

Application No: 13/3684M

Location: CROFT PARK, NEWTON HALL LANE, MOBBERLEY, KNUTSFORD, KNUTSFORD, CHESHIRE, WA16 7LN

Proposal: Demolition of existing buildings and change of use of land for the siting of up to 7 park homes including access improvements

Applicant: W. Flannigan, Flannigan Enterprises Limited

Expiry Date: 29-Oct-2013

### **SUMMARY RECOMMENDATION**

Approve, subject to conditions.

### **MAIN ISSUES**

- The principle of the development;
- Impact on openness to this part of the Green Belt;
- Impact of the design and character and appearance of the street scene;
- Highways safety, access, servicing and pedestrian safety;
- Land Contamination issues; and
- Ecological implications.

### **REASON FOR REPORT**

The application has been referred to Northern Planning Committee at the request of Councillor Jamie Macrae (Mobberley ward) as he believes that the proposed development could result in significant harm to current policies as adopted in Macclesfield Local Plan. The proposed development lies within the green belt, and could result in over development of the site, its remote location for further residential development may be unsustainable.

Subject to the recommended conditions, the proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

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

The site located to the north east of the villages of Mobberley and Knolls Green. The application site adjoins an existing park homes site and it currently comprises a number of vacant buildings that were formerly used as a garage for car servicing and repairs (Use Class B2).

Adjacent to the garages is an existing dwelling, known as The Croft, which sits to the south. Both the vacant garages and The Croft dwelling provide the site frontage to Newton Hall Lane, with Croft Park sited to the rear. To the north of the site lies a large agricultural building,

which is constructed with steel frame and clad in metal. Beyond this building is an agricultural field and a complex of farm buildings with a farm house. To the south of The Croft dwelling is an additional dwelling with large landscaped gardens. Further to the south is another grouping of dwellings.

## **DETAILS OF PROPOSAL**

This planning application seeks consent for the demolition of the existing buildings, and the change of use of land for the siting of 7 park homes for permanent residential occupation, with associated access.

The scheme has been amended to reduce the number of park homes from nine to seven. The design of the scheme has also been amended to move the plots back into the site from the main road.

## **RELEVANT HISTORY**

Following a review of the Council's records the following planning history on the site is considered relevant:-

- Planning permission was refused in August 2005 for the demolition of existing buildings, removal of existing residential caravans and the erection of 11 three storey dwelling houses in 3 blocks and 10 apartments in three storey apartment blocks with attached garage block with 1 flat over and new access driveway, associated car parking and garage blocks, under reference 04/0009P;
- A Certificate of lawful use for land used as a residential caravan site, was granted in August 2005, under reference 05/0704P; and
- Planning permission was also refused in August 2005 for the erection of 3 detached dwelling houses following demolition of all existing buildings on site, under reference 09/0026P.

There is no other relevant planning history on this site.

## **POLICIES**

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.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

### **Local Plan Policy:**

The application site lies within the Green Belt as defined by the Macclesfield Borough Local Plan (MLP), therefore the relevant Local Plan policies are considered to be: -

- Policy GC1: New Buildings in the Green Belt;
- Policy NE11: Nature Conservation;
- Policy BE1: Design Guidance;
- Policy DC6: Circulation and access;
- Policy T3: Pedestrians;
- Policy T4: Access for People with Restricted Mobility; and
- Policy T5: Provision for Cyclists.

### **Other Material Considerations**

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight. The relevant Sections include:-

### **Cheshire East Local Plan Strategy – Submission Version**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28 February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Policy CS3 outlines the intended Green Belt policy for the area. Policy CS3 repeats the purposes of including land within the Green Belt listed in the Framework and sets out that permission will not be granted for inappropriate development in accordance with national policy. It should be noted here that paragraph 5.95 of the Framework states that “to achieve sustainable development, over a period of several decades the council recognises that some

development may be necessary within the Green Belt in both the north and south of the Borough, however a review of Green Belt also allows the potential of new Green Belt to be explored”.

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

Highways: No objections.

Environmental Health: No objections subject to condition.

### **VIEWS OF THE PARISH / TOWN COUNCIL**

Mobberley Parish Council: Object to this application as they feel it will have a detrimental visual impact on the street scene. Although existing buildings will be demolished to compensate for this development, Mobberley Parish Council are of the opinion that the proposed development of this brownfield site, within the greenbelt, will have a materially greater impact on the openness of the Green Belt than the existing buildings.

As well as representing over-development in the green belt, Mobberley Parish Council have grave concerns about the siting of the second access to the park. Newton Hall Lane is a main road and the new access point is just off a bend which we feel will cause highway safety issues.

### **REPRESENTATIONS**

The application has been duly advertised on site by the means of a site notice and neighbouring properties have been written to directly. 18 letters of objections have been received and their comments can be summarised as follows: -

- A further 9 more houses will be more visual intrusive on the green belt;
- Aware it is a Brownfield site;
- Potential for 18 more cars;
- With 22 houses on Croft Park that equals 40+ cars;
- The existing infrastructure will not cope with 9 more homes;
- Only three visitor parking spaces and more homes will make this situation worse;
- Newton Hall Lane is now much busier than when the garage was operational;
- Coming out of the estate onto Newton Hall Lane is already a perilous by product of existing access;
- Three wheelie bins each, therefore there is not enough space;
- Visual impact of look at all those bins;
- Existing issues with delivery vehicles and refuse collection and more homes will make this situation worse;
- Croft Park has electric gates and it is an enclosed secluded area. This application will change that;
- There are a number of disabled residents on the current Croft Park site. Additional cars from the proposed new development will hinder their access;
- Also the access of any emergency vehicles required will be affected;
- The site is not sustainable; the nearest bus stop is a mile away on an unlit footpath
- Last bus is at 6:30 and none on Sundays;
- Scheme will have an adverse impact on wildlife;

- There is a poplar and oak tree(s) on the boundary of the site, which should not be touched;
- It is a contaminated site;
- Development 3 metres for the front will adversely affect the character of the area;
- The proposed dwellings are not of a design to complement those on Croft Park, they are too small and too many;
- The drains flood frequently onto Newton Hall Road;
- Additional housing will prove to be too much for the existing drainage and sewerage systems;
- Homes near the road will have light restricted by the tall trees;
- When purchasing our park home, we were assured this would be a 5 star park with exclusivity in that you had to be 55 years of age or older and no children. Will this project be of the same nature? and
- 9 is too many homes, maybe 5 or 6 homes would be more acceptable.

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted a *Planning Statement, Ecology Report and a soil sampling field report*, details of which can be read on file.

## **OFFICER APPRAISAL**

Having considered this application, it is the considered view that the main issues in this case are:

### **The principle of the development (Green Belt):**

Policy GC1 of the Macclesfield Local Plan states that within the Green Belt approval will not be given, except in very special circumstances, for the construction of new buildings unless it is for a range of purposes including agriculture and forestry; essential facilities for outdoor sport and recreation; limited extension or alteration of existing dwellings; limited infilling within identified settlements; limited affordable housing for community needs; and development within major developed sites.

However, since the publication of the Local Plan, the Framework has been published which supersedes existing policies within the Local Plan. The Framework provides additional circumstances where development is considered to be appropriate over and above those previously provided under policy GC1.

The Framework now states that the limited infilling or partial and complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purposes of including development within it that the existing development would not be inappropriate development.

Paragraph 89 does not stipulate uses of land that are appropriate or inappropriate on previously developed land. As such, it is considered that the redevelopment of the former garages at The Croft for a residential caravan (park home) site would be acceptable development in principle, so long as the proposed development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it.

### **Impact on openness to this part of the Green Belt:**

In terms of the existing development, the site comprises a number of buildings that were previously used in connection with car servicing and repairs. In addition a number of areas of hard standing surround the existing buildings.

The footprint of the existing buildings measures a total of 533 square metres. In terms of the height of the existing buildings, each building on site varies in height. The smallest building has a total height of 2 metres; however the remaining buildings have a total height of between 4.3 metres and 5.2 metres.

With regard to the proposed park homes that would be sited on the land as part of the proposed redevelopment of the site. Revised plans have been received showing a reduction from nine to seven park homes would be provided.

#### Foot print:

Each plot could vary in terms of the size of footprint, as shown on the proposed site layout plan. In total, the siting of plots as shown on the submitted site layout plan would generate building footprints totalling 569 square metres. Compared to the total footprint of the existing buildings, there would be an increase of 36 square metres (*e.g. size of a double garage*) of buildings on site. This represents a minor 6.75% increase in building footprint.

#### Height:

With regard to the height of the proposed mobile homes, they are constructed off site and brought to site on a large goods vehicle. The park homes are then placed on jacks and a brick skirt is placed around the park homes between the ground and finished floor level. As such, the overall height of a typical park home from ground level to ridge would be approximately 3.9 metres. As such, the overall height of the proposed mobile homes would be lower than the majority of the existing large buildings on site.

#### Volume:

In terms of volume, the existing buildings have a total volume of approximately 1,821 cubic metres. The combined volume of the proposed park homes (including the volume that would be generated as a result of the proposed park homes being raised above the ground) would be approximately 2,218 cubic metres, an increase of approximately 397 cubic metres. This equates to a 21% increase.

#### Disproportionate additions:

Consideration should also be given to bullet points 3 and 4 of paragraph 89 of the Framework. This allows the extension, alteration or replacement of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Overall, the scheme is not considered to be a disproportionate over and above the size of the original building.

Within the Macclesfield Borough, when considering extensions to existing residential institutions, or extensions to dwellings, the council's policies with respect to these have usually allowed a percentage increase of 30% of the floorspace of the original building.

#### Summary:

Taking all of the different factors into account it is considered that the proposed buildings would have a comparable impact on the openness of the green belt when measured against the existing buildings on the site. The buildings would not have a greater impact on the openness of the green belt. It is considered that the proposed development does not threaten any of the purposes of including land within the Green Belt, particularly as it does not encroach beyond the existing site.

It is considered that the proposed development would not have a materially greater impact on the openness of the Green Belt than the development it would replace and that the proposal would comprise appropriate development in accordance with bullet point 6 of paragraph 89.

#### **Impact of the design and character and appearance of the street scene:**

The application site is located within the Green Belt, there is no landscape designation covering the application site, but the area is identified in the Cheshire Landscape Character Assessment, 2009 as being in Landscape Type 10, specifically LFW6 Ashley Character area, and is an area that is characterised by a combination of typical rural elements, such as high hedges, narrow country lanes and tree lined streams, and very intrusive man-made features; but despite the impact this has had this character area can still in part be described as rural.

The application site currently has a number of vacant dilapidated buildings set back approximately 15 metres from Newton Hall Lane. The application indicates that each home would have a separation distance of 2 metres from adjacent access roads and 3 metres from adjoining boundaries. The same layout plan indicates that the boundary feature along the Newton Hall Lane boundary will be a 0.6m high boundary wall.

A revised layout has been received reducing the number of homes from nine to seven. A revised layout has also been received increasing the distance of the front plots to Newton Hall Lane. A landscape condition is suggested to ensure that landscape proposals (of significance) can be implemented along the Newton Hall Lane boundary especially. Therefore, it is considered that proposed development would have a limited visual impact on the street scene.

#### **Highways safety, access, servicing and pedestrian safety:**

The main issues with regard this application proposal are the safety of the vehicle access proposal, the safety of the pedestrian access proposal, car parking provision and servicing.

It is considered that there are not any capacity issues with the low level of additional traffic. The existing access to the existing park homes is sub-standard in terms of layout and visibility. The seven additional park homes are proposed on a former petrol filling station that had an independent access. The proposal is to open up a relocated access for this

development but actually only for egress, with access from the existing access point. The access will not have ideal visibility but the garage would not have had ideal visibility and would have generated more in/out movements. Traffic movements at the vehicle egress will be low and will be suitable for shared use with pedestrians. It is considered that the car parking provision is sufficient and the site can be adequately serviced.

Overall, although visibility is not ideal, the land is previously developed land with access and the Strategic Housing Manager has no objections to this development proposal.

### **Land Contamination issues:**

The application area has a history of use as a petrol filling station and car repair/service garage and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

Phase 1 desk study of the site was submitted with the application. The desk study identified potential sources of contamination were presented and included; fuel source surface spillages, fuel source tanks & pipes, potential in-filled ground and oil source from above ground storage tanks. Therefore further investigation and sampling was requested.

From the further investigations carried out, the Council Environmental Health Department has considered that there does not appear to be significant contamination present. This is because any spillages/leaks that may have occurred haven't caused widespread contamination and the underlying clay will, generally, inhibit migration. That being said, the Council will require a full investigation as part of the development. Conditions have been suggested to cover this.

### **Ecological implications:**

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that whilst a European Protected Species has been recorded on site they are unlikely to be adversely affected by the proposed development. Therefore the planning authority do not have to consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) maintenance of the favourable conservation status of the species and (iii) that the development is of overriding public interest.

A phase 1 ecology survey has been carried out and a report of their findings accompanies this application. No evidence of bats or potential for bats was identified following exhaustive surveys of the buildings on site. A revised ecology survey was also undertaken to assess the potential impacts of the development upon great crested newts. This was important as there are a number of ponds in the vicinity of the proposed development including one only a few



yards from the application boundary. Following as assessment of that revised report, it was considered that great crested newts are unlikely to be present or affected by the proposed development. A further barn owl survey was not required as any evidence present would have been picked up during the bat survey. The ecologist who undertook the bat survey has also confirmed the absence of barn owl field signs.

**Residential amenity:**

In terms of overlooking and privacy, the proposed park homes would have be sited and laid out in accordance with the regulations set out in the Caravan Sites and Control of Development Act as amended. This legislation applies to all caravan sites/park home sites in the country. Therefore as the separation distances set out in this legislation take precedent and the development proposed is considered to be acceptable in this regard.

**Sustainability:**

The site is located in a rural area and it cannot be considered a sustainable site in terms of its location. That being said, in terms of the *social role* and *economic role* to sustainable development, the application proposal would provide small, manageable bungalows that would be suitable and adaptable for the needs of an ageing population to enable them to continue to live independently. With regard to the *environmental role* of sustainability, the proposal would involve the redevelopment of previously developed land, rather than Greenfield land.

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

In summary and to conclude, the issues raised in the representations have been addressed and all the issues raised have been borne in mind. In respect of the guidance in the NPPF the proposed redevelopment of a brownfield site is an appropriate from of development within the Green Belt, hence, the proposed development is acceptable in principle. The proposed development is considered not to have a greater impact on the openness of the Green Belt than the existing and not to threaten the purposes of including land within the Green Belt.

\* \* \* \* \*

In the event of any changes being needed to the wording of the Committee’s decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Interim Planning and Place Shaping Manager 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.

Should this application be the subject of an appeal, authority be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

## Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A01LS - Landscaping - submission of details
4. A04LS - Landscaping (implementation)
5. A12LS - Landscaping to include details of boundary treatment
6. A17MC - Decontamination of land
7. A04NC - Details of drainage
8. A12MC - No lighting without permission
9. Maximum size parameters of park homes
10. Development in accordance with ecology statements
11. Bin details
12. Tree protection

(c) Crown copyright and database rights 2014. Ordnance Survey 100049045, 100049046.

