that is commensurate to the character of the area in which it would be situated, whilst championing higher quality design to enhance and improve the wider borough. In addition, these policies seek an appropriate mixture of dwellings in terms of their types, facilities and tenure so that new development may contribute to the creation of sustainable and mixed communities in line with the specific needs for that settlement or location.

Both plots propose 3no. bedroom dwellings with a home office, which could also reasonably be used as a fourth bedroom, to this regard the development would be broadly in line with neighbourhood plan policies encouraging 3no. bedroom dwellings noting that the development would also allow working from home, in a bungalow format. The design of the dwellings is considered acceptable given the various themes within the immediate area of Wilmslow utilising a common gable roof and feature type with limited ornamentation. At this time specific details of facing, roofing, fenestration and rainwater details has not been provided however this can be secured via use of planning conditions in the event of approval. No issue is raised at the layout of the dwellings within the site which provides sufficient spacing between each dwelling and amenity areas that reflect the various size themes in the immediate residential developments nearby and would present a similar low height and linear aesthetic to the buildings set for demolition. Notwithstanding this whilst external amenity space has been provided for each dwelling any further built development would reduce this below acceptable standards comparable to the size of internal living accommodation and likely number of occupants, as such it is recommended that PD rights are removed for further extensions, alterations and outbuildings for each plot. Subject to the use of planning conditions attached to any approval of the development it is considered that the development is in compliance with the relevant design and character policies and guidance.

Living Conditions

The most applicable policies to consider are SD2, SE1 and SE12 of the CELPS and DC3 and DC38 of the MBLP and the Design SPD. Between them these policies seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm. Developers will be expected to minimise and mitigate the effects of possible pollution arising from the development itself, or as a result of the development (including additional traffic) during both the construction and the life of the development. Where adequate mitigation cannot be provided, development will not normally be permitted.

It is considered that the orientation, distance, single storey nature and fenestration siting of the proposals will not result in detrimental impacts on the amenity of its occupants or nearest

existing neighbouring properties on Arlington Crescent or Riflemans Close in terms of privacy, overlooking and light provision. In terms of pollution and contaminated land the application is supported by a Ground Investigation Report which indicates there may be vulnerability from contamination as a result of the abattoir use and proximity 250m away from a known landfill site. The Environmental Health team have reviewed the submission and raised no objection to the development subject to the use of planning conditions and informatives to secure information not currently within the submission information but would not preclude the determination or go to the heart of the proposals as follows: 1no. electric vehicle charging point per dwelling; Phase II Ground Investigation – prior to commencement; Verification Report – prior to occupation; Soil importation testing and Previously Undiscovered Contaminated Land. Notwithstanding this the Ultra-Low Emission Boilers conditions request is not considered to meet the tests for the use of planning conditions as it goes beyond what can be reasonably asked for with policy/guidance foundation and as such will not be attached to any approval of the development.

The development is considered to be in compliance with policies and guidance covering residential amenity, pollution and contaminated land subject to the use of planning conditions and informatives.

Highways

The most applicable guidance and policies to consider are CO1 and Appendix C of the CELPS and DC6 and DC36 of the MBLP and LSP3, TA1 and TA5 of the WNP. Between them these policies seek that new development deliver safe, sustainable, high quality, integrated transport systems that encourage a modal shift away from car travel to public transport, cycling and walking; supportive of the needs of residents and businesses and preparing for carbon free modes of transport.

During the course of the application concern was raised as a result of consultation in terms of: insufficient parking provision; lack of electric vehicle charging points; the accessibility of the site and how waste and recycling would be collected/managed.

Whilst 2no. vehicles are shown on the Proposed Site Plan provided, upon measuring the site it is possible for 3no. vehicles for each property to park within the site as such no issue is raised with the parking provision for the proposed development, as this would meet relevant parking standards for dwellings of the size proposed. As it stands no cycle parking or electric vehicle charging points are shown however the provision of these elements can be secured through carefully worded planning condition attached to any approval of the development, noting there is sufficient space either on walls/hardstanding or garden areas for this to be provided in line with policies and guidance. In respect of the collection and access to the site for maintenance or refuse collection vehicles and associated storage of waste and recycling receptacles, as a result of the revised proposals the site edged red now connects with the surrounding adopted highways infrastructure as such collection and access to the site is possible. In addition, there is sufficient space at the entrance of the site and within garden areas for bin/recycling storage to be provided, as such no concern is raised subject to the securing of planning condition for bin/recycling storage provision within each site. Subject to conditions and informatives it is considered that the development is in compliance with policies and guidance relating to highways and parking provision.

Trees / Landscape

The most applicable policies and guidance to consider are SD1, SD2, SE4 and SE5 of the CELPS, DC8, DC9, DC37 and DC57 of the MBLP, LSP2, NE1 OF WNP and the CEDG and Trees and Development SPD. Between them these policies seek to protect the continued health and life expectancy of trees, hedgerows or woodlands and where loss of or threat to them is proposed development will not normally be permitted unless there are clear overriding reasons for allowing development and that there are no suitable alternatives. Where such impacts are unavoidable, development proposals must satisfactorily demonstrate a new environmental gain by appropriate mitigation, compensation or offsetting.

During the public consultation periods concern was raised at the loss of 2no. trees as a result of the development and if provision for their replacement or other landscaping will be made as part of the proposed development.

The application is supported by an Arboricultural Report (AR) which is the same that supported 19/2035M. There are several off-site trees and hedgerows which provide screening of the development from the west and south and also provide pleasing greenery in this open area. It is highlighted that none of the trees are protected by Tree Preservation Order nor are they within a Conservation Area. The AR identifies 2no. early mature moderate B category Oak trees (T4 and T8) will require removal to accommodate the development and the Root Protection Area (RPA) of eight trees will be impacted by hard surfacing and the new buildings. Crown lifting and cut back are proposed for T3 (Oak), T12 (Beech) and T13(Plum). While the loss of the Oaks is not essential as highlighted in the 19/2035M Officer Recommendation their loss is preferable due to the relationship with the proposed houses and noting their loss would not be significant on the landscape character or locality, nor would the works planned to other trees. The footprint of the new buildings is largely over the existing buildings and therefore the RPA of the retained trees are already compacted to a certain extent. Whilst the plans have not been updated in the AR in this submission the RPAs remain unchanged and the location of the access driveway and footprint of the new proposals are similar to that under 19/2035M. Given the tree group as a whole cannot be widely viewed from significant public vantage points it is considered that no dig solutions as detailed in the AR updated for this new layout and a Tree Protection Plan may form conditions attached to any approval to protect the trees long term harm. Whilst there would be some shading of plots given proximity of retained and off-site trees it is not considered the overshadowing would be significant enough to withhold planning permission or would cause detrimental impacts on occupants regarding social proximity or provision of light.

Planning conditions will also be used to secure a detailed soft and hard landscaping scheme with boundary treatments and appropriate management of this for the future to ensure appropriate landscaping for the rural site and biodiversity gains. In addition it is recommended due to the open nature of the site and to further control built development in a prominent rural location, PD rights are removed for the erection of any boundary treatments, new access and hard landscaping so that a balance between hard surfacing, buildings and vegetation is struck appropriate to area themes in this otherwise open/rural location. Subject to the use of conditions and informatives it is considered that the development would be in compliance with policies and guidance in regards to trees, hedgerows and landscaping.

Biodiversity and Geodiversity

The most applicable policies to consider are SD1, SE3, SE4 and SE5 of the CELPS, NE11 and NE15 of the MBLP and LSP2, TH2, NE1 and NE5 of the WNP. Between them these policies

seek that all development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. Where appropriate, conditions will be put in place to make sure appropriate monitoring is undertaken and make sure mitigation, compensation and offsetting is effective. Net gains for new development to encourage the further development and protection of biodiversity and geodiversity.

During the public consultation period concern was raised that the development may discourage wildlife from the area, that the ecological survey work was that attached to the previous application and that the Water Vole Survey Report submitted may not be accurate and claims that residents had seen them in the ditches/culverts/watercourses at the boundaries of the site.

The application is supported by a Water Vole Survey Report following previous Ecological Assessments provided during recent historical applications for similar development at this site (see Relevant Planning History section of this Officer Recommendation). The application has been reviewed by the Nature Conservation Officer and does not raise any objection to the proposals noting that no water voles were found or evidence of their presence following survey work and that it is not likely they are present or will be affected by the proposed development. The Nature Conservation Officer has recommended that conditions be attached to any approval of the development to secure an Ecological Enhancement Strategy on a prior to commencement basis to seek net gains for biodiversity and geodiversity as a result of the development in line with the aforementioned policies, in addition to breeding/nesting bird protection during demolition/construction of the development. Subject to conditions the development is considered to be in compliance with the listed policies and guidance regarding nature conservation.

Flood risk and water management

The most applicable policies to consider are SD1, SD2, SE1, SE2 and SE13 of the CELPS and policies DC17, DC19 and DC20 of the MBLP and LSP1 and LSP2 of the WNP. Between them these policies seek to ensure that new developments integrate measures for sustainable water management to reduce flood risk, avoid an impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation. New development must be designed to be safe, taking into account the lifetime of the development and the need to adapt to climate change, seeking improvements to current surface water drainage network and be designed to manage surface water noting it is not sustainable to drain surface water to public sewers. New development should incorporate water efficiency measures.

During the course of the application consultation concern was raised that: the site and field area, including some rear gardens on Arlington Crescent flood; that SUDS would not be appropriate as there is a high water table; that PTP for foul is unsuitable given connections available nearby to mains sewers; that the existing watercourses have had more flow into them following the Elan Homes development which could be worsened following more development at this site; that the results of the Ground Investigations and collections of deposits may render the proposed drainage solutions unsuitable.

To the eastern boundary of the site is a small watercourse flowing along the boundary line culverted in a ditch alongside one beyond the site boundary and tree line to the west. The LLFA raised comment during the original consultation it was not clear where the access point to the

site would be formed and how this would interact with the ordinary watercourses or if culverting works or the watercourses would be maintained, noting that separate to planning Land Drainage Consents and a CEC byelaw to prevent obstructions within 8m of the edge of an ordinary watercourse would apply in this instance. The LLFA asked for this information on a prior to approval basis. UU have commented that further information and consideration of drainage should be made in line with national hierarchy. The application form states that the proposed dwellings will be serviced (foul water/sewage) via a package treatment plant (PTP) and that surface water will be directed to soakaway. As it stands beyond this indication no further drainage information or layout has been submitted which is not unusual for a small-scale development proposals such as this not within a flood risk zone.

The revised proposals make it clear that the access would be via the existing crossing over the watercourses/culverts and notwithstanding the comments provided, it is considered that given that it is not located in a flood risk area and of small scale that the drainage pertaining to planning can be provided via use of planning conditions, noting land drainage consents and byelaws are separate to this. It is also noted that use of planning conditions was the position adopted by the LLFA during the previous application on the site, with footprints and hardstanding in similar positions to that now proposed. Conditions would seek the provision of a surface and floods water drainage layout and management plan with information on ordinary watercourses that considers the drainage hierarchy as laid out in the NPPG with details to be submitted on a prior to commencement basis. The hierarchy should consider in order of priority for surface water: 1. Into the ground (infiltration); 2. To a surface water body; 3. To a surface water sewer, highway drain or another drainage system; 4 to a combined sewer, noting also that SuDS would not likely be appropriate noting the results of the ground investigations report. The hierarchy should consider in order of priority for foul sewage: connection to public sewer; package sewage treatment plant; septic tank and cesspools subject to appropriate consents out of planning consent. Subject to conditions and informatives it is considered that the development would be in compliance with policies and guidance relating to flood risk and water management.

CONCLUSION

The application site is a previously developed site in the Green Belt and the proposal is not considered to have a greater impact on openness of the Green Belt than the existing development. The proposal is therefore not an inappropriate form of development in the Green Belt. The design of the dwellings is considered to be acceptable, and suitably reflects the character of the neighbouring residential site that has been recently completed and wider surrounding area which has a varied architectural theme. No significant adverse impacts are raised in relation to highways, accessibility, ecology, trees, residential amenity, air quality, flood risk or contaminated land, and appropriate conditions on these matters are recommended, where relevant. Accordingly, the proposal is considered to comply with the requirements of the CELPS, the MBLP and the WNP, and a recommendation of approval is made.

Conditions:

1. Time 3 years
2. Plans as approved
3. Materials to be submitted
4. Prior to laying of foundations provision of Proposed Finished Floor and surrounding ground levels

5. PD Removal for extensions and alterations including upward extensions
6. PD Removal for access, boundary treatments and driveways.
7. Works to trees as per Arboricultural Report
8. RPA protection to be updated to reflect new proposals
9. No dig solutions to be confirmed and reflected on new plans.
10. Landscape soft/hard/boundary treatments.
11. Landscape plan implementation
12. 1no. electric vehicle charging point per dwelling
13. 1no. secure cycle storage
14. Bin and recycling storage to be provided
15. Post demolition Phase II ground investigation works to be submitted
16. Remediation strategy to be submitted should Phase II works recommend this
17. Verification Report to be submitted
18. Imported soil to be tested
19. Measures to take in event of previously unidentified contaminated land
20. Foul and surface water drainage strategy with management plan and consideration of Ground Investigation Report results and national hierarchy Prior to commencement – implementation on site prior to first occupation.
21. Verification report to be submitted for drainage on prior to first occupation basis.
22. Nesting bird survey to be submitted
23. Biodiversity enhancement strategy to be submitted
24. Vehicle parking provision

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 Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



