

# Northern Planning Committee

## Agenda

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Date:	<b>Wednesday, 5th July, 2023</b>
Time:	<b>10.00 am</b>
Venue:	<b>The Capesthorne Room - Town Hall, Macclesfield SK10 1EA</b>

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Members of the public are requested to check the Council's website the week the Northern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and in the report.

It should be noted that Part 1 items of Cheshire East Council decision-making meetings are audio recorded and the recordings are uploaded to the Council's website.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

To receive any apologies for absence.

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 3 - 10)

To approve the Minutes of the meeting held on 7<sup>th</sup> June 2023 as a correct record.

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**Please Contact:** Gaynor Hawthornthwaite  
**E-Mail:** [gaynor.hawthornthwaite@cheshireeast.gov.uk](mailto:gaynor.hawthornthwaite@cheshireeast.gov.uk) with any apologies or request for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

#### 4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **22/0783M - Oakwood Nurseries, Chelford Road, Ollerton, Knutsford WA16 8SE: Outline planning permission with all matters reserved except for access for the demolition of existing commercial buildings and the construction of new dwellings for Mr & Mrs Kevin & Tracey Warburton**  
(Pages 11 - 32)

To consider the above planning application.

6. **21/3983M - Land at Saltersley Hall Farm, Saltersley Lane, Wilmslow, SK9 5LS: Change of use of land for 12 holiday lodges for Mr Terence Cummins**  
(Pages 33 - 56)

To consider the above planning application.

7. **22/4758M - 4, WAREHAM STREET, WILMSLOW, SK9 1BT: Variation of condition 1 and removal of condition 3 on approval 21/3436M for retrospective application for external drinking & dining area in connection with restaurant with proposed decking and canopy for Ms A Mott, Sotto**  
(Pages 57 - 70)

To consider the above planning application.

**Membership:** Councillors S Adams, M Beanland, T Dean, K Edwards, M Gorman, S Holland, T Jackson, D Jefferay (Chair), N Mannion, J Place, J Smith and F Wilson (Vice-Chair)

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 7th June, 2023 in the The Capesthorpe Room - Town  
Hall, Macclesfield SK10 1EA

**PRESENT**

Councillor F Wilson (Vice-Chair)

Councillors M Beanland, T Dean, K Edwards, T Jackson, N Mannion, J Smith,  
S Gardiner, B Puddicombe, C Browne and D Edwardes

**OFFICERS IN ATTENDANCE**

Paul Wakefield - Planning Team Leader  
Nick Hulland - Principal Planning Officer  
Andrew Poynton - Planning and Highways Lawyer  
Neil Jones - Principal Development Officer  
Gaynor Hawthornthwaite - Democratic Services Officer

**1 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors D Jeffery, M Gorman, S Holland  
and J Place.

Councillor S Gardiner attended as a substitute for Councillor S Holland,  
Councillor B Puddicombe attended as a substitute for Councillor J Place,  
Councillor C Browne attended as a substitute for Councillor D Jefferay and  
Councillor D Edwardes attended as a substitute for Councillor M Gorman.

**2 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interests of openness, the following declarations were made:

- Councillor Browne declared that with regard to application 22/2353M, he had called in this application, but had retained an open mind and not formed a view and with regard to application 22/2111M one of the applicants is known to him, through a mutual friend, but had not discussed the application with them and had retained an open mind.
- Councillor Gardiner declared that with regard to planning application 22/2347M, he had had communications with Mr D Malcom, Head of Planning, following an urgent action that had been raised with the appropriate legal officer.

- Councillor Wilson declared that with regard to application 22/1223M she was previously a member of Macclesfield Town Council Planning Committee when this application was discussed on 29<sup>th</sup> April 2022 and 17<sup>th</sup> March 2023 when the Town Council objected to the application. Councillor Wilson did not speak against this application, but in order to avoid any perception of pre-determination she would leave the room when this application was discussed.
- Councillor D Edwardes also declared that he was previously a member of Macclesfield Town Council when application 22/1223M was discussed on 29<sup>th</sup> April 2022 and 17<sup>th</sup> March 2023 and would also leave the room when the application was discussed to avoid any perception of pre-determination.

### 3 MINUTES OF THE PREVIOUS MEETING

That the minutes of the previous meeting held on 12<sup>th</sup> April 2023 be approved as a correct record and signed by the Chair.

### 4 PUBLIC SPEAKING

That the public speaking procedure be noted.

### 5 **22/2353M - CHERRY DENE, MACCLESFIELD ROAD, ALDERLEY EDGE: PROPOSED DEMOLITION OF THE EXISTING DWELLING AND THE ERECTION OF A REPLACEMENT DWELLING AND ASSOCIATED WORKS INCLUDING THE REALIGNMENT OF THE INTERNAL ACCESS ROAD FOR MARK HAWTHORNTHWAIT**

Consideration was given to the above application.

(Councillor V Fogharty (representing Alderley Edge Parish Council) Mr D Scott (Agent) attended the meeting and spoke in respect of the application).

### **RESOLVED:**

That the application be DELEGATED to the Head of Planning in consultation with the Chair (or in their absence the Vice-Chair) of the Northern Planning Committee and the Ward Member to APPROVE, subject to conditions, including the planting of trees in the first season.

(This decision was contrary to the Officer's recommendation of refusal)

*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add Conditions and/or Informatives or reasons for approval 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.*

*During consideration of this item, Councillor T Dean arrived to the meeting and did not take part in the debate or vote on the application.*

6 **22/1223M - MARBURAE HOUSE, ATHEY STREET, MACCLESFIELD, CHESHIRE, SK11 6QU: CONVERSION OF EXISTING OFFICE BUILDING TO RESIDENTIAL APARTMENTS FOR MR & MR HARRY AND VINNY, EDWARDS AND TAYLOR**

In the absence of the Chair and Vice Chair, the Committee were asked to appoint a Chair.

**RESOLVED:**

That Councillor Nick Mannion be appointed as Chair.

*Prior to consideration of this application, as stated in the Declaration of Interest/Pre Determination, Councillor F Wilson and Councillor D Edwardes left the meeting and returned following consideration of the application.*

*The Committee adjourned for a short break.*

Consideration was given to the above application.

(Councillor L Braithwaite (Ward Member) attended the meeting and spoke in respect of the application).

**RESOLVED:**

That the application be REFUSED for the following reasons:

The proposed development would lead to a substandard level of amenity for the future occupiers and an overdevelopment of the site.

(This decision was contrary to the Officer's recommendation of approval)

*In order to give proper effect to the Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice*

*During consideration of this application, Cheshire Fire Authority was referred to, and in the interests of openness, Councillor Mannion declared that he was a member of the Cheshire Fire Authority.*

*The Committee adjourned for a short break.*

**7 22/0560M - BARCLAYS BANK PLC, RADBROKE HALL, STOCKS LANE, OVER PEOVER WA16 9EU: INSTALLATION OF PHOTOVOLTAIC CELLS ABOVE EXISTING CAR PARKING SPACES FOR BARCLAYS PLC**

Consideration was given to the above application.

(Ms A May (Agent) attended the meeting and spoke in respect of the application).

**RESOLVED:**

That for the reasons set out in the report, the application be APPROVED, subject to referral to the Secretary of State and the following conditions

1. Commencement of development (3 years)
2. In accordance with approved plans
3. Details of materials to be submitted (including details of protective coating)
4. Temporary for a period of 30 years
5. Submission/approval of a de-commissioning statement
6. Submission/approval of an updated Arboricultural Method Statement (including updated Tree Protection Plan)
7. Submission/approval of an updated Landscaping Scheme (*to include replacement tree planting*)
8. Landscape - Implementation
9. Submission/approval of proposed external lighting scheme
10. Submission/approval of a Construction Management Plan
11. Nesting birds
12. Submission/approval of ecological enhancement scheme
13. If cease to be used for solar panels / renewable energy purposes structures to be removed from site
14. Submission/approval of elevated details of single solar panels.

*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add Conditions and/or Informatives or reasons for approval 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.*

**8 22/2111M - 1, HILL TOP AVENUE, WILMSLOW, SK9 2JE: PROPOSED DEMOLITION OF EXISTING DETACHED RESIDENTIAL PROPERTY AND CREATION OF 2NO. NEW BUILD 4 BEDROOM DETACHED RESIDENTIAL PROPERTIES WITH AMENDED VEHICLE ACCESS FOR MICK REGAN**

Consideration was given to the above application.

(Councillor C Hilliard (Ward Councillor), Councillor J Kelly (Wilmslow Town Council), and Ms H Barton (Agent) attended the meeting and spoke in respect of the application).

**RESOLVED:**

That, for the reasons set out in the report, the application be APPROVED, subject to the following conditions:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Details of materials to be submitted
4. Obscure glazing (the first floor ensuite windows in the western and eastern facing elevations of Plot 2, the first floor ensuite windows in the western facing elevation of Plot 1 and the first floor ensuite windows in the northern facing elevations of Plot 1 and 2)
5. Provision of 4 Car Parking Spaces (pre-occupation)
6. Submission of Bin and Bicycle Storage details
7. Submission of Boundary Treatment and Landscaping Scheme
8. Landscaping (implementation)
9. Breeding Birds survey to be submitted
10. Submission of ecological enhancement strategy
11. Proceed in Accordance with Arboricultural Impact Assessment and Method Statement
12. Submission of levels details
13. Submission of detailed overall drainage strategy
14. Submission of drainage management and maintenance plan

*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add Conditions and/or Informatives or reasons for approval 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.*

*Prior to consideration of the following item, the meeting adjourned for a lunch break*

- 9 **23/0853M - 17 & 19, HOLLY ROAD SOUTH, WILMSLOW, CHESHIRE, SK9 1NQ: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 34 RETIREMENT LIVING APARTMENTS INCLUDING LODGE MANAGERS OFFICE AND RECEPTION, COMMUNAL FACILITIES, GUEST SUITE, CAR PARKING AND LANDSCAPING. RESUBMISSION OF APPLICATION 22/2347M FOR CHURCHILL RETIREMENT LIVING**

Consideration was given to the above application.

(A statement was read out on behalf of Councillor D Jefferay (Ward Councillor) who was unable to attend the meeting.

Mr J Bradley (Objector) and Mr Z Thomas (Agent) attended the meeting and spoke in respect of the application).

**RESOLVED:**

That the application be REFUSED for the following reasons:

- The design and scale of the building is not in keeping with the area
- The lack of parking
- The impact of living conditions on the neighbours
- It is contrary to policy NE6 in the Wilmslow Neighbourhood Plan

*(This decision was contrary to the officer's recommendation of approval).*

*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add Conditions and/or Informatives or reasons for approval 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*

*During consideration of this item, Councillor Mannion left the meeting and did not return.*

*Prior to consideration of the following item, Councillors T Dean, C Browne, S Gardiner, T Jackson and J Smith left the meeting and did not return.*

*The Committee adjourned for a short break.*

**10 22/2347M - 17 & 19 HOLLY ROAD SOUTH, WILMSLOW**

Consideration was given to the above report.

(A statement was read out on behalf of Councillor D Jefferay (Ward Councillor) who was unable to attend the meeting.

Mr J Bradley (Objector) attended the meeting and spoke in respect of the application).

**RESOLVED:**

That the request for authority not to defend refusal No.2 (lack of tree information) from the determined planning application (reference 22/2347M) - the demolition of existing buildings and erection of 34 Retirement Living Apartments including Lodge Manager's office and reception, communal facilities, guest suite, car parking and landscaping at 17-19 Holly Road South, Wilmslow, be APPROVED subject to the following conditions;

- Development shall proceed in accordance with the submitted AMS, TPP and measures for Managing Trees
- The submission/approval of levels information
- The submission/approval of a revised landscaping scheme
- Landscape - Implementation

The meeting commenced at 10.00 am and concluded at 3.30 pm

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Application No:	22/0783M
Location	Oakwood Nurseries, Chelford Road, Ollerton, Knutsford WA16 8SE
Proposal;	Outline planning permission with all matters reserved except for access for the demolition of existing commercial buildings and the construction of new dwellings
Applicant;	Mr & Mrs Kevin & Tracey Warburton
Expiry Date	26 <sup>th</sup> May 2022

**SUMMARY**

This application seeks outline planning permission to re-develop part of Oakwood Nursery, which has been certified as previously developed land for 10 no. dwellings. The existing structures would be cleared and 10 no. two-storey dwellings would be erected. The proposals as shown indicatively, would have a slightly greater impact on the openness of the Green Belt in terms of the spread of built form and height, but this impact would be less-than substantial in terms of harm.

Three affordable units would be included within the housing mix which would provide a small contribution to the Borough's commitment to providing affordable housing. The less than substantial harm to the openness of the Green Belt coupled with the affordable housing provided on this previously developed site enables compliance with paragraph 149 of the NPPF. The proposal is not an inappropriate form of development in the Green Belt.

The site is an existing employment site, operating for commercial uses such as warehouse storage and nursery. The warehouse and nursery use would relocate and there would be no discernible loss of employment due to development given that the predominant use of buildings is as storage. The proposals will not have a detrimental impact on the road network by using the existing access and removing a more intensive use.

The units would be concentrated primarily along the eastern boundary of the site to reflect the existing layout, and would be of a relative low density with ample space for landscaping. The scale (2-storey) and footprints of the dwellings are appropriate when compared to the existing structures on-site. It is expected that details relating to appearance, landscaping, scale and layout could be acceptable at reserved matters stage and could preserve the rural and landscaped character of the area.

Subject to suitable conditions set out in the report, no issues are raised in respect of ecology, arboriculture, flood risk, highways, or contamination.

The proposals are considered to be in accordance with both the Development Plan and the guidance of the National Planning Policy Framework. Paragraph 11 of the above Framework stipulates that proposals that accord with the Development Plan should be approved without delay. As such, the application is recommended for approval subject to conditions and a 106 legal agreement.

**RECOMMENDATION**

**APPROVE subject to conditions and the completion of a S.106 agreement**

## **REASON FOR REFFERAL**

This application is to be determined by Northern Planning Committee because the application is a small scale major residential development on a site of between 1 and 4 hectares in size and under the terms of the Constitution it requires a Committee decision.

## **DESCRIPTION OF SITE AND CONTEXT**

The site measures some 1 hectares in size and comprises of 12 warehouse type buildings and greenhouses which were formerly used by a nursery and landscaping business with an office and gravelled car parking area. The nursery and landscape business gradually reduced its operations and the site is now partly occupied by individual businesses. Within the wider context, there is an adjoining dwelling plot and other warehouses positioned to the north of the site owned by the applicant. To the west there are three detached dwellings and The Beeches Golf Club with open countryside views. There is a horse riding school and New Barn Farm positioned to the east of the site and Chelford Road positioned to the south of the site.

The access road runs alongside the western boundary of the plot and connects the dwelling, warehouses and some open land with dense woodland area to the end. The site to the west would face the former nursery land, where shrubs and plants are still grown. To the northern boundary of the site there is a warehouse building and hard surfacing. To the east and south, the site is screened from the road and neighbouring farm with trees and shrubs.

The site is located within the Green Belt and Ecological Network Core Areas and Landscape Character Area (LCA) 7D Marthall. A key characteristic of the LCA is a medium settlement density with a mix of dispersed farms and nucleated villages and hamlets/villages. The LCA's rural character, trees and hedgerows are considered valued landscape features.

The lawful use of the site is for storage and/or distribution and commercial, which was considered to be a B1 (now Class E(g) and B8).

## **DETAILS OF PROPOSAL**

The application proposes the demolition of the buildings and their replacement with 10 detached dwellings. The application is an outline application with details of access only. However, details of building heights have been submitted with the application for both existing and proposed.

The application has shown a detailed design for indicative purposes, with an irregular shape, making use of the spaces created including the driveway and parking arrangement.

The boundary treatments are not proposed at this stage and can be controlled by condition, along with materials and windows doors and rainwater goods.

During the life of the application, the indicative layout was amended by the applicant with one less dwelling proposed than the original submission. The amenity space is proposed near to access of the site and the dwellings would sit further away from the Chelford Road.

## **Planning History**

21/2069M - Variation of conditions 1,4,6 and removal of condition 3 on application 20/2550M  
- Continued use of buildings at Oakwood Nurseries as flexible B1 business and B8 storage or

distribution use including non-retail showroom display space in units M and O - Approved 19-08-2022

20/2550M - Continued use of buildings at Oakwood Nurseries as flexible B1 business and B8 storage or distribution use including non-retail showroom display space in units M and O - Approved 20-11-2020

17/4074M - Erection of a Building Extension to an Existing horticultural building - Approved 19-12-2017

15/1791M - Replacement Office - Approved 03-03-2016

15/3205M - Erection of 2No. Horticultural Buildings - Approved 14-10-2015

12/3892M - Transplant with whips shed and chemical and fertiliser store - Approved 30-11-2012

11/0142M - Extension of form a tree, shrub and bare root store - Approved 21-04-2011

10/2796M - Erection of a compost and potting shed following the demolition of a polytunnel - Approved 14-09-2010

99/1513P - Extension of horticultural shed - Approved 08-09-1999

98/1368P - Nurseryman's dwelling - Approved 09-09-1998

96/1126P - Retention of office portcabin - Approved 18-07-1996

70894P - Horticultural glasshouse shed - Approved 24-06-1992

## **POLICIES**

### **Local Plan Policy**

#### **Cheshire East Local Plan Strategy (CELPS):**

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Hierarchy

PG3 Green Belt

PG6 Open Countryside

PG7 Spatial distribution of development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

EG3 Existing and Allocated Employment Sites

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE12 Pollution, Land Contamination and Land Instability

SE13 Flood Risk and Water Management

EG 3 Existing and Allocated Employment Sites

CO4 Travel Plans and Transport Assessments

**The Site Allocations and Development Policies Document (SADPD) (Adopted December 2022):**

PG9 Settlement boundaries  
PG11 Green Belt and safeguarded land boundaries  
GEN 1 Design principles  
ENV1 Ecological network  
ENV3 Landscape character  
ENV5 Landscaping  
ENV6 Trees, hedgerows and woodland implementation  
ENV7 Climate change  
ENV14 Light pollution  
ENV15 New development and existing uses  
ENV16 Surface water management and flood risk  
RUR13 Replacement buildings outside of settlement boundaries  
HOU1 Housing Mix  
HOU8 Space, accessibility and wheelchair housing standards  
HOU12 Amenity  
HOU13 Residential standards  
HOU14 Housing density  
HOU15 Housing delivery  
HOU16 Small and medium-sized sites  
INF1 Cycleways, bridleways and footpaths  
INF3 Highway safety and access  
INF9 Utilities  
REC1 Open space protection

**Neighbourhood Plan**

Ollerton with Marthall Neighbourhood Plan - in early stage of preparation (Regulation 14 - Pre-submission Consultation)

**Other Material Considerations**

National Planning Policy Framework (2021)  
Cheshire East Landscape Character Assessment - Marthall  
National Planning Practice Guidance  
Cheshire East Design Guide

**CONSULTATIONS (External to Planning)**

**Greenspaces Officer** - No objection to the amended scheme. The details of the recreation and outdoor sport are to be agreed via S.106 agreement

**Strategic Housing** - No objection to the amended scheme. There would be 3 affordable dwellings as part of the proposed development for 10 dwellings. Affordable Housing is to be secured via S.106 agreement.

**Children Services (Education)** - No objection to the amended scheme with no forecast contributions required.

**Environmental Protection** –no objection subject to conditions / informatives relating to construction hours; piling work; site specific dust plan; travel to work information pack;

electric vehicle infrastructure (which now is part of Building Control); and contaminated land conditions.

**Nature Conservation** - No objection subject to conditions for breeding birds, great crested newts and ecological enhancement attached.

**Highways** – No objections, access design was amended in accordance with comments.

**Public Rights of Way (PROW)** - No objection - but the development has potential to affect Public Footpath Ollerton No.18, planning condition recommended.

**LLFA** - No objection, noted that there is open drainage located in land adjacent to plots 2-7 and recommended prior to commencement submission of finished floor levels and appropriate drainage strategy, percolation testing and ground investigation is requested via planning condition;

**United Utilities** - No objection, subject to submission of evidence that the drainage hierarchy has been fully investigated and explanation provided, why more sustainable options are not achievable before surface water connection to the public sewer would be accepted.

**Ollerton with Marthall Parish Council** – Object - proposals do not meet Policy PG10 requirements, no emerging Neighbourhood Plan considered, the location is not recognised as there is additional housing need in CELPS and is not an infill village, Knutsford would have 950 dwellings added to housing stock, Chelford provides substantial housing. There is no purpose in these houses and no very special circumstances to outweigh the potential harm to the Green Belt. They will accelerate urbanisation.

## REPRESENTATIONS

Representations have been received from 2 addresses objecting to this application on the following grounds:

- There would be cumulative noise impact from both construction sites and from the builders yard on the other side of the Chelford Road
- There are already 4 huge green belt areas in Knutsford which have recently been granted plans
- Impact on facilities
- Impact on the Green Belt

## OFFICER APPRAISAL

### Principle of Development

The site is located within the Green Belt. The key policies are PG3 (CELPS), PG 11 and RUR 13 (SADPD) and Chapter 13 of the NPPF (2021).

Within this designation, the policy focus is on preventing “inappropriate” development in the Green Belt with the fundamental aim being to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. It should be noted that development defined as ‘inappropriate’ is by definition harmful to the Green Belt and attracts substantial weight in decision making. Such development should only be approved in very special circumstances where the harm by

reason of inappropriateness (and any other harm) is clearly outweighed by other considerations.

One form of development not considered 'inappropriate' in the Green Belt (as set out in para. 149) is as follows:

"(g) – limited infilling or the 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."

NB: "Openness" is defined, in planning terms, as 'the absence of built development'. Broader definitions relate to a state of being open and a sense of spaciousness.

Point (g) of para. 149 is considered to be the most relevant policy test to this application.

Whilst agricultural / horticultural uses are excluded from the definition of 'previously developed land', it has been certified through the grant of planning ref; 20/2550M that the lawful use of the site is for flexible B1 business and B8 storage or distribution use including non-retail showroom display space in units M and O. The site is therefore considered a non-agricultural or forestry use and is occupied by permanent structures and fixed surface infrastructure. As such, the site is 'previously developed land' in accordance with the definition set out in Annex 2 of the NPPF.

Taking into account the above, the proposals are an acceptable form of development within the Green Belt and the proposed residential development will give a new use for the site. As revised, the application proposes to demolish 12 large existing buildings, all positioned to the east of the site. The western part of the site is currently gravelled car parking and further north beyond the hedge, there is nursery garden area. The gravel area of land is hardstanding, however, its impact on openness is less than that of the above ground fixed structures. As such, amendments have been received during the life of the application to reduce built form in this area if the site.

The proposal is to replace the commercially used buildings with ten new dwellings (originally 11). Whilst scale is reserved for approval at a later stage, detail has been provided as to the scale of the proposed dwellings including their heights. However, the proposal is an outline application with all matters reserved save for access. It is noted that there is a greenhouse, made with glass. The structure of the building is temporary in character, although the approved use is noted, the structure floorspace would carry less weight when it comes to floorspace and external volume given its lightweight.

The main access from Chelford Road, divides the site into 2 with the eastern plot developed with storage buildings and the western plot given over to gravel car parking. Thus the eastern portion of the site is brownfield with buildings of substantial construction on it. There is some landscaping and vegetation on the site with hardstanding across the whole site. The boundary treatments consist mainly of shrubs, hedgerows and cheshire fencing alongside the most visible boundaries to the site facing south, there are also some trees present within boundaries.

Paragraph 149 of the NPPF states that within the Green Belt the partial or complete redevelopment of previously developed land is an acceptable form of development, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose for including land within it. This is mirrored through policy PG3 of the CELPS and Policy RUR13 of the Site Allocations and Development Policies Document, which states that the replacement of existing buildings in the open countryside and Green Belt will only be permitted where the replacement building: i. is not materially larger; and ii. would not unduly harm the rural character of the countryside, by virtue of prominence, scale, bulk or visual intrusion.

The proposal must not have a greater impact on the openness of the Green Belt than the current 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. This is an outline application however details of buildings have been provided in order to be able to make an assessment of the impact on openness.

*Policy RUR13 states in point 2. When considering whether a replacement building is materially larger, matters including height, bulk, form, siting, design, floorspace and footprint will be taken into account. Increases in overall building height and development extending notably beyond the existing footprint in particular have the potential to be materially larger. 3. When assessing the net increase in floorspace between the existing building and the replacement building as part of the consideration of whether a proposal is materially larger, floorspace from any detached outbuildings in the curtilage will only be taken into account where the buildings to be replaced can sensibly be considered together in comparison with what is proposed to replace them. Applicants must provide clear evidence of the existing and proposed floorspace. 4. The existing building means the building as it exists at the time of submitting the planning application. 5. Proposals for replacement dwellings should include appropriate provision for domestic storage and garaging.*

The site layout is not formally part of this submission given that layout is reserved for approval at a later stage. However, to assist in determination process an indicative layout has been provided. The site layout plan was revised following officer comments seeking to improve on affordable housing location i.e. to achieve better integration with the open market units. The amended indicative layout plan indicates equally attractive plot positioning for the affordable housing and shows how the redevelopment of 10 units could be achieved.

In terms of the visual impact of the existing site on the openness of the Green Belt, it is considered that the overall bulk and massing of the site with boundary treatment screening the proposals would have a moderate weight. Notwithstanding this, the submission applies for access only and as complete design details would likely follow at reserved matters stage, the impact on the openness of the Green Belt, is not fully assessed at this stage.

In terms of the visual impact on the Green Belt, to the east of the site, there would be seven dwellings. The buildings would be situated facing west and would be positioned within proportionate plots of land and aligned with the driveway to the front and garden to the rear. Taking into account that the land is previously developed land and that the land has a strong boundary treatment with mature shrubs and tall trees, it is considered that although the site would become redeveloped, the visual impact on the openness of the Green Belt would be of acceptable based on the scale parameters indicated.

In terms of the visual impact on the Green Belt, to the west side of the site, there would be three dwellings (semi-detached and detached dwelling) and amenity area. The proposal

would be developed on the existing gravel car park which constitutes a curtilage of previously developed land. The amenity area would be situated to the south and dwellings to the north of that plot. The dwellings would be positioned east-west, with driveways facing east and gardens facing west. Considering that the land is a curtilage to previously developed land and that the land has a strong boundary treatment with mature shrubs and tall trees, it is considered that although the site would become developed with a greater impact on openness in this area of the site, the harm would not be substantial and would be balanced against the reduction in above ground development elsewhere along the eastern boundary of the site. These conclusions are supported by the following calculation:

Floorspace and volume - Details of floorspace (GEA) of the buildings (as amended) have been provided as part of the application.

Plot	Footprint (ground floor only) as existing GEA sqm	Footprint (ground floor only) as proposed
Plot 1	undeveloped land	145sqm
Plot 2	(M)254(N) not included	139.5sqm
Plot 3	(L) 114 and 237 glasshouse. Total <b>351</b>	147.5sqm
Plot 4	(K)165(T)112(J)171 Total <b>448</b>	145sqm
Plot 5	(I)251 (R)14.4 (H)165 (S)10 Total <b>440.4</b>	145sqm
Plot 6	- II -	151sqm
Plot 7	(P) 23 (F) 158 (G)174.7 Total <b>355.7</b>	148sqm
Plot 8	undeveloped land	48.5sqm
Plot 9	undeveloped land	48.5sqm
Plot 10	(V)82 (O)170 (U)2.8 Total <b>254.8</b>	55sqm
<b>Total</b>	<b>2,103.9sqm</b>	<b>1,173sqm</b>

The total GEA of the buildings on site, including the greenhouse is some 2,103.9sqm, total GEA of the proposed 10 dwellings would be some 1,173sqm. The proposed scheme would decrease the developed area by some 930.9sqm. In terms of the volume as existing, the cumulative measurement is some 8,510.9m<sup>3</sup>. The proposed volume of the dwellings would be some 6,409m<sup>3</sup>. This is a reduction in the overall volume by some 2,101.19m<sup>3</sup>.

Taking into consideration the greenhouse, which is a lightweight structure of some 237sqm, in floorspace terms the proposed reduction in site development would still be of significant difference. Dwellings within the site would reduce development in terms of footprint and volume, particularly to the east plot. The development would however spill to the west of the site, increasing the overall developed area in terms of visual impact on the openness of the Green Belt.

Height - In terms of the height of the structures the following table compares the existing and the proposed development.

Plot	Existing height	Proposed height
Plot 1	undeveloped land	dwellings and 8m high detached dwelling
Plot 2		7.5m high detached dwelling

Plot 3		7.5m high detached dwelling
Plot 4	(T)4.5m high	7.5m high detached dwelling
Plot 5	R - 2.5m high, (S) 2.3m	7.5m high detached dwelling
Plot 6		7.5m high detached dwelling
Plot 7	2.8m high	7.3m detached dwelling
Plot 8		8m high semi detached
Plot 9		8m high semi detached
Plot 10	(V) 3.6m high	7.5m high detached dwelling

In terms of the visual impact, from the height of the proposed dwellings, these would be no higher than two storey, on average each dwelling would be a storey (2.5-3m) taller than the existing structures. There is no doubt that the increase in height would create larger structures, however, the dwellings would be dispersed in parallel regular plots of land divided and screened with boundary treatment landscaping. Whilst visually this change would alter the streetscene and layout of the site, there would be moderate harm in terms of the bulk, massing to the proportions of the proposal site.

The existing grain of the plot shows structures to be more compact positioned as a cluster of buildings to the east of the site. The proposed grain of the plot would collectively be more dispersed with more symmetric arrangement of each plot of land and dwellings within it. The proposed landscaping would include significantly more soft landscaping than the existing site, mainly covered with hardstanding. Consequently, the scheme would reduce significantly by some 60% the areas of hardstanding through the introduction of domestic landscaping. The existing hardstanding measures some 5320sqm and the proposed would be some 2,103.9sqm. The proposed change would be an improvement to the existing hardstanding and overall landscaping. The proposed reduction in hardstanding on the site, combined with new residential gardens would consequently soften the visual appearance of the site.

On this basis, it is considered that the proposed indicative layout would be an improvement in terms of development of the site, which is currently crammed with warehouses and a greenhouse and overly covered with concrete hardstanding. Considering a more symmetric approach to developing the site and softer landscaping with domestic gardens and green verges and shrubs boundary treatments, the visual impact of the proposed dwellings is considered to be of less harm to the openness of the Green Belt than the existing warehouses. It is considered that the proposed scheme plot to the east side of the site would not have greater impact on the openness of the Green Belt.

To preserve the openness of the Green Belt it considered necessary to remove permitted development rights in order to carefully manage potential future development at the site and scale parameters and height limited. The proposed development is therefore deemed to be acceptable in consideration of the above-mentioned Green Belt policies.

### **Loss of Employment**

CELPs Policy EG 3 seeks to protect existing employment sites for employment use and sets out the scenarios where exceptions can be made. MPPF paragraph 123 requires LPAs to “take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans where this would help meet identified development needs. In this case, the proposed development would contribute to meeting a need for market and affordable housing on a previously developed site.

This is a small scale site and is not a key economic site and includes general B8 and B1 (Class E) floorspace. Out of the 14 units on site only 3 are used for employment purposes,

the remaining 11 are used for storage purposes (some for personal domestic storage of household effects/vehicles). Units 5 and 6 are used for sofa upholstery, for which there are two employees. The applicant has advised that the occupier of units 5 and 6 is shortly to retire, therefore there would be no direct loss of employment. Unit 8 is occupied by a tree surgeon who are to relocate to a larger premises in the area, enabling them to continue to expand their business. Consequently, the premises do not contribute to any key economic sector and redevelopment of the site to residential will not result in any discernible loss of employment.

Given that the primary use is a storage, the applicant has undertaken a survey of available storage units in the locality which demonstrates there is an ample supply of similar units on the market. Taking this into account, it is not considered that a refusal on the grounds of loss of employment could be sustained in this case.

### **Housing Land Supply**

It is noted that the Council's latest deliverable housing land supply figure was published in February 2023 and relates to the position on 31 March 2022. At 11.6 years, it is well above the 5 year threshold required under national planning policy.

Notwithstanding the above, the proposed scheme relates to previously developed land and its curtilage only. On this basis the housing land supply position would not be of relevance to the assessment.

It is recognised that the provision of 10 additional houses including 3 affordable units within the site would provide some social benefits to the area. The scheme would also help to provide family housing on a 'previously developed' site with Cheshire East, which both locally and nationally is shown to be in demand.

The proposed development will help to maintain a flexible and responsive supply of land for housing, albeit a small addition. Some direct and indirect benefits for the local economy will also be evident, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain could also be supported within the local area and wider Cheshire East environment.

It is acknowledged that, whilst these economic benefits would exist, they are considered to be relatively minor

### **Affordable Housing**

Policy SC 5 (Affordable Homes) sets out the thresholds for affordable housing in the borough. In residential developments, affordable housing will be provided: -

ii. In developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sqm) in Local Service Centres and all other locations at least 30% of all units are to be affordable; iii.

As such, this proposal would be required to provide 30% of the units as affordable, which would amount to 3 units.

The CELP states in the justification text of Policy SC5 (paragraph 12.44) that the Housing Development Study shows that there is the objectively assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355

dwellings per year across the borough. This figure should be taken as a minimum.

Point 3 of policy SC5 (affordable homes) notes that “the affordable homes provided must be of a tenure, size and type to help meet identified housing needs and contribute to the creation of mixed, balanced and inclusive communities where people can live independently longer”. Paragraph 12.48 of the supporting text of Policy SC5 (affordable homes) confirms that the Council would currently expect a ratio of 65/35 between social rented and intermediate affordable housing. On this basis, 2 units should be provided as affordable rent and 1 unit as intermediate tenure.

Even though this is an Outline Application, the applicant has provided an Affordable Housing Scheme with evidence from Registered Provider’s that due to the location of the development there is no appetite for rented units. With this in mind, the Councils Strategic Housing manager has confirmed acceptance of all 3 units being provided as intermediate provision. Subject to this being secured by way of a s106 legal agreement, the scheme is found to accord with Policy SC 5.

## **Highways**

Policy CO1 of the CELPS considers matters of highway safety. Appendix C of the CELPS identifies minimum Parking Standards for residential development in Principal Towns and Key Service Centres and for the remainder of the borough.

The existing site access would be used to serve the proposed development. It is indicated the width of the internal road will be 5 metres wide with two 2 metre footways. Highways have reviewed the proposed scheme and advised that there is sufficient visibility available at the access point (visibility splays of 2.4 metres x 160 metres).

With regards to the traffic impact, the construction of 10 dwellings will produce less traffic generation than the current lawful use that involves customer and delivery traffic accessing the site. Overall, there is likely to be a reduction in traffic movements as a result of the change of use to residential.

The site is connected to the existing footway network on the development side of Chelford Road although the width of the path has been reduced due to overgrowing vegetation. Highways recommend a condition to clear any vegetation and provide a 2 metre footway along the whole site frontage. This recommendation is agreed and would be conditioned accordingly.

As only access is being determined in this application, no comments are made by the consultee on the internal layout of the scheme including parking.

The proposed access is acceptable, and no objections are raised by Highways.

Subject to condition, the details of access are acceptable in highways terms and in line with Policy CO4 of the CELPS and Policy INF3 of the SADPD.

## **Design, Character and Appearance**

NPPF paragraph 130 notes that planning decisions should ensure that developments are: visually attractive as a result of good architecture and layout; are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place, and create attractive and distinctive places to

live, work and visit. Paragraph 134 notes that permission should be refused for poor design that fails to take the opportunities for improving the character and quality of an area.

Policy SD2 (Sustainable development principles) of the CELPS requires provision or contribution towards identified infrastructure, services or facilities. The policy in point vi requires for the development to be socially inclusive and, where suitable, integrate into the local community. The Policy in point 2 ii. expects residential development to provide access to a range of forms of public transport, open space and key services and amenities. Point iii. requires incorporation of measures to encourage travel by sustainable modes of transport such as walking, cycling and public transport.

Policy SE1 notes that development proposals should make a positive contribution to their surroundings by: - Ensuring design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements - Encouraging innovative and creative design solutions that are appropriate to the local context.

### Layout

The indicative layout is suitable for the proposed 10 dwellings. Whilst affordable dwellings were repositioned in response to officer comments, it is considered that pepper potting approach could be improved at detailed layout stage. This is to ensure that the 3 affordable units are well integrated and designed to the same quality as the rest of the development to create tenure neutral spaces. The general layout as shown would concentrate the bulk of development where there are already buildings but with better gaps in between. the indicative layout is considered to be acceptable at this stage.

### Access

Access would be provided directly from Chelford Road via the existing access. Each unit would enjoy ample garden space and be well set back from the proposed access road, which in turn would allow sufficient soft landscaping suitable for this rural environment. Driveway car parking could be achieved and the medium density configuration of buildings would create a sense of spaciousness within the development. The concentration of units to the east of the site, and low density development to the west of the site and set back from the boundaries ensures reduces impact on the openness of the Green Belt.

### Design

The demolition of the existing buildings isn't considered to be harmful in design terms as, whilst they do have an agricultural feel to them due to their use, there is no architectural interest to the buildings themselves or their arrangement on site. There are concerns that the development feels suburban in character, sitting at odds with the context as a rural development within the Green Belt. It should be noted that some of the issues stem from the arrangement of dwellings along the existing access road and the associated linear character of the site. As such, it would be difficult to present an alternative access/building arrangement which better responds to the rural character. However, the careful consideration of building and landscape design would help to reduce the sense of suburbanisation. It is noted that the proposed scheme includes a natural wildlife area behind one of the plots. Whilst this is a positive inclusion, the extension of this area along the back of the entire row of houses would better create a buffer zone between the development and the Green Belt. In combination with this, boundary treatments should better reflect the rural context – such as hedgerows or Cheshire estate fencing. This detailed can be conditioned and secured at detailed reserved, matters stage.

## Public Open Space

Policy SE6 requires the provision of a range of open space and sports facilities. Not all are expected to be provided on site on smaller developments, but via a commuted sum for offsite provision in lieu of onsite provision. Each application / development site is considered individually and the most appropriate option identified.

The Greenspaces Officer has confirmed that open space [POS of play and amenity open space] is required on site as the nearest facility is too far away to practically relate it the development being over 1.75km away. That requirement is for 40 square metres (sq. m) per family dwelling. As part of the open space, some form of community gardening opportunity included would be required which would cover the allotments requirement of 5 sq. m.

In terms of the proposed indicative location of POS, the Greenspaces Officer comments that a suitable location central to the development [as opposed to adjacent to the road or pushed to the very end] with good surveillance and the potential to become a real focus for the new community. Imaginative and social play elements included aimed at Toddlers, a LAP effectively would be required. Alongside planting, seating, community garden features and amenity elements to create a high quality, bespoke, sustainable and flexible open space for the community. Detailed design would be required as part of reserved matters. Subject to this, the scheme is in line with Policy SE6 of the CELPS.

## Locational Sustainability

In terms of the site sustainability assessment, CELPS Policy SD2 is supported with a guidance Table 9.1 which recommends the distances to local services and amenities. The application site performs as follows:

Criteria	Distance	Description	Recommended Distance
<b>Public Transport</b>			
Bus stop	1.43km 20m	Seven sister's lane Bus Stop Number 88 Request Stop (opposite Site entrance)	500m
Public Right of Way	37m	Ollerton FP18	500m
Railway Station	2.74km	Chelford Railway Station	2km
<b>Open Space</b>			
Amenity Open Space	1.26km 10-20m	Oaklands Road Play Area On Site open space to be provided with application	500m
Children's Playground	1.26km	Oaklands Road Play Area	500m
Outdoor Sports	283m	The Beeches Golf	500m
Public Park and Village Green	1.26km	Oaklands Road Play Area	1km
<b>Services and Amenities</b>			
Convenience Store	2.52km	Londis	500m
Supermarket	2.52km 4.16km	Londis ALDI Knutsford	1km
Post Box	497m	Ollerton Lodge post box	500m
Post Office	2.65km	25 Astle Court, Chelford	1km
Bank or Cash Machine	3.34km	Shell Garage Chelford - Cash Machine	1km
Pharmacy	4.56km	The Prescription Service Knutsford	1km
Primary School	2.38km	Chelford C E Primary School	1km
Secondary School	4.66km	Knutsford Academy	1km
Medical Centre	2.52km	Chelford Surgery	1km
Lesiure Facilities	280m 1.12km	The Beeches Golf Dance/Yoga/Art classes at Village Hall	1km
Local Meeting Place / Community Centre	1.12km	The Hall at Marthall	1km
Public House	1.66km 280m	The Dun Cow Country Inn The Beeches Golf	1km
Child Care Facility (Nursery or creche)	2.4km 2.41km	Chelford pre-school Kids Country Day Nursery	1km

Considering its rural location, it is noted that the site is accessible, with public transport, open space services and amenities within relatively accessible distance. The proposed site sits alongside a major transport route comprising of the A537 Chelford Road. The site sits in short distance to Ollerton, Knutsford, Marthall and Chelford. It is considered that the site is connected with nearby villages which already comprise a number of residential properties, bus stops, train station, children's playgrounds, childcare facilities, supermarket and shops, post office, pharmacy, a main arterial road and a nearby public house.

Although positioned within relatively less densely developed area, the proposed scheme would fit relatively well into the grain of the existing plot, recycling a redundant brownfield site and with 10 dwellings, it would not create an out of character intensification of the site nor undermine its semi-rural appearance.

The scheme is found to comply with Policies SD2 and SE1 of the CELPS and Policy GEN1 of the SADPD and the NPPF.

### **Ecology and Nature Conservation**

Policy SE3 of the CELPS and ENV2 of the SADPD require all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. The following ecological matters are relevant to the current proposal:

Breeding Birds, Bats and Badgers - Considering that all structures are proposed for demolition, it is of great importance to ensure bat activity, which is a protected species is properly assessed. The submitted Ecology Statement advises that the buildings are all in a good material condition and no evidence of bat activity was found on any of the external features. With regards to badgers, also protected species, the ecology statement advises no evidence of badger activity located on site. On this basis it is accepted that there would be low harm to protected species. The scheme would be required to carefully follow planning conditions in relation to breeding birds and ecological enhancement strategy. No further survey for Great Crested Newts would be required.

Site of Special Scientific Interest (SSSI) - The Ecology Statement confirms that the site sits some 4.1km away from the nearest Site of Special Scientific Interest (SSSI) and that the proposed scheme would not need to be consulted with Natural England.

Hedgerows - The submitted landscaping scheme details the retention and enhancement of existing hedgerows with new/replacement planting to be of native species composition.

Ecological Enhancement - In summary, the proposals include the loss of the buildings and hardstanding, which are habitats of negligible ecological value. No specific botanical mitigation is considered necessary. The trees and internal hedgerows on site will be mostly retained and have been designed into the proposals. A landscaping scheme has been designed, which includes new native tree planting, a wildlife area and new grassland. All of these features increase the habitat and species diversity on site, leading to biodiversity gain. Bird and bat boxes will also be erected onto retained trees/new building.

CELPS Policy SE 3(5) CELPS requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with his policy. It is therefore recommended that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

To conclude, the proposed demolition and development of the site would need ecological mitigation which would be controlled via appropriate planning conditions. Subject to developer meeting planning conditions requirements, the proposed scheme would be considered in line with Policy SE3 of the CELPS and ENV1 of the SADPD.

## **Landscape**

Policy SE4 of the CELPS expects all development to incorporate appropriate landscaping which reflects the character of the area through appropriate design and management; where appropriate, provide suitable and appropriate mitigation for the restoration of damaged landscape areas; preserve and promote local distinctiveness and diversity; avoid the loss of habitats of significant landscape importance, and; protect and / or conserve the historical and ecological qualities of an area.

The application site comprises a commercial nursery (12 agricultural style units, a green house and office block and car parking). The site is bound by a detached dwelling, a nursery plant growing area and agricultural buildings to the north, and mature tree planting and hedgerows to the east and west. Beyond the site a pond and woodland extend to the north; pony paddocks, open fields, timber yard, garden centre and farms to the east; 3 dwellings along the north side of the A537 Chelford Road, a golf driving range, open fields and farms to the west; and a mix of open fields and small businesses and farms extend to the south.

The application site is located within Landscape Character Type (LCT) 7 Lower Wooded Farmland, Landscape Character Area (LCA) 7D Marthall. A key characteristic of the LCT/LCA is a medium settlement density with a mix of dispersed farms and nucleated villages and hamlets/villages. The LCT/LCA's rural character, trees and hedgerows are considered valued landscape features.

The application is supported by a Landscape Visual Impact Assessment (LVIA) which states that the magnitude and importance of landscape impacts for the LCA as low as the change to the landscape character setting is minor. The existing site which contains many buildings, some of which are to be replaced by the proposed dwellings is mostly surrounded by mature vegetation, where possible to see. The visual impact must be assessed by accepting the existing built form conditions and considering the change of view and other impacts as a result of the proposal. There will be negligible change in the views if any views do exist of the proposal around the boundaries with the exception of a few properties very close to Chelford Road where views do occur into the site very briefly, but nevertheless these slight views are still negligible.

The Councils Landscape Officer is of the view that the existing area has its own micro character which is separate from the overall landscape character. There will be no major impacts on the micro character, that of a medium sized unit park in well landscaped environs, screened mostly from the broader open countryside and landscape characters beyond.

Taking into account the strong site boundary treatment and the proposed landscaping and development, it is considered that overall the site character and layout would be acceptable. The existing development has a high level of concrete hardstanding and scattered large warehouse type structures with greenhouses. The proposed scheme would introduce more harmonious layout with landscaping scheme which can be adjusted throughout the reserved matters process to ensure reduction of impact on openness of the countryside. On this basis, it is considered that the scheme as proposed subject to further amendments and meeting planning conditions requirements would meet Policy SE4 CELPS criteria.

## **Trees and Hedgerows**

Policy SE5 of the CELPS and ENV6 of the SADPD relate to trees, hedgerows and woodland. The objective of the policies is to protect trees that provide a significant contribution to the amenity, biodiversity, landscape or historic character of the surrounding area.

The application site is located to the north side of Chelford Road and benefits from some established tree cover to the boundaries of the site, none of which are afforded any statutory protection.

The application has been supported by an Arboricultural Statement and a Tree Survey Plan which has overlaid a proposed site plan on to the surveyed area of trees. The report has considered a total of 11 individual and 8 groups of trees, on and adjacent to the development area comprising of 1 individual high quality A Category tree, 8 individual and 8 groups of moderate quality B Category trees, 2 low quality C Category trees and 1 U Category tree which is unsuitable for retention irrespective of the development proposal. Of these, 2 groups and part of 3 other groups are moderate quality trees, 2 low quality trees. 4 hedgerows are shown to be removed to accommodate the proposal.

It is considered that the residential amenity within this site strongly relies on the boundary treatment as existing. The submission indicates that the intention is to retain the majority of the existing boundary vegetation and trees which will maintain screening from any new development from outside the site boundaries. There are no objections from the Council's Forestry officer to the removal of the young to early mature and closely spaced emerging trees as suggested, subject to the boundaries being retained intact and subject to the provision of replacement planting for any losses to demonstrate accordance with Policy SE5 of the CELPS.

Shading has been identified as a potential issue within the indicative site layout, in particular to those properties closest to the Chelford Road boundary. Social proximity of retained trees to new dwellings should be given greater consideration with the future growth potential of the boundary trees in mind. Shading to indoor and outside amenity space will require further consideration and should be demonstrated to accord with the requirements of BRE Guidance with any future reserved matters application.

Retaining trees and maintaining the landscape character of the area, in particular to the Chelford Road and western site boundaries would be a material consideration in the determination of any future reserved matters application with ownership, long term sustainability and management in mind and it may be appropriate for them to feature within amenity space outside the ownership of individual residential properties.

It is advised that any future reserved matters application must be supported by a detailed Arboricultural Impact Assessment which assesses the final layout in terms of trees and considers their relationship with new residential dwellings to inform a Method Statement and Tree Protection Plan. To conclude, the proposed scheme is required to meet planning conditions requirements in order to meet planning Policy SE5 of the CELPS criteria.

## **Residential Amenity**

CELPS Policy SE1 states that development should ensure an appropriate level of privacy for new and existing residential properties. Policy HOU12 of the SADPD states development proposals must not cause unacceptable harm to the amenities of adjoining or nearby

occupiers of residential properties, sensitive users or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

Policy HOU13 of the SADPD sets out standards of space between dwellings, which new housing development is generally expected to meet.

#### Noise and Dust Impact

In support of the application, the applicant has submitted a Noise Impact Assessment (NIA). The impact of the noise from road traffic on the proposed development has been assessed in accordance with 'BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings'.

The report recommends noise mitigation measures (at section 4) designed to achieve BS8233: 2014 and WHO guidelines; to ensure that future occupants of the properties are not adversely affected by noise from road traffic.

Environmental Protection has no objection to the proposed scheme and recommends that the recommendations made within the NIA to be implemented in full and the agreed mitigation scheme to be maintained for the purpose originally intended throughout the use of the development.

Comments from neighbouring resident were received with regards to construction site impact on residential amenity. Environmental Protection recommend construction works to be limited within hours and days set out in the informative and for the Site Specific Dust Management (DMP) to be retained at the development site for inspection. Subject to conditions the scheme is found to be in accordance with CELPS Policy SE1 and Policy HOU12 of the SADPD.

#### Air Quality Impact

Air Quality Policy SE 12 of the CELPS states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 186 of the NPPF and the Government's Air Quality Strategy.

This proposal is for the residential development of ten new dwellings. Whilst this scheme itself is of a small scale and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

Knutsford has an Air Quality Management Area and, as such, the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

Environmental Protection also recommended conditions for the provision of electric vehicle charging points. An EVP (Electric Vehicle Infrastructure – Charging Point) condition as recommended by Environmental Protection shall be added to the recommendation ensuring that the occupiers of each dwelling have the infrastructure in place to accommodate more

environmental friendly modes of transport. The application has also been supported by a 'residents' sustainable travel information pack', which will be issued to occupiers on the initial sale of the properties. The travel pack incorporates local information on public facilities, bus services, improvements to public transport, bicycle storage facilities, and any car sharing incentives. This helps to contribute to the Borough's clean air quality targets, and ensure compliance with Policy SE12 of CELPS.

### Contaminated Land

The application is for a proposed use that would be particularly vulnerable to the presence of contamination. Residential properties are a sensitive end use and could be affected by any contamination present or brought onto the site. Environmental Protection have commented that the application area has a history of nursery use and therefore the land may be contaminated.

A Phase I Preliminary Risk Assessment has been submitted in support of the planning application. The report identifies that there is the potential for pesticides/herbicides to be present on site given the site's history. The report recommends that these should be considered as part of the conceptual model and that a ground investigation should be undertaken in order to further assess identified contaminant linkages. Environmental Protection agrees with this recommendation, but advise that the conceptual model should be updated first, if necessary. As such, in line with statutory consultee comments appropriate planning conditions would be attached to decision notice to secure further contaminated land information.

Subject to conditions, the scheme would be considered to meet criteria set out in Policy SE12 of CELPS.

### **Flood Risk and Drainage**

SADPD Policy INF 9 Utilities states that '*1. All development proposals should demonstrate that the infrastructure capacity for surface water disposal, water supply, wastewater treatment, gas and electricity will be sufficient to meet forecast demands arising from them and that appropriate connections can be made. For major schemes this will require a site wide utilities master plan to establish principles during the construction process and early liaison with infrastructure providers. 2. The utility network should be protected and development proposals that would unacceptably encroach on or compromise existing utilities infrastructure will be refused. Opportunities should be sought to safeguard the provision of utilities*'.

The site is situated within low risk of surface water flooding, meaning that this area has a chance of flooding of between 0.1% and 1% each year. Surface water flooding happens when rainwater cannot drain away through the normal drainage systems. Instead, it lies on or flows over the ground. Surface water flooding is sometimes known as flash flooding. It can:

- be difficult to predict as it depends on rainfall volume and location
- happen up hills and away from rivers and other bodies of water
- affect areas with harder surfaces, like concrete, more severely

The site is currently hardstanding concrete surface. This is to be improved by increasing soft landscaping and consequently improving drainage. Notwithstanding this, the LLFA advises that an additional condition regarding finished floor levels (FFL's) is attached to the decision notice should the development be approved. This is due to a survey of existing land drainage infrastructure confirming that there is an open drainage ditch/ordinary watercourse located in

land adjacent to proposed dwelling plots 2-7 and therefore the flood risk of this ordinary watercourse needs to be sufficiently analysed to inform the FFL's for the dwellings, to ensure they are protected against flood risk.

The LLFA requests that hydraulic modelling and topographical analysis is conducted to confirm the degree of flood risk this ordinary watercourse may pose, in addition to the culverted ordinary watercourse systems also identified through the survey. Please note that the hydraulic modelling and topographical analysis should account for all storm events up to and including 1 in 100yr +45% climate change allowance.

United Utilities (UU) advise that records show that there are no known public sewers in the vicinity of the proposed development. UU advise the submission of evidence that the drainage hierarchy has been fully investigated and explanation provided, why more sustainable options are not achievable before surface water connection to the public sewer would be accepted.

Subject to conditions, the scheme if found to accord with Policy SE13 of the CELPS and Policy ENV16 and INF9 of the SADPD.

### **Public Rights Of Way (PROW)**

The PROW Unit has advised that the development has the potential to affect Public Footpath Ollerton No. 18, as recorded on the Definitive Map of Public Rights of Way. The public right of way runs to the west of the site, just outside of the site. As such, the indicative layout as shown does not directly affect the right of way. The PROW Unit request planning conditions to be added to any decision notice, controlling resurfacing of the right of way if it is affected by development works. If the development will permanently affect the right of way, then the developer must apply for a diversion of the route under the TCPA 90 as part of the planning application. If the development will temporarily affect the right of way, then the developer must apply for a temporary closure of the route (preferably providing a suitable alternative route).

### **Heads of Terms of a Legal Agreement:**

- **Affordable Housing comprising 30% (3 units as proposed), available for intermediate tenure**
- **Pubic Open Space including play space provision comprising of a LAP**
- **Onsite provision of allotments**
- **Management Plan for the on-site public open space, LAP and allotments**

### **Community Infrastructure Levy (CIL) Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following: a) Necessary to make the development acceptable in planning terms; b) Directly related to the development; and c) Fair and reasonably related in scale and kind to the development. The provision of affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area and to comply with National Planning Policy, specifically point 'g' of paragraph 149 of the NPPF. The onsite provision of public open space and play space is required to make the development acceptable in terms of access to recreational space. This is necessary and fair and reasonable in relation to the development. On this basis the S106 contributions

associated with the scheme are compliant with the CIL Regulations 2010.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposed development is considered to be acceptable and in accordance with the National Planning Policy Framework and Policy PG3 of the Cheshire East Local Plan and Policy RUR13 of SADPD. The scheme would have a moderate impact on openness than the current situation based on the information provided at outline stage and it can be ensured through reserved matters that this remains the case and as such, the principle of development is policy compliant. The NPPF states that sustainable forms of development should be approved without delay. It is considered that on balance, the proposed development is acceptable and accords with the Development Plan policies outlined in policies section of the report and the National Planning Policy Framework.

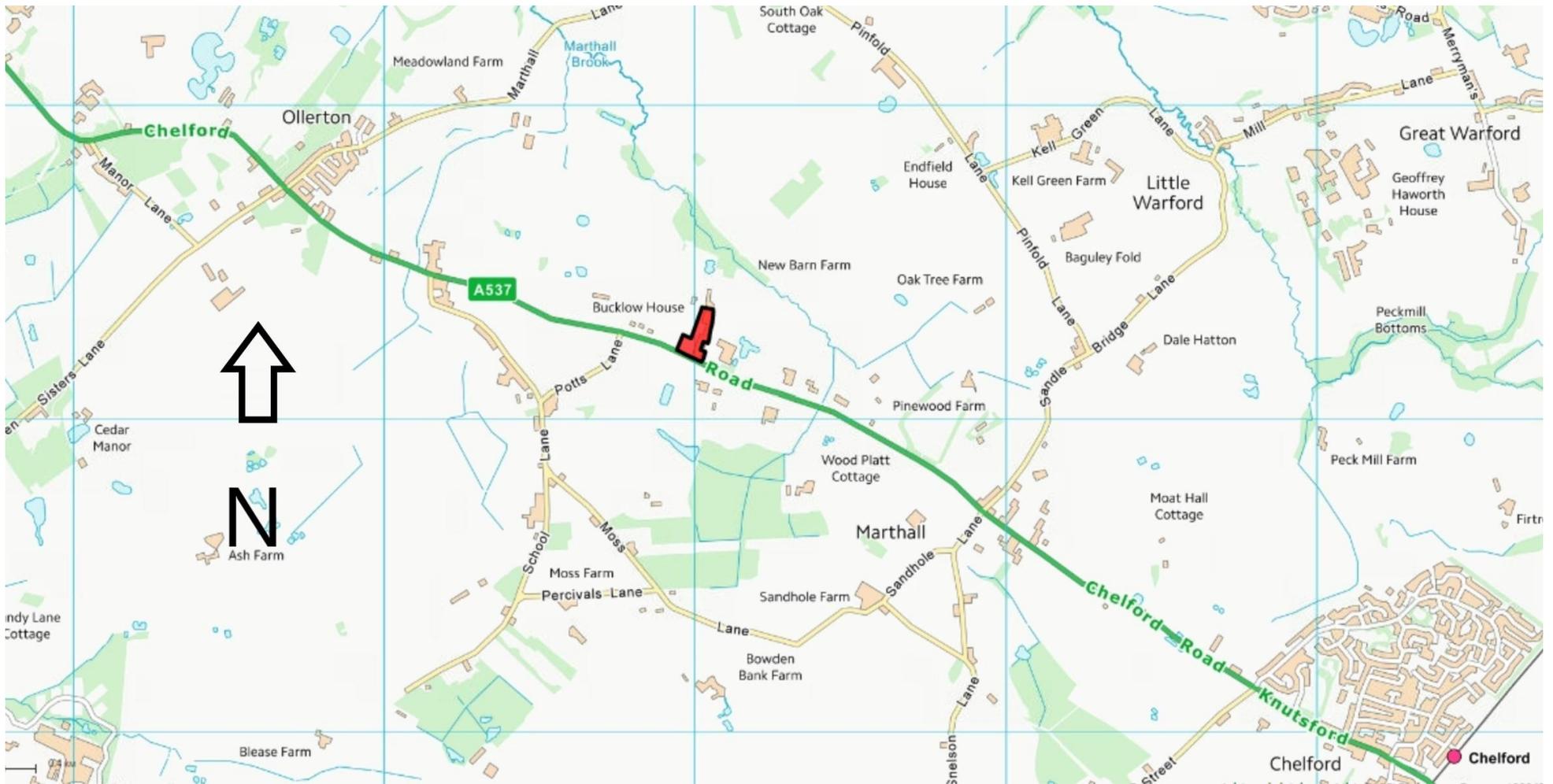
## **RECOMMENDATION**

The application is recommended for approval subject to the completion of a s106 agreement to secure 3 of the units for intermediate tenure and public open space as outlined above and the conditions listed below:

1. **Standard Outline Time limit – 3 years**
2. **Submission of Reserved Matters**
3. **Accordance with Approved Plans**
4. **Access to be constructed in accordance with approved plan prior to first occupation**
5. **Scheme of Piling works to be submitted, approved and implemented**
6. **Dust control scheme to be submitted, approved and implemented**
7. **Noise mitigation scheme to be submitted with reserved matters and to accord with submitted Acoustic Report**
8. **Provision of electric vehicle infrastructure (charging points) at each property prior to first occupation**
9. **Submission of contaminated land survey**
10. **Remediation of contaminated land**
11. **Reserved matters to be supported by detailed finished ground and floor levels**
12. **Reserved Matters to be in accordance with submitted scale parameters**
13. **Development to be carried out in accordance with in accordance with the recommendations of the submitted Ecological Report**
14. **Nesting Birds Survey to be carried if works are to be carried out during the bird breeding season**
15. **Proposals for the incorporation of features into the scheme suitable for use by roosting bats and nesting birds to be submitted**
16. **Detailed lighting scheme to be submitted in support any future reserved matters application.**
17. **Details of boundary treatments to be submitted, approved and implemented**
18. **Retention of retained trees**
19. **Foul and surface water drainage to be connected on separate systems**
20. **Scheme of surface water drainage and management plan to be submitted, approved and implemented**
21. **Sustainable drainage management and maintenance plan to be submitted, approved and implemented**
22. **Details of materials to be submitted, approved and implemented**
23. **Removal of permitted development rights for extensions and outbuildings**

- 24. Details of bin / refuse storage to be submitted with reserved matters and implemented prior to first occupation**
- 25. Accordance with Travel Information Packs to promote alternative / low carbon transport options for residents to be submitted, approved and implemented**

*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add Conditions and/or Informatives or reasons for approval 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*



Application No: 21/3983M

Location: Land at Saltersley Hall Farm, Saltersley Lane, Wilmslow, SK9 5LS

Proposal: Change of use of land for 12 holiday lodges.

Applicant: Mr Terence Cummins

Expiry Date: 23-Mar-2023

### **SUMMARY**

The application proposals represent inappropriate development in the Green Belt.

Paragraph 148 of the NPPF states that '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.'

The fact that the proposals represent inappropriate development in the Green Belt in conjunction with the conclusions that the development would also result in a substantial harmful impact upon the openness of the Green Belt and conflict with the purpose of safeguarding the countryside from encroachment, carry substantial weight, as set-out within policy.

Significant weight is placed on the location of the proposed development which is considered to harm the setting of the listed building.

Significant weight is also attributed to the ecology harm that would be created due to the risks posed in relation to Great Crested Newts present on site. There are no overriding reasons to approve the application proposals and therefore the development is deemed contrary to the Habitat Regulations and development plan ecology policy.

Limited to moderate weight is afforded to the design harm that would be created by introducing a built development in this rural location which would result in a harmful urbanising effect. This is only afforded limited to moderate weight when considered in conjunction with the soft landscaping proposed.

No concerns are noted with regards to highway safety matters, trees, contamination, flood risk or drainage, Manchester Airport or subject to conditions where appropriate.

In consideration of whether there are any Very Special Circumstances that could clearly outweigh the abovementioned harm cumulatively:

Significant weight is afforded to the economic benefits of the scheme with regards to job creation as a result of the proposed tourist accommodation, the short-term jobs that would be created during construction period and tourist spending in the area. Limited weight is afforded to both the social benefits and environmental benefits of the scheme which are the location of accommodation within the countryside and additional landscaping and planting.

Overall, paragraph 148 of the NPPF is clear that, in the Green Belt, Very Special Circumstances cannot exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by the other considerations.

The benefits identified are not deemed to clearly outweigh the combined harm to the Green Belt and the other harm identified. As a result, Very Special Circumstances have not been demonstrated.

The application is subsequently recommended for refusal.

#### **SUMMARY RECOMMENDATION**

REFUSE

#### **REASON FOR REFERRAL**

This application is referred to the Northern Planning Committee because the site area is 3 hectares and in line with the Council's Constitution it requires a Committee decision.

#### **DESCRIPTION OF SITE AND CONTEXT**

The site comprises existing fields forming part of Saltersley Hall Farm, Mobberley. The site is located to the north west of the farm house itself, a Grade II listed building, which is accessed from Burleyhurst Lane.

The site is bound to the south by a fence line and continuation of pastoral fields and to the north, east and west by hedgerows. Two ponds and mature trees are located within the centre of the site. The fields have previously been the subject of imported material to form made ground.

The site lies within the countryside and Green Belt, with the town of Wilmslow located to the east and Mobberley to the south west. Part of the site forms part of a Local Wildlife Side

(Saltersley Hall Farm LWS). Lindow common, a site of special scientific interest, is located 1.6km to the south east of the site and Manchester airport approx. 2.1km to the north.

Mobberley public rights of way FP45, FP52, FP53 and FP58 run to the north, east and south of the site.

The site is located within flood zone 1 and generally within in an area at very low risk from surface water flooding, with several small areas within high-risk areas (topographic low spots within the site).

### **DESCRIPTION OF PROPOSAL**

This application seeks the change of use of the land for the siting of 12 holiday lodges. The proposed lodges would be 3 bedroomed with a footprint of 18m x 6.3m, height of 4.2m with a pitched roof and walls clad in zinc and timber, with an external raised timber deck.

The submitted site plans shows the site laid out with an access road running around the site perimeter with lodges positioned around the centre, with the existing ponds and a new pond surrounded by existing trees. Each lodge would have a private driveway from the access road with parking for 3 cars and additional hardstanding around the lodge.

The following plans and documents accompany the application;

- Planning application statement;
- Lodge designs
- Updated Heritage statements
- Landscape and visual assessment
- Landscape strategy
- Ecological Report
- Topographical survey
- Revised arboricultural information

Additional information was submitted during the course of the application to address concerns raised by the planning officer and consultees, including revised lodge designs, landscape and visual assessment, updated heritage assessments, topographical surveys, arboricultural information, ecological surveys. Revised plans were received latterly during the course of the application to slightly amend the red line area.

### **RELEVANT HISTORY**

18/5735M - Proposed new entrance gates and curved stone walls to either side  
Approved with conditions / 12-Feb-2019

19/3422M – Restoration & improvement of land for agriculture -Approved with conditions / 11-Dec-2019

20/1586M - Restoration & improvement of land for agriculture - phase 2.- Refused / 23-Mar-2021

21/4791M - Certificate of lawful proposed development of the siting of a mobile home within the residential curtilage - Pending

22/4894M - Agricultural determination for an agricultural produce and machinery storage building to provide functional covered storage facilities. - Determination - refusal (stage 2) / 09-Jan-2023

## **RELEVANT PLANNING POLICY**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

### **Cheshire East Local Plan Strategy 2010-2030 – Adopted July 2017**

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG 3 Green Belt  
PG6 Open Countryside  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
EG 2 Rural Economy  
EG 4 Tourism  
SC1 Leisure and Recreation  
SC3 Health and Well-being  
SE1 Design  
SE3 Biodiversity and Geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE7 The Historic Environment  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport

### **Cheshire East Site Allocations and Development Policies Document (SADPD)- Adopted December 2022**

PG9 Settlement Boundaries  
HER1 Heritage assets  
HER 4 Listed Buildings  
GEN1 Design principles  
RUR 2 Farm Diversification  
RUR 6 Outdoor sport, leisure and recreation outside of settlement boundaries  
RUR 8 Visitor Accommodation outside of Settlement Boundaries  
RUR 9 Caravan and Camping Sites  
ENV 1 Ecological Network  
ENV2 Ecological implementation  
ENV 3 Landscape character

ENV5 Landscaping  
ENV6 Trees, hedgerows and woodland implementation  
ENV7 Climate Change  
ENV12 Air quality  
ENV 13 Aircraft noise  
ENV14 Light pollution  
ENV15 New development and existing uses  
ENV16 Surface water management and flood risk  
ENV17 Protecting water resources  
HOU 12 Amenity  
INF1 Cycleways, bridleways and footpaths  
INF3 Highways safety and access  
INF6 Protection of existing and proposed infrastructure  
INF9 Utilities

### **Other Material Planning Considerations**

National Planning Policy Framework (2021)  
National Planning Policy Guidance  
Cheshire East Design Guide

The Mobberley NDP area was designated on 8<sup>th</sup> Nov 2021, although there is no made Neighbourhood Plan at this time.

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

**Strategic Highways** – No objections.

**Environmental Protection (CEC)** – Updated comments.

Contaminated Land – No objection. Recommend that full contaminated land condition should be placed on the decision notice, if approved.

Amenity – No comments

Air Quality – No comments.

**Lead Local Flood Authority** – No objections in principle.

**Manchester Airport** – No objection subject to conditions regarding

- landscaping (to prevent creation of dense canopy and new roosting habitat)
- submission of a Bird hazard management plan for the ponds on site to prevent ponds becoming habitat
- Capping of horizontal lighting so not upward light spill,
- No reflective materials or solar to be added to the building,

Informatives recommending regarding light spill and crane permits.

**United Utilities**- Recommendations on drainage.

**Mobberley Parish Council** – Objection. The proposal is over development on the green belt, this will have a major impact on the openness of the green belt. Request call in.

### **REPRESENTATIONS**

25 letters of representation have been received, including neighbours and local residents' groups, objecting to the proposal on the following grounds:

## Principle

- Inappropriate in the Green Belt
- Proposals would easily be turned into year round residential accommodation
- Destruction of the Greenbelt
- Local area does not have facilities to cope with more building
- Little difference between holiday lodges and bungalows
- Loss of countryside
- There is enough tourist accommodation in Manchester
- Dangerous precedent
- Loss of openness in the Greenbelt
- No very special circumstances to justify presumption against inappropriate development
- Unsustainable location for development, all journeys would need to be car
- Nearest bus stop is over 1 mile and rail much further,
- No shops within walking distance
- Local roads do not have footways or lighting
- Proposals do not conform to any listed green belt exceptions
- Lodges are clearly not caravans and as they are not designed to be towed
- Lodges have permanent sewerage disposal and waste water treatment and permanent service supplies
- Site is not accessible by footpaths
- Proposal would contribute nothing to fabric of rural community
- Keeping land for food production would have a bigger social impact for the benefit of all
- Does not comply with the NPPF.
- Arguments that this will benefit the rural economy are weak
- Development would seriously detract from the recreational value the area has become valuable for
- Enjoyment of public rights of way will be jeopardised if this development goes ahead.

## Visual Amenity

- Major impact on open agricultural aspect of Burleyhurst lane
- Views from rights of way would be seriously impacted
- Site is now clearly very visible from public vantage points due to the land raising undertaken
- It would ruin views
- Public footpaths are very close
- The new access gives the look of a theme park
- Character and appearance of this area of greenbelt is severely compromise
- The whole concept of a holiday park is alien to the landscape
- It will not contribute to the area character and identity reinforcing local distinctiveness.

## Heritage

- Any development would detract from the historical significant of the listed buildings
- Conclusions within HIA are disputed and objectionable

## Highways

- The site is rural and would require more traffic to get anywhere
- Additional traffic on minor but busy road
- Increase in unnecessary traffic
- No pavement on Burleyhurst road and additional traffic from development would put road users (cyclists, pedestrians and riders) all at a greater risk
- The site is not accessible

#### Ecology

- Site is on edge of Lindow Moss Peat Bogs and Rossmere lake
- Detrimental to wildlife habitat
- Proximity to cut-over peat bog which is due to be restored
- No ecological enhancement or biodiversity net gain
- Disturbance to wildlife

#### Flooding

- Extra building will only add to existing flooding issues
- Neighbouring land floods due to the previous tipping and change to the topography of the land
- Indigenous peat has been removed and more permeable materials laid in its place

#### Environmental

- Light pollution
- Noise pollution from development detrimental to wildlife and neighbours
- Disturbance during construction
- Waste previously tipped here must be hazardous and require removal prior to any lodges being built
- Loss of agricultural land
- Concerns about contamination raised by EH are concerning
- Hydrogeological equilibrium of the area has been materially and adversely affected
- Neighbouring property is now flooded frequently due to unauthorised level changes
- The site is sensitive adjacent Lindow moss, the burial site of Lindow man, and being adjacent a Grade II listed building.

#### Amenity

- Additional development may disturb elderly residents
- Additional coming and goings to the site

#### Other

- Insufficient consultation
- The applicant has previously played scant regard to planning regulation by tipping building rubble for so called drainage so it could be used for livestock
- Applicant is determined to commercialise the site
- A previous application was for a travellers site
- Proposals have no regard for people living in this rural location
- Application Is invalid
- Approval would allow the unauthorised tipping to become lawful
- Stability of the tipped land is questionable
- Planning have ignored previous breaches at the site

- Economic benefits cannot be guaranteed
- The agricultural site has been decimated
- LPA and EA have failed to take decisive action
- Land improvement previously approved was not successful and not for agriculture
- Ground levels are now much higher than original levels and alter the original views to the listed house
- Significant levels of pollution in terms of noise and dust /mud and noise occurring for long periods of time during unauthorised land levels works
- Listed building on site is in serious disrepair
- The scheme is conceived as a self-contained entity in complete isolation from the surrounding countryside.
- There are no arrangements in place for the separate storage and collection of recyclable waste.

## **OFFICER APPRAISAL**

### **Green Belt**

The application site is located within the Green Belt as identified in the Cheshire East Local Plan.

The NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, as the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 149 of the NPPF advises that the construction of new buildings in the Green Belt is inappropriate. CELPS Policy PG3 confirms that planning permission will not be granted for inappropriate development, except in very special circumstances, in line with the NPPF.

Paragraph 149 lists exceptions to this, none of which are relevant to this assessment, whilst paragraph 150 advises the certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The following exception is relevant to this application:

(e) material changes in the use of land (such as changes of use for outdoor *sport or recreation*, or for *cemeteries and burial grounds*);

The proposed siting of 12 holiday lodges and associated facilities would introduce built form into an area otherwise free from built development. The development would clearly erode the open nature of the site both visually and spatially and would therefore fail to preserve the openness of the Greenbelt. The development would also comprise encroachment into the countryside and would therefore conflict with one of the 5 purposes of including land within it.

As such the proposals would not meet any of the exceptions outlined at para 149 of the NPPF and would be regarded as inappropriate development in the Green Belt.

### **Rural Economy**

CELPS policy EG2 provides support for rural based tourist attractions and visitor facilities. This is provided that the development:

- Is consistent in scale with its location and does not adversely affect nearby buildings and the surrounding area or detract from residential amenity;
- Is well sited and designed in order to conserve and where possible enhance the character and quality of the landscape and built form; and
- Does not conflict with Policies PG 3, PG 4, PG 6, PG 7, SE 3, SE 4, SE 5, SE 6, and SE 7 of the Local Plan Strategy.

Similarly, SADPD policy RUR 8 advises that certain types of visitor accommodation may be appropriate to a rural area where their scale is appropriate to the location and setting and where there is an identified need for the accommodation, which cannot be met in nearby settlements because the type of accommodation proposed is intrinsically linked with the countryside.

No evidence has been submitted to demonstrate that there is either a clear need for accommodation in this location, or that this cannot be met elsewhere. Furthermore, the policy requires accordance with other policies in the development plan, including CELPS Policy PG 3 'Green Belt' and the relevant paragraphs of the NPPF. As detailed above, compliance with Green Belt policies in this case will require very special circumstances to be demonstrated. This is covered further below.

## Heritage

Saltersley Hall Farm and outbuildings are Grade II listed buildings, accessed from Burleyhurst Lane.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

The NPPF also makes clear in paragraph 199 that great weight should be given to the conservation of designated heritage assets and their setting. Historic England's Good Practice Advice Note 3: The Setting of Heritage Assets, notes, '*a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.*'

CELPS Policy SE7 supports proposals which do not cause harm to or better reveal the significance of heritage assets. SADPD policy HER 4 requires, amongst other things, that proposals pay special attention to the desirability of preserving or enhancing the character or appearance of any area; and take into account established townscape and landscape character or the area and its wider setting. Where a proposal would lead to less than substantial harm to the significance of a listed building, the harm will be weighed against the public benefits of the proposal, including securing its optimum viable alternative use.

The Grade II listed Saltersley Hall Farm lies in an isolated location within the Green Belt. The listing protection also extends to any pre-1948 outbuildings within the grounds of the farmhouse and therefore the 19th century barn range is also considered to be covered. When approaching from Burleyhurst Lane the barn range lies in the foreground with the main hall to the north-east. Access to the farm was previously from the north with the current track being a more recent

addition, however the setting has continuously been one of open fields to the west (the site) with Lindow common to the east.

The setting of the listed farm group is informed by the isolated location, with undeveloped open fields between the farm and main road, providing a clear link to the historic farmstead's agricultural setting and provides the foreground to the listed dwelling and barns when approaching the historic group. The Council's Conservation officer considers that the setting of the buildings is of high importance to the heritage assets' significance in conjunction with its architectural and historic interest.

The proposed 12 lodges with associated hard landscaping and access tracks across the site, and the additional tree planting would place development between the main road and the hall/barns imposing on views across the open land to the from both Burleyhurst Lane and the public footpaths to the north and south of the site. The change of use of the open land/field and installation of lodges and hard landscaping and planting would erode the historic relationship between the landscape and historic buildings. The main approach to the listed building would look across to modern lodges and elements of hard landscaping rather than open fields.

Additional landscaping information and updated heritage assessments were submitted during the course of the application. The submitted updated heritage assessment disputes the interruption of views from the access track to the listed building, advising that it is a private access track and therefore has no public views and that the fields between the development site and house would be a buffer zone. The report concludes there would be *'no adverse impact upon the views from the footpath which principally capture the special interest, significance and setting of the listed building as experienced in the public realm. These views will continue to illustrate the rural surroundings within which the listed building was historically – and still is – sited. There will be no loss of significance as a result'*.

The Council's Conservation officer disagrees with this conclusion, and considers the development will impact the wider setting of the listed farm group which is informed by the isolated location, with what has always been open fields between the farm and main road, providing a clear link to the historic farmstead's agricultural setting. The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) advises- *"Because the contribution of setting to significance does not depend on public rights or ability to access it, significance is not dependent on numbers of people visiting it; this would downplay such qualitative issues as the importance of quiet and tranquillity as an attribute of setting, constraints on access such as remoteness or challenging terrain, and the importance of the setting to a local community who may be few in number."*

The alteration of the open agricultural land with occasional clusters of trees, to a re-designed landscape with modern lodges would disrupt the established open agricultural character which contributes positively to the setting of the listed buildings.

As such the proposed change of use would cause harm to the significance and setting of the listed buildings and although this harm would be less than substantial it should not be viewed as minor or unimportant.

Paragraph 202 of the NPPF and policy HER 4 of the SADPD require proposals that lead to less than substantial harm to the significance of a designated heritage asset, to have that harm

weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The benefits arising from the development are identified and considered within the concluding paragraphs of this report.

### **Design / Character**

Paragraph 130 of the NPPF seeks to ensure that, amongst other things, developments function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and landscaping; are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place, and create attractive and distinctive places to live, work and visit.

Policy SE1 of the CELPS sets out the design criteria for new development and states that development proposals should make a positive contribution to their surroundings. It seeks to ensure design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements. It should also respect the pattern, character and form of the surroundings. Policy SD2 of the CELPS further details the design matters that should be considered, including; height, scale, form and grouping of development, choice of materials, external design features, massing of development and the balance between built form and green/public spaces. Furthermore, development will be expected to respect and where possible, enhance the significance of heritage assets, including their wider settings.

SADPD Policy GEN 1 requires proposals to create high quality development reflecting local character and design and creating a sense of identity and legibility by using landmarks and incorporating key views into, within and out of new development and reflecting local character.

The site lies within the countryside and Greenbelt and is within a rural location characterised by open fields and sporadic development.

The proposals would introduce lodges and areas of hardstanding into an area otherwise free from built development. The proposed lodges would be surrounded with hard landscaped access roads and each lodge would be set within a plot separated from the wider site with a boundary hedge creating what would appear to be its own private curtilage for each lodge. Within each plot would be the lodge with raised decking, a patio area, 3 parking spaces, an additional area for turning and/or further parking, a driveway and surrounding garden areas. As a whole, it is considered that the site would appear as a small residential estate.

The proposals would irreversibly alter the existing open and rural character of the site introducing urbanising features. Although a substantial scheme of landscaping mitigation is proposed, particularly around the site edges in the form of woodland planting, this would take decades to establish to a point where it is an effective screen. Furthermore, in order to be an appropriate landscape scheme for this area, this would need to comprise native deciduous trees which would offer sparse leaf coverage and screening during winter months. It is also noted that the boundary hedgerow is shown to be relatively tall in the applicant's LVIA images, but other images of the site show it to be much lower, demonstrating that when maintained it allows views into the site.

The lodges would be constructed from a mix of timber and zinc cladding and would be of a contemporary appearance with a large area of hard landscaping surrounding it. The additional raised decking and parking areas further urbanise the site. Whilst it is not unusual to see caravans within the countryside, the proposed lodges are considered to be of substantial design, form and appearance, spread over a wide area and will include an internal network of roads and parking areas. This is at odds with the countryside location and would appear obtrusive and detrimental to the character of the countryside and Green Belt which this site forms a part.

The proposals are therefore considered to result in harm to the character and appearance of the area and are contrary to the requirements of policies SE1 and SD2 of the Cheshire East Local Plan and policy GEN 1 of the Site Allocations and Development Policies document in this regard.

## **Landscape**

Policy SE4 of the CELPS seeks to conserve the landscape character and quality and where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes. Policy SD2 advises that development should respect and, where possible, enhance the landscape character of the area.

Policy ENV3 of the SADPD outlined that development proposals should respect the qualities, features and characteristics that contribute to the distinctiveness of the local area, as described in the Cheshire East Landscape Character Assessment (2018) taking into account any cumulative effects alongside any existing, planned or committed development. Policy ENV5 of the SADPD sets out what should be included in landscaping plans.

The site lies within landscape character type (LCT) 7: Lower Wooded farmland and Landscape character area (LCA)7b: Ringway as identified in the Cheshire East Landscape Character Assessment.

LCT 7 Lower Wooded Farmland covers a large area and is characterised as a gently rolling landscape with similarities to the Cheshire Plain. The key characteristics are described as:

The overall vision and landscape strategy for this landscape type is as follows:

*'...a traditional working landscape which retains its strong rural character. Important natural and cultural heritage features are conserved and any new land uses or development is sympathetic to existing landscape/settlement form and character. The overall strategy for this landscape is to conserve the woodland and trees which give the landscape its wooded character, the valued semi-natural habitats and heritage features and the rural character which has been lost in places due to suburbanisation and the presence of major transport corridors.'*

At present, the site is open and undeveloped. There is a mature, intact hedgerow along the Burleyhurst Lane boundary, and mature trees and hedgerows along the north-eastern and south-western boundaries. A mature hedgerow with trees runs up the middle of the site dividing the site in two. The south-eastern boundary closest to Saltersley Hall Farm is open. There are two ponds close to the central hedgerow and a third depression in the south-western area with a mature oak tree in close proximity.

The submitted proposed landscape strategy (drawing M560.08) shows that all mature trees, hedges and ponds would be retained and that a new large pond is proposed. Woodland belts of around 10 to 15 metres in width, including larger standard trees are proposed around the site boundaries. On the south-eastern boundary a wider belt comprising woodland blocks with meadow areas of around 35 metres overall width is proposed. This would provide screening from Saltersley Hall located 300 metres to the south-east.

An agricultural access road is also proposed through this area to the land to the south-east. The twelve proposed holiday lodges are sited away from the site boundaries and are located within garden plots separated by hedges with trees. Each lodge would have a private drive off the access roads around the site periphery and a hardstanding area including three parking spaces. As proposed, the lodges would be partially clad in zinc which has the potential to be reflective. Conditions could secure this detail.

The submission includes a Landscape and Visual Appraisal which concludes ; *“The development would form an adverse change to the landscape character of the site. However, the nature of the flat landform along with frequent trees and woodlands contributing to wooded horizons would limit the effects on landscape character. The proximity of the site to Manchester Airport and Burleyhurst Lane already reduces the sense of remoteness and tranquility. Large residential parks set within a flat or gently undulating wooded landscape, are an existing landscape characteristic.”*

*“..Overall the development would form a negligible adverse change to the wider landscape character. The new development, whilst locally visible would form a small and barely perceptible element of views from the majority of receptors with the exception of the very short section of Burleyhurst Lane as it passes the site; Burleyhurst Farm, Saltersley Hall Farm & Barns; and sections of PROW FP45 & FP80 immediately adjacent to these properties and FP57 where the lodges would be more visible on completion of development. However, landscape mitigation in the form of generous belts and areas of woodland around the boundaries of the site, retention of existing trees on site and the introduction of new hedgerow and tree planting would reinforce screening. As new planting matures it will provide layers of vegetation at various heights, resulting in a treed horizon and heavily filter or screen the proposed lodges in views even at a very local level”.*

It is acknowledged that there are already three lodge-type residential parks within 1.5km of the site which do introduce a suburban character to the landscape. The Councils Landscape officer advises that this development would further the cumulative effects of an additional suburban feature into the local landscape. The LVA states that intermittent aircraft noise and traffic on Burleyhurst Lane reduces the remoteness and tranquillity of the area. The potential increase in noise and activity associated with a holiday park could further reduce the peaceful character of the locality. Light spill from the lodges, vehicles and site lighting could also adversely affect the night-time character of the local landscape.

The proposed lodges would be visible above the boundary hedgerows and between the mature trees, particularly in the winter months and, as concluded by the Councils Landscape officer, would have adverse effects on local receptors. It is noted that it would appear there have been recent changes to landform and levels. In addition to the PROW listed in the LVA summary (FP45, FP57, FP80), the development would also be visible from FP53 to the north-east of the site and FP58 to the north-west of Burleyhurst Lane.

The Council's Landscape officer concludes that in the medium to longer-term when the perimeter planting has grown to semi-maturity, the site would be screened or filtered and the development would be unlikely to have any significant adverse landscape or visual effects. The landscape officer notes that the success of screening would depend on good ground conditions, management and maintenance. However, as noted above the landscaping scheme proposed would need to comprise of areas of woodland and wooded belts of appropriate native species mix to be appropriate in this location to comply with local plan policy SE4. This would take a significant period of time to establish and be effective.

The Council's landscape officer has objected to the site entrance works that were originally proposed but which were subsequently removed from this application.

Whilst the landscape officers comments are noted regarding the effectiveness of the landscape scheme in the longer term, the concerns highlighted above regarding the impact upon the character and appearance of the area remain, given the considerable time it will take for the proposed landscaping to integrate the development into local environment.

### **Trees**

CELPs Policy SE5 seeks to ensure the sustainable management of trees, woodland and hedgerows including provision of new planting to provide local distinctiveness within the landscape, enable climate adaptation resilience, and support biodiversity. Furthermore, the planting and sustainable growth of large trees within new development as part of a structured landscape scheme is encouraged in order to retain and improve tree canopy cover within the borough as a whole. Similarly SADPD policy ENV 6 requires proposals to retain and protect trees, woodland and hedgerows. Proposals should include measures to secure the long term maintenance of newly planted trees.

The application site is located within open countryside and benefits from established hedgerows and trees within and adjacent to the site boundary and which are visible from Burleyhurst Lane. The site is not within a Conservation Area and no Tree Preservation Orders are present on the site.

The application has been supported by an Arboricultural Implications Assessment by Mulberry (MTM0058.AIA.01) dated 9/9/2021. The survey has identified 9 individual and 11 groups of moderate quality B Category trees, and 4 individual and 4 groups of moderate quality B Category trees and 1 hedgerow.

The AIA states that all trees and hedgerows on the site can be retained without any impacts. The application has also been supported by an Arboricultural Method Statement 2021 and Tree Protection Plans which make provision for protection methods to be adhered to during the duration of any construction period.

The Council's Arboricultural officer has confirmed that there are no objections to the proposals subject to conditions requiring compliance with the submitted AIA, method statement and method statement plan.

### **Amenity**

CELPS policy SE1 seeks to ensure appropriate levels of privacy for new and existing residential properties. Policy SD 2 also expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of its relationship to neighbouring properties. SADPD policy HOU 12 seeks to ensure development does not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

SADPD Policy HOU 13 (table 8.2) and the Cheshire East Design Guide set out the standards for space between buildings and the requirement to include an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development. This is required to maintain an adequate standard of privacy and amenity between residential properties and provide appropriate amenity space for future occupants.

The closest neighbouring residential properties to the application site are the some 50m from the site boundary to the north east and over 200m to the south west. Given how far away all of these residential properties are to the site it is not deemed that the development would result in any unacceptable neighbouring impacts in terms of loss of privacy, light or overbearing impacts.

Hedging is proposed between each lodge to provide some screening. Each lodge is provided with its own outdoor space although it is noted that the lodges would not be occupied as permanent private dwellings but holiday accommodation where occupation is expected to be short term.

Residents are concerned about the potential for increased noise and disturbance and general activity from the site. The use will generate additional movements to and from the site from occupants of the lodges, and people servicing the site. However, the proposed use of the site for 12 holiday lodges is relatively low density and is not considered to result in a significant increase in noise to the area. The extant agricultural use would generate a certain level of comings and goings from farm related traffic.

It is therefore considered that the proposals comply with the principles of CELPS policy SE1, SADPD policies HOU 12 and 13 and advice within the Cheshire East Design Guide in this regard.

### **Highways/Accessibility**

CELPS Policy CO 1 deals with sustainable travel and transport. It supports a shift from car travel to public transport and seeks to guide development to sustainable and accessible locations.

SADPD policy INF3 requires that amongst other things, proposals provide safe access to and from the site for all highway users and incorporate safe internal movement in the site to meet

the requirements of servicing and emergency vehicles. Development traffic should be satisfactorily assimilated into the operation of the existing highway network so that it would not have an unacceptable impact on highway safety, incorporating measures to assist access to, from and within the site by pedestrians, cyclists and public transport users and meets the needs of people with disabilities.

The highway officer has not raised any objections to the proposals.

The site is located within a rural location whereby visitors would be reliant on private vehicles for transport. Other than by public rights of way, which are rural unlit footways, the site is not easily accessible on foot from the nearby settlements of Wilmslow or Mobberley nor is the site located close to public transport links which are available in the neighbouring towns. As such visitors would be reliant on private vehicles as a means of transport. However, it is accepted that the rural, isolated location of the site is likely to be what attracts visitors to it.

There are no alterations to the existing access. The proposals allow for the parking of up to 3 cars per lodge, which would adequately serve the 3 bed lodges and complies with Appendix C of the CELPS. There would be no adverse impact on the safety or operation of the adjacent highway. The proposals are considered to comply with CELPS Appendix C: Parking Standards and SADPD policy INF 3, and Policy CO1 of the CELPS.

### **Flooding and Drainage**

Policy SE13 of the CELPS states that developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation.

Representations have raised concerns over flood risk at the site potentially affecting neighbouring properties.

The site is located within Flood Zone 1, indicating that the site is not at risk from fluvial or tidal sources according to the Flood Map for Planning.

United Utilities and the Local Lead Flood Authority have commented on the application and raised no objections to the proposals on the basis that surface water and foul water is drained and managed within the site.

It is considered that conditions could appropriately deal with drainage design and management at the site and that the proposals accord with policy SE13 of the CELPS and the NPPF in this regard.

### **Contamination**

CELPS policy SE12 seeks to ensure that 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. In most cases, development will only be deemed acceptable where it can be

demonstrated that any contamination or land instability issues can be appropriately mitigated against and remediated, if necessary.

The application is for a proposed use that would be vulnerable to the presence of contamination. The Council's Environmental health officer has acknowledged that 'material of unknown origin' has been placed on the development site following approval of 19/3422M, an application for agricultural improvement. Conditions requiring chemical testing of imported material attached to that consent were not discharged. It is therefore considered necessary to require full contamination conditions including a preliminary risk assessment and an informative regarding the duty to adhere to other legislation regarding contamination.

It is therefore considered that subject to such conditions the proposed development would comply with Policy SE12 of CELP and the NPPF in this regard.

### **Agricultural Land Quality**

Policy SD1 of the CELPS states that development should, wherever possible (and amongst other matters), protect the best and most versatile agricultural land. Policy SD2 of the CELPS states that all development will be expected to avoid the permanent loss of areas of agricultural land quality 1, 2 or 3a, unless the strategic need overrides these issues.

Paragraph 174 of the NPPF states that planning decisions should contribute and enhance the natural and local environment by recognising the benefits of (amongst other matters) best and most versatile agricultural land. Agricultural land falling within classes 1-3a are classed as 'Best and Most Versatile' BMV.

According to the 2010 Natural England Land Classification Map for the North West Region, the site falls within land which is Grade 4 'poor' quality.

According to a more up-to-date (2017) map produced by Natural England, which considers the likelihood of parcels of land being Best and Most Versatile, the map shows that the site as being of moderate likelihood of BMV.

In light of the above and comments from Environmental health regarding the importation of material at the site, it not considered that the site would comprise BMV Land.

### **Ecology and Biodiversity**

Section 15 of the NPPF considers the conservation and enhancement of the natural environment. Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This is echoed within SADPD policy ENV 2.

#### Impact on SSSI

Lindow Common is located approximately 1.6km to the south-east of the Site. The SSSI represent one of the few remained areas of lowland heath in Cheshire and comprises of both wet and dry heath, bod, open water and scattered scrub and woodland. The submitted ecology survey advises that non of the designated features of the SSI are found in abundance of the site, with large expanses of farmland in the land intervening the site and the SSSI.

The application site falls within the boundary of Saltersley Hall Farm Local Wildlife Site (LWS). Sites such as this receive protection through Local Plan Core Strategy Policy SE3. The LWS was selected due to the presence of a number of features including:

- Grassland Habitats
- Ponds
- Woodland
- Arable
- Great Crested Newts

Of these features, no woodland or arable habitat is present within the red line of the application site. Whilst grassland habitats are present these are not of sufficient value to meet current Local Wildlife Site selection criteria. Therefore, of the features for which the LWS was selected; Ponds and Great Crested newts occur within the red line of the application.

### Ponds

The landscaping detail describes the existing pond as being 'graded to meet existing levels'. However, in order to minimise the adverse impacts of the proposed development upon the features for which the LWS was selected, the Council's ecologist recommends that the development proposals are amended to ensure that the existing ponds are retained in an unaltered form as part of the proposed development. This could be secured via a landscaping condition.

### Great Crested Newts

Surveys in 2019 have confirmed the continued presence of great crested newts at the ponds on site, although no information is available on the size of the population present. In the absence of up to date survey information it must be assumed that the ponds continue to support a 'good' population as defined by the LWS selection criteria.

As Great Crested Newts (a European Protected Species) have been recorded on site and are likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range

In order to address the impacts of the proposed development on this species the applicant has expressed an intention to enter the development into Natural England's District Level licencing scheme for the species. The Council's Ecologist advises that entry of the development into the licencing scheme would be sufficient to maintain the favourable conservation status of the species as required by the Habitats Regulations although a copy of the countersigned Impact Assessment and Conservation Payment Certificate needs to be submitted to Natural England as evidence that the development is eligible to join the licencing scheme prior to the

determination of the application. The applicant has not provided evidence at the time of writing that this has been done. Entry into the district level licencing scheme would address the legal protection of great crested newts, and the proposed pond on site would be sufficient to address the impacts of the proposed development upon great crested newts. Detailed designs of the pond could be secured via condition.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

In terms of the Habitat Regulations tests:

- The proposed development is not in the overriding public interest, unless other material considerations can be identified to outweigh the harm to the Green Belt, the heritage assets and the character and appearance of the area.
- There are no known alternative forms of development that would not have a similar impact upon protected species as the current proposal.
- No evidence has been provided to show eligibility for the mitigation to be delivered through Natural England’s District Level Licencing (DLL) scheme and an amendment to the landscaping scheme. No mitigation is therefore presented. Therefore it has not been demonstrated that there will be no detriment to the maintenance of the species population at favourable conservation status in its natural range

The application proposals are deemed to fail the requirements of the Habitat Regulations which in turn, means that it’s unlikely that Natural England would grant a protected species licence if and after Planning Permission has been granted.

As the development would have a significant adverse impact on habitats or species and no mitigation is proposed the development is considered to be contrary to policy SE3 of the CELPS and SE2 of the SADPD.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. In addition, the hedgerow on site would be likely to be of sufficient value to qualify as a feature of the Local Wildlife Site. The existing hedgerow is to remain on site. Conditions to secure the safeguarding of the hedgerow would be required in the event that planning consent was granted.

### Bats

Whilst the application site offers limited opportunities for roosting bats and no bats were recorded within the submitted ecological survey on the site, bats are likely to commute and forage around the site to some extent. It is noted that boundary hedgerows will remain and therefore the foraging and commuting potential intact. The Council’s Ecologist advises that to

avoid any adverse impacts on bats resulting from any lighting associated with the development, conditions can secure any lighting detail.

#### Badger

No evidence of badger activity was recorded on site during the submitted survey although the species is known to occur in this broad locality. As the status of badgers on site can change in a short time-scale if planning consent is granted, a condition should be attached which requires the submission of an updated badger survey prior to the commencement of development.

#### Nesting Birds

The ecology survey concludes that the bare ground/ephemeral vegetation habitat predominant across the site is considered to be common and widespread and offers limited foraging potential for a number of bird species but negligible nesting opportunities for the species. A condition requiring construction/demolition and/or vegetation clearance works to avoid nesting season is required.

#### Non-Native Invasive Plant Species

Japanese knotweed and Himalayan Balsam are present and a condition should be attached which requires the submission of a method statement for the control of these species on site.

#### Biodiversity Net Gain

In accordance with Local Plan policy SE3(5) all development proposals must seek to lead to an overall enhancement for biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3. The Councils Ecologist advises either an ecological enhancement strategy is submitted prior to the determination of the application or if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

The development when considered against the Habitat Regulations is deemed to fail the tests in relation to Great Crested Newts.

As the development would have a significant adverse impact on habitats or species and in the absence of a mitigation scheme, the proposals are deemed to be contrary to Policy SE3 of the CELPS and Policy ENV 2 of the SADPD in this regard.

#### **Manchester Airport**

The Safeguarding Authority for Manchester Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria.

They have concluded that they have no objections, subject to a number of conditions including submission/approval of a bird hazard management plan (BHMP), submission/approval of a landscaping scheme, that there are no reflective materials or solar panels installed on the buildings, and that all exterior lighting be capped at the horizontal so not to cause upward light spill.

Informatives are required regarding light spill and crane permits.

It is recommended these be included in the event of approval.

### **Other Matters Raised by Representations**

A number of representations refer to potential unauthorised development and waste tipping and level changes at the site which are the subject of an ongoing enforcement investigation.

Residents have also raised concerns about the state of the listed building (Saltersely hall farm). However, this falls outside of the red line area and is not a matter for this application.

### **Very Special Circumstances**

Further to the assessment of the principle of development above, Paragraph 147 of the NPPF advises *'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*.

Para 148 continues *'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'*.

It has already been established that the application proposals represent inappropriate development in the Green Belt. Furthermore, additional Green Belt harm would be deemed to be created with regards to a significant impact on openness and through encroachment. As stated in para 148 of the NPPF, this harm is to be afforded substantial weight.

Other harm arising from the application proposals, with regards to the harm to the setting of the listed building, has also been identified and set out in the report, together with harm to the character and appearance of the area and protected species.

As such, any considerations in favour of the proposed development would need to be, either individually or cumulatively, of sufficient magnitude to clearly outweigh all of this harm identified in order for Very Special Circumstances to exist.

In order for very special circumstances to apply, they need to be specific to this particular development proposal. Following the objectives for sustainable development set out in paragraph 8 in the NPPF, each principle shall be addressed in turn:

#### Economic benefits

The proposals would result in the creation of local job opportunities during construction as well as knock-on economic benefits realised either for the duration of the construction period or longer-term jobs on the site and through business rates/taxes.

The development would support the local economy through the provision of overnight accommodation and support to the supply chain and the associated spending on local visitor attractions and shops/services to a limited degree.

#### Social benefits

The proposals would provide accommodation close to public rights of way and would enable visitors access to the countryside.

### Environmental benefits

The application identifies the countryside location as the 'selling point' alongside the proximity to public rights of way nearby visitor attractions.

With regards to landscaping, additional landscaping is proposed which is recognised could be viewed as an environmental benefit, albeit minor in the context of the wider scheme.

The proposals do not have a detrimental impact upon neighbouring amenity, trees, hedgerows, or highway safety. However, these are not considered to represent stand-alone 'benefits', but requirements of the application proposals to adhere to policy requirements.

### **Conclusion / Planning Balance**

The application proposals represent inappropriate development in the Green Belt. Paragraph 148 of the NPPF states that '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.'

The fact that the proposals represent inappropriate development in the Green Belt, which result in a substantial harmful impact upon the openness of the Green Belt and conflict with the purpose of safeguarding the countryside from encroachment, carry substantial weight, as set-out within policy.

Significant weight is also placed on the location of the proposed development which is harmful to the setting of the nearby listed building. Limited to moderate weight is afforded to the harm to the character and appearance of the area that would be created by introducing a large volume of development in this rural location which would result in a harmful urbanising effect. This is only afforded limited to moderate weight when considered in conjunction with the landscape considerations, given the soft landscaping propose, and the time it will take to mature.

Significant weight is also attributed to the ecology harm that would be created due to the risks posed in relation to Great Crested Newts present on site, without established mitigation. There are no overriding reasons to approve the application proposals and therefore the development is deemed contrary to the Habitat Regulations and development plan ecology policies.

No concerns are raised with regards to highway safety matters, trees, flood risk or drainage, public rights of way, Manchester Airport or subject to conditions where appropriate.

In consideration of whether there are any Very Special Circumstances that could clearly outweigh the abovementioned harm cumulatively. Only moderate weight can be afforded to the economic benefits of the scheme with regards to the job creation, and visitor spending, due to the small number of units proposed. Limited weight is afforded to both the social benefits and environmental benefits of the scheme which are the location of accommodation within the countryside and additional landscaping and planting.

Overall, paragraph 148 of the NPPF is clear that, in the Green Belt, Very Special Circumstances cannot exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by the other considerations. As highlighted above, although the benefits are acknowledged, overall they are not deemed to clearly outweigh the combined harm to the Green Belt and the other harm identified. As a result, Very Special Circumstances have not been demonstrated.

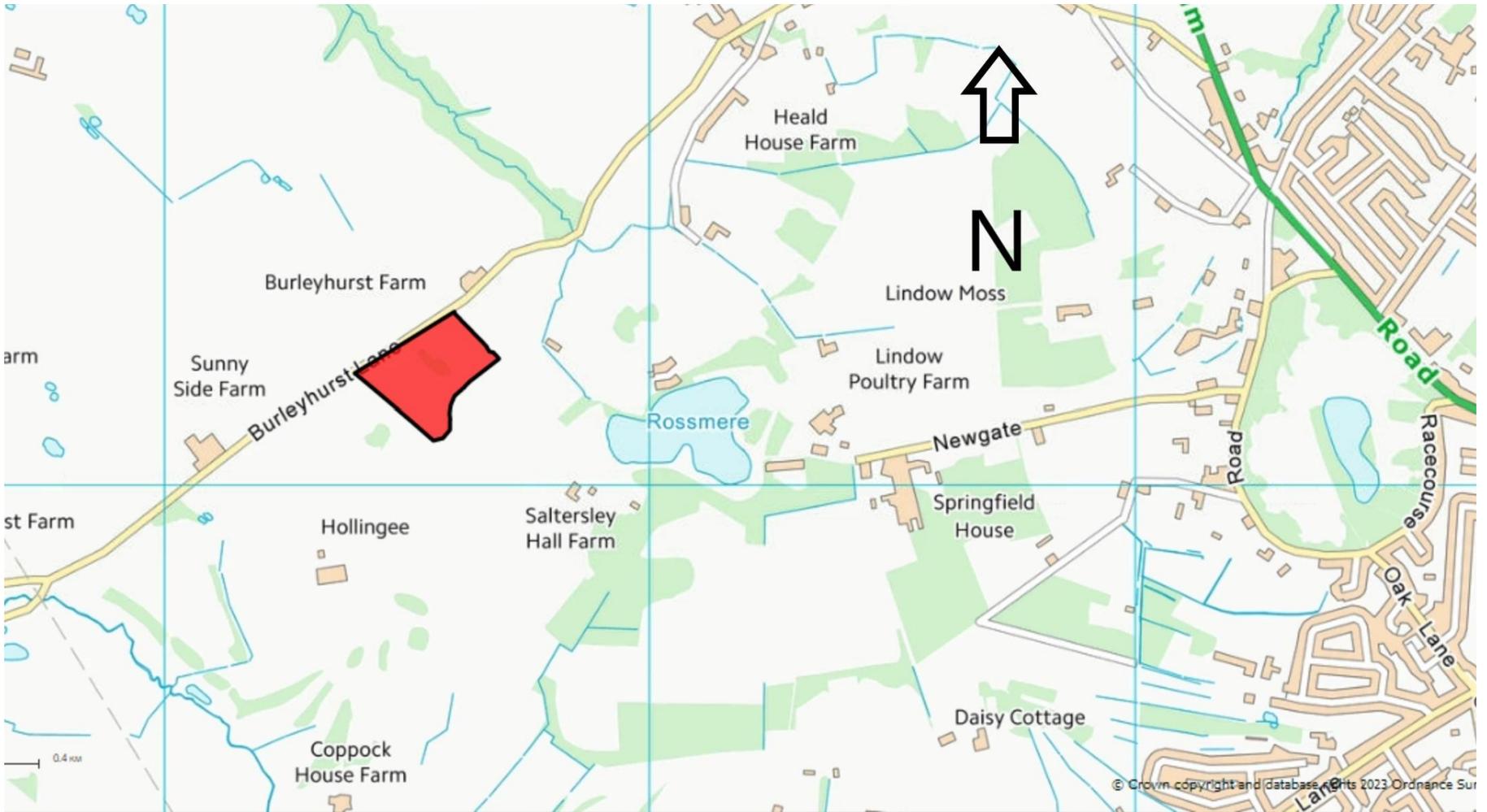
The application is therefore recommended for refusal.

## **RECOMMENDATIONS**

### **REFUSE for the following reasons:**

1. The proposed development would represent inappropriate development, which reduces openness and encroaches into the countryside. It is not deemed that other material considerations exist to clearly outweigh the harm to the Green Belt and the other harm identified. The development would therefore be contrary to Policy PG3 of the Cheshire East Local Plan Strategy and section 13 of the National Planning Policy Framework.
2. The proposed development would cause less than substantial harm to the significance and setting of the listed buildings, and any identified public benefits do not outweigh this harm. The scheme would therefore fail to accord with policies SD2, SE1 and SE7 of the Cheshire East Local Plan Strategy, HER1 and HER4 of the Site Allocations and Development Policies Document and Chapter 16 of the National Planning Policy Framework in terms of conserving and enhancing the historic environment.
3. The proposed development by virtue of its siting, design and layout would introduce urbanising features into the local area, which would not be mitigated by proposed landscaping that would take considerable time to become effective. The proposal therefore results in harm to the character and appearance of the area in conflict with policies SD2, SE1 and SE4 of the Cheshire East Local Plan Strategy, and GEN1 of the Site Allocations and Development Policies Document.
4. The proposed development would have a significant adverse impact Great Crested Newts, a protected species, and no formal scheme of mitigation has been presented with the application. The proposals are therefore contrary to Policy SE3 of the Cheshire East Local Plan Strategy and Policy ENV 2 of the Site Allocations and Development Policies Document. The proposed development also fails the tests of The Conservation of Habitats and Species Regulations 2017.

*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add Conditions and/or Informatives 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.*



Application No: 22/4758M

Location: 4, WAREHAM STREET, WILMSLOW, SK9 1BT

Proposal: Variation of condition 1 and removal of condition 3 on approval 21/3436M for retrospective application for external drinking & dining area in connection with restaurant with proposed decking and canopy

Applicant: Ms A Mott, Sotto

Expiry Date: 01-Apr-2023

### **REASON FOR DEFERRAL**

This application was deferred from the Northern Planning Committee on 22 March 2023 for the following reasons:

- “1. To resolve the maintenance/protection/care of the trees on site*
- 2. Submission of information to identify the economic benefits and justification for the proposal*
- 3. To identify mitigation for the loss of open space in other open spaces”*

### **KEY ISSUES**

#### **Maintenance / Protection / Care of On-Site Trees**

The Council's Arboricultural Officer has previously confirmed the trees were not protected nor within a conservation area but did provide an attractive decorative feature. No objection was raised to the proposal in terms of the impact on the existing trees.

An Arboricultural Report from November 2022 has been provided in support of the current application. Following a site visit in November, the trees were considered to still appear structurally stable and in reasonable condition. There were not considered to be any external signs of deterioration, reduced vitality or mechanical change and there was no evidence that the canopy and decking had caused any significant long-term harm to the existing trees.

The recommendations within the Arboricultural report are set out below:

*‘In the short to medium-term, the ratchet straps will need to be re-positioned and re-tensioned, at least once a year, to prevent damage to the branches. The health and condition of the trees should be reviewed at the same time. In the long-term, adjustments to the wooden base, plastic decking and covered canopy are likely to be required to accommodate future growth of the stems and main branches and prevent damage to the trees and the structures. Any such work should be overseen by a competent arboriculturist.’*

Officers did not raise any concerns with regards to the impacts on the existing trees and thus the development is still considered to be acceptable in this regard. If the application is approved, a condition is recommended to ensure compliance with the above recommendations.

### **Economic Benefits and Justification of Proposal**

Financial statements have been provided by the applicant. The figures for 2019 show the position when the business was operating solely within the restaurant building, with only 39 covers in the restaurant. The figures for 2020 take into account the Pandemic, the temporary closure of the restaurant, but also the funding received from the Government. The figures for 2019, 2020, 2021 and 2022 show the business operating at a profit. These later figures include the external dining area with the increased number of 70 covers (this is the number of covers provided under the canopy, additional covers can be provided on the remainder of the decking when the weather permits).

The financial statements show the net profit of the business to have more than doubled in 2020, compared to 2019, and the net profit in 2021 to have doubled again from the 2020 figure. The 2022 profits (from draft accounts) have then increased a further 58% from 2021.

The statements also demonstrate how the costs of raw materials, staff costs, utility costs, etc. have all increased significantly over time. Staff costs increased by 13% between 2019 and 2021 and are projected to increase by a further 8.6% between 2021 and 2024. In terms of raw materials, a spreadsheet was submitted showing the purchase unit price for raw materials such as alcohol and food products in 2019 and 2023. The information shows that for all the items listed, the purchase unit price has increased for all items. The sum of all the individual items shows an increase of 40%. This is acknowledged, and not disputed, given the rising costs everyone is currently experiencing.

Details of gas and electric bills since October 2019 to March 2023 have also been provided. Whilst there is some variation in the bills during this time, the information does indicate a significant increase (approximate doubling) in bills between December 2022 and February / March 2023. This is not unexpected given the current issues with energy costs for everyone.

Projected accounts figures for 2024 have also been provided for a scenario of the restaurant only (excluding the decking / canopy area) to demonstrate the value of the decking to the viability of the business. This shows that the restaurant would make a very significant loss if the decking was not included. It is noted that the turnover for the projected 2024 figure (without decking) is the same as the 2019 figure (without decking). This was queried by officers, and the applicant has clarified that whilst *“the decking / canopy area provides an additional 70 covers, at the time of the 2019 accounts the restaurant operated with 25 covers at first floor level. These have now been removed and the space utilised for storage and additional kitchen/prep space. This reduction in internal covers accounts for the difference with the projected costs for the 2024 (if the decking is not in situ) as they can no longer provide the number of covers pre covid”*. Given that in 2019 the restaurant operated in 2019 with 39 covers, and 25 were removed from the first floor, the projected 2024 turnover is based on only 14 covers.

The agent has also provided a list of 5 restaurants in Wilmslow that have recently closed. These are:

- Anthology, Swann Street
- Roost, Water Lane

- Brew House, Swann Street
- Se7en, Grove Street
- Cheeky Tikka, Grove Street.

### **Mitigation for Loss of Open Space**

A biodiversity statement has been submitted, which includes an assessment of the impact of the decking and canopies on the biodiversity of the site and if any mitigation measures would be considered to be necessary to compensate for any loss (including a financial contribution).

The report concludes that:

*The costs of Habitat Units varies between local planning authorities throughout the UK, and Defra suggest costs should be in the region of £9,000-£15,000 per Habitat Unit lost (Defra 2019 Impact Assessment). Cheshire East Council recommend a sum of £16,980.00 per Habitat Unit. Therefore, if the CEC fee is adopted, the cost to off-set the 0.03 Habitat Unit deficit at Sotto would be £509.40.*

*To compensate for the loss of the grassland, and to achieve a betterment in biodiversity, it is suggested that the fund to be donated should be £700.00. This should be used to purchase and plant a number of flowering species and varieties, which would attract invertebrates, such as Hebe, Lavender, Ox-eye Daisy, Tansy, Chamomile, Salvia, Foxglove and Scabious*

*Moreover, the planters that are located on site should be replanted with flowering varieties of perennials and shrubs. This would provide a higher number of species than those lost to the development. The trees are to be retained and protected through an arboricultural method statement (Cheshire Woodlands).*

Given the very small level of contribution required (£509), and the fact that the planters on the site could be re-planted with higher numbers of species than those lost to the development it is not considered to be necessary to secure this contribution. A condition could be attached requiring this new planting to be implemented.

The applicant has also discussed the loss of open space with the Council's Greenspaces officer. They have advised that whilst their policy objection to the loss of the open space remained, a sum of £75 per sqm could be used to calculate the amount of financial mitigation that would be required to compensate for the loss of open space. The site is approximately 145sqm, which would equate to a total contribution of £10,875.

In terms of the spend locations, a number of locations were put forward by the applicant, and whilst the Romany Garden may be the largest area of open space listed, it cannot be said to be part of the public realm where the application site (Open Space Assessment reference - WLM 057 Wareham Street) is located. For the use of the contribution to meet the policy, it should seek to offset the loss in the vicinity, the actual impact of the loss and in this case, the public realm around the site, at the busy junction.

The following sites are considered to be appropriate locations:

- WLM 062 – Station Road/Alderley Edge Road – this site is opposite the junction and is amenity open space that makes a significant contribution to the public realm at this busy junction
- WLM 058 – Bank Square, Sparrow Park Green/Swan Street – 80m from the application site in the main pedestrian and traffic flow to the junction.

The contribution would be used to make improvements including landscaping, and possible tree planting, in consultation with the Town Council.

### **Conclusion**

The information summarised above has been provided by the applicant in response to the request from the Planning Committee in March 2022. The recommendation from officers remains, as in the original report, to refuse for the reasons stated below.

**\*\*\*\*\*ORIGINAL COMMITTEE REPORT (from 22 March 2023 agenda)\*\*\*\*\***

**SUMMARY**

This application seeks consent to vary Condition 1 (approved plans) and remove Condition 3 (temporary permission) attached to the approved application in April 2022 for retrospective permission at 4 Wareham Street in Wilmslow. The approved application granted temporary permission for an external drinking and dining area in connection with the restaurant, with proposed decking and canopy.

The site is located within Wilmslow Town Centre and is an area of protected open space.

The current approval restricts the use of the outdoor external area for 18 months, which is due to expire on 22<sup>nd</sup> October 2023. The submitted Planning Statement states the development would encourage longevity for the existing business and would have a positive impact on Wilmslow Town Centre.

The application initially proposed 3 pergolas, two on the proposed decking and one within existing parking spaces to the east of the site and protected open space. The application seeks to vary the approved plans, which would remove the pergola within the existing parking area and would result in the introduction of planter beds around the decked area.

The development is not considered to comply with the relevant local plan policies which relate to protected open space, and the proposed materials would not be appropriate for a permanent structure.

The application is recommended for refusal.

**RECOMMENDATION**

**Refuse for the following reason:**

**1. The Local Planning Authority consider that the proposed materials would not be appropriate for a permanent structure and the development would be contrary to policies regarding the protection of open green spaces. The proposal development would be contrary to Policies SD2 (Sustainable Development Principles) and SE6 (Green Infrastructure) of the Cheshire East Local Plan Strategy, GEN1 (Design Principles) and REC1 (Open Space Protection) of the Site Allocations and Development Policies Document, LSP1 (Sustainable Construction) and TC4 (Retail Development) of the Wilmslow Neighbourhood Plan and Paragraph 99 of the National Planning Policy Framework.**

## REASON FOR REFERRAL

Application 22/4758M was referred to the Northern Planning Committee at the request of Cllr David Jefferay (Wilmslow East Ward) for the following reasons:-

*Whilst it was the case officer's view that the application contravened open space policy and it was therefore only appropriate for the structure to be temporary to support the business during the pandemic, as open space the grass actually provided minimal amenity value to Wilmslow's residents and its development has attracted widespread support amongst residents. It has been used far more since the structure was built than it ever was before and therefore it is my belief that the economic benefits of the business should outweigh the benefits provided as open space.*

*Further, the justification for the condition relied heavily on saved MBC local plan policies which, with the adoption of the SADPD, have now been superseded.*

*Noting that approval would potentially require a deviation from policy (and it is my opinion that this deviation is justified) the application should be considered by the Northern Planning Committee*

## DESCRIPTION OF SITE AND CONTEXT

The application site is located on the edge of the town centre boundary, within an area that comprises a mix of uses including shops, cafes, public houses and residential properties.

## DETAILS OF PROPOSAL

The application seeks to vary condition 1 and remove condition 3 on approval 21/3436M - Retrospective planning permission for external drinking and dining area in connection with restaurant, with proposed decking and canopy.

The application seeks to vary the approved plans, by removing the bar proposed in the existing parking area, providing a main entrance to the proposed external area with sliding doors, and the introduction of planter beds around the decked area

The application also seeks to remove condition 3, which granted temporary permission of the external dining area. The application seeks permanent consent for its retention.

Approved application 21/5769M is a like-for-like approval of the application seeking to be varied.

## RELEVANT HISTORY

**21/5769M** - Approved with conditions / 12-Aug-2022  
Proposed decking and canopy

**71559P** – Advertisement Consent - Approved / 16-Sep-1992  
Illuminated projecting sign

**71050P** – Full Planning - Approved / 01-Jul-1992  
Use of premises for a2 purposes professional and financial services

**72424P** – Full Planning - Approved / 18-Nov-1992  
Change of use from retail to hot food take-away/ restaurant

**68867P** – Full Planning - Approved / 28-Nov-1991  
New shop front

**33483P** – County Matter Development -Approved / 06-Oct-1983  
For an eight-space car park to be used by shopkeepers (and their customers) in Wareham Street and that part of station road Wilmslow

**POLICIES:**

**Cheshire East Local Plan Strategy (CELPS):**

EG5 – Promoting a Town Centre First Approach  
MP 1 - Presumption in Favour of Sustainable Development  
PG1 – Overall Development Strategy  
PG2 – Settlement Boundaries  
SD 1 – Sustainable development in Cheshire East  
SD 2 - Sustainable Development Principles  
SE1 - Design  
SE2- Efficient Use of Land  
SE5 – Trees, Hedgerows and Woodlands  
SE6 – Green Infrastructure  
Appendix C Parking Standards

**Site Allocations and Development Policies Document (SADPD) (Adopted December 2022)**

PG9 – Settlement Boundaries  
ENV6 – Trees, Hedgerow and Woodland Implementation  
GEN1 – Design Principles  
HOU12 – Amenity  
HOU13 – Residential Standards  
RET1 – Retail Hierarchy  
RET5 – Restaurants, cafes, pubs and hot food takeaways  
RET7 – Supporting the vitality of town and retail centres  
INF3 – Highway Safety and Access  
REC1 – Open Space Protection

**Wilmslow Neighbourhood Plan (adopted 2019)**

Policy CR4 – Public Open Space  
Policy LSP1 – Sustainable Construction  
Policy TC4 – Retail Development

**Other Material planning policy considerations**

National Planning Policy Framework (The Framework)  
National Planning Practice Guidance  
Cheshire East Design Guide

**CONSULTATIONS (External to Planning)**

**Wilmslow Town Council** – No objection

**Conservation and Archaeology (CEC)** – No comment received

## **REPRESENTATIONS**

In response to the original consultation exercise, representations were received from 1 residence. This consultation response supported the proposal for the following reasons:

*The terrace gives great character to the area and is perfect business and casual meeting spot. It also creates employment and business opportunities.*

## **OFFICER APPRAISAL**

### **Relevant Considerations**

When considering variation or removal of condition applications (known as Section 73 applications), it must be recognised that, by definition, the development will have already been found to be acceptable in principle. With regards to this application, the development was considered to be acceptable on a temporary basis.

### **Condition 1 – Approved Plans**

Condition 1 outlines the plans in which the previous approval was based upon. As currently worded, it states:

*The development hereby approved shall be carried out in total accordance with the approved plans:*

*Drawing No. 0167-P30 (Proposed Plan and Section)  
Drawing No.0167-P35 (Proposed Elevations)  
Pergola Information*

*received by the Local Planning Authority on 10th December 2021 and:*

*Drawing No. 0167-P05 (Proposed Site Plan)  
Site Location Plan*

*received by the Local Planning Authority on 24th June 2021 except where varied by other conditions of this permission.*

*Reason: For the avoidance of doubt and to specify the plans to which the permission/consent relates.*

The applicants seek to amend the approved plans, by removing the proposed pergola in the existing parking area and by adding planter beds to the boundaries of the decked area.

Policy SD2 of the CELPS states that all development will be expected to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:

- Height, scale, form and grouping

- Choice of materials
- External design features
- Massing of the development (the balance between built form and green/public spaces)
- Green infrastructure; and
- Relationship to neighbouring properties, street scene and the wider neighbourhood

Policy GEN1 of the SADPD sets out that development proposals should create high quality, beautiful and sustainable buildings and places and should reflect local character. Policy TC4 of the Wilmslow Neighbourhood Plan states proposals are supported, including new build and alterations, which seek to enhance the quality of Wilmslow's shopping experience and generate attractive active frontages.

Policy LSP1 of the Wilmslow Neighbourhood Plan relates to sustainable construction. Applicants should seek to incorporate the following features as part of their applications:

- The use of sustainably sourced and energy efficient materials as part of the building's construction, which seek to reduce the overall carbon footprint of the building
- The use of innovative design techniques which reduce the demand for energy including, the incorporation of passive solar gain, passive cooling and ventilation and neutral design
- The use of on-site energy generation technologies to reduce the demand for energy
- Where appropriate, the inclusion of electric vehicle charging points

The positioning of the proposed external dining area would be visible from Manchester Road and would be positioned between existing built form and viewed against the backdrop of buildings on Wareham Street. The removal of the bar within the existing parking area and the introduction of planter beds around the decking are welcomed changes to the proposal. The planter beds would soften the appearance of the external dining area from the surrounding street scene, while the removal of the bar would retain the existing parking provision and reduce the number of structures.

The development would however be a prominent addition to the surrounding area due to its close proximity to Manchester Road. Further to this, the structure is made up of retractable flexible translucent plastic screening between pergola posts. This material is not considered to be suitable for a permanent structure. It would not weather well, and would deteriorate rapidly, which will be to the detriment of the character and appearance of the area. The structure does not positively contribute to the character and identity of the area and is therefore contrary to policy SD 2 of the CELPS. It is also not clear how the proposal complies with policy LSP1 of the Wilmslow Neighbourhood Plan.

The proposed development would result in a detrimental impact upon the character of the surrounding area contrary with policies SD2 of the Cheshire East Local Plan, Policy GEN1 of the SADPD, Policy TC4 and LSP1 of the Wilmslow Neighbourhood Plan and the NPPF.

### **Condition 3 – Temporary Basis**

The applicant seeks to remove Condition 3. Condition 3 restricts the use of the external dining area for 18 months, expiring in October 2023. As currently worded, it states:

*The building/structure and use hereby permitted is acceptable for a temporary period only. The use shall cease and all structures shall be removed from the site, and the site returned to its former condition on or before 22th October 2023 unless in the meantime a further application has been*

*submitted to and approved by the Local Planning Authority. The land shall be restored in accordance with a scheme of work submitted to and approved by the Local Planning Authority.*

*Reason: To enable continued control and appraisal of the development proposed having regard to the particular circumstances and nature of the development, and to comply with policies SE1 and SE6 of the Local Plan, RT1 and RT2 of the Macclesfield Local Plan and the NPPF.*

It is noted that saved policies in the Macclesfield Local Plan are superseded and therefore cannot be used within the determination of planning applications. Therefore, the below outlines the development in relation to relevant policies, including the newly adopted Site Allocations and Development Policies Document.

The amenity open space is identified as an area of protected open space on the adopted policies map. The amenity open space is included within the current CEC Open Space Assessment and listed as Amenity Greenspace and is protected under CELPS policy SE6.

The area is a piece of amenity open space in the centre of Wilmslow Town Centre. Situated on a busy highway junction, it forms part of a larger area of Green Infrastructure in this area and helps soften the urban/built environment as well as contributes to the public realm for the benefit of the wider community and urban air quality. The amenity open space and its trees also help improve microclimate, biodiversity and reduce peak flow rainfall. With the ever-growing awareness around the green agenda, the importance of these areas is increasingly recognised as being critical for the contribution they make on a number of levels.

The application for decking to cover the majority of the site and install canopies over a large percentage of the area, removes the area from the public realm and prevents the open access previously enjoyed by the local community. The bench situated at the rear of the amenity open space is now isolated and enclosed. The decking and canopies urbanise the space, transform it into part of the built environment and remove the softening and openness once provided by the amenity green space.

Policy REC1 of the SADPD states development proposals that involve the loss of open space will not be permitted unless:

- i. an assessment has been undertaken that has clearly shown the open space is surplus to requirements; or
- ii. it would be replaced by equivalent or better open space in terms of quantity and quality and it is in a suitable location; or
- iii. the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss.

The criteria set out under Policy REC1 of the SADPD mirrors Paragraph 99 of the NPPF with regards to when existing open space should not be built upon.

Taking each point in turn, while the Open Space Strategy makes no mention to a lack of amenity space in the Town Centre, approving such developments as per this application could result in continuous, harmful changes to the amenity open spaces within the Town Centre, therefore creating a lack of amenity space. While it is not stated that there is a surplus, the proposed development would only decrease the green infrastructure within the town centre. While it is noted

the loss of green space would be relatively small, it would still be contrary to adopted planning policies. The approval of the development could result in more harmful impacts to the town centre's open amenity space over time and become more damaging as incremental changes are added.

The development would not result in a replacement of better provision and would not result in alternative sports or recreation provision. The development is therefore not considered to comply with the exceptions to development on existing open spaces and would be contrary to Paragraph 99 of the NPPF and Policy REC1 of the SADPD.

The application therefore leads to the loss of amenity open space, contrary to Policy SE6 of the Local Plan, Policy REC1 of the SADPD and Paragraph 99 of the NPPF.

It is understood that the applicants required the proposed development so that they could and can continue to keep their business operating throughout the COVID 19 pandemic. Under the previously approved application, the agent stated the applicant would accept a condition regarding a 3- year temporary permission.

While the proposed development is considered contrary to policies of the adopted local plan and the justification for permanent permission is very limited, it is considered that a temporary permission could be justified to aid the security of the financial future of the restaurant after difficulties experienced during the pandemic, helping the business to adapt after lockdowns. The work would enable additional trade on a temporary basis following the lifting of restrictions.

Therefore, it was outlined under the previously approved application as to why a temporary permission would be appropriate, and no significant changes to the scheme have been made that would result in the Local Planning Authority approving otherwise. A temporary permission, by virtue of the development's materials and design and its positioning on protected amenity land, would give the applicant a period of time to consider their options for the business moving forward. It is therefore not felt that permission should be granted on a permanent basis.

### **Other Material Considerations**

There are no concerns with regards to residential amenity from the proposal by virtue of separation distance to surrounding properties. The proposed development has been amended from the previously approved application and no longer results in the loss of parking spaces. The site is situated within the town centre and thus a sustainable location. There are no highway implications associated with the proposal as parking provision would not be altered nor would access to the public highway.

The trees are not protected by a Tree Preservation Order or lie within a designated Conservation Area, however the group present a relatively attractive and decorative feature; visible from Manchester Road on the approach to the controlled junction. The Arboricultural Officer is satisfied that the structure is unlikely to cause any long- term damage to the trees.

### **BALANCE OF ISSUES AND CONCLUSION**

In summary, the changes to the proposal are not significant to allow the development to be considered acceptable on a permanent basis. The use of plastic screening between pergola posts would not be appropriate for a permanent structure and the development continues to result in the loss of protected open space. The proposed development is contrary to Policies SD2 and SE6 of

the Local Plan, Policy REC1 and GEN1 of the SADPD, Policy LSP1 and TC4 of the Wilmslow Neighbourhood Plan and Paragraph 99 of the NPPF.

## **RECOMMENDATIONS**

**Refuse for the following reason:**

- 1. The Local Planning Authority consider that the proposed materials would not be appropriate for a permanent structure and the development would be contrary to policies regarding the protection of open green spaces. The proposal development would be contrary to Policies SD2 (Sustainable Development Principles) and SE6 (Green Infrastructure) of the Cheshire East Local Plan Strategy, GEN1 (Design Principles) and REC1 (Open Space Protection) of the Site Allocations and Development Policies Document, LSP1 (Sustainable Construction) and TC4 (Retail Development) of the Wilmslow Neighbourhood Plan and Paragraph 99 of the National Planning Policy Framework.**

*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add Conditions and/or Informatives or reasons for approval 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.*

Application for Variation of Condition

RECOMMENDATION: Refuse for the following reasons



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