

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**

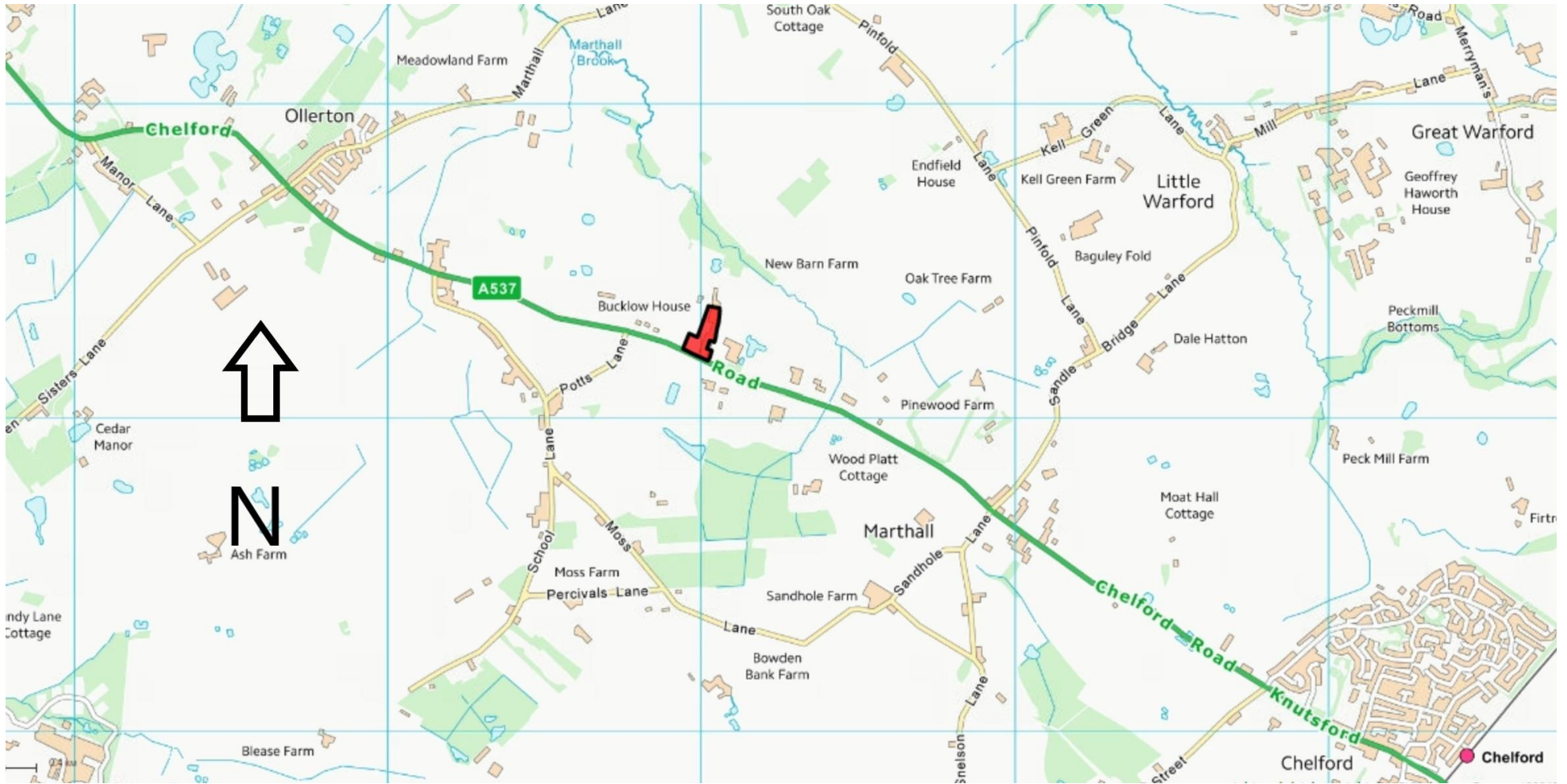
The application is recommended for approval subject to the completion of a s106 agreement to secure 3 of the units for intermediate tenure and public open space as outlined above and the conditions listed below:

- 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*



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