

Application No: 16/5473C

Location: LAWTON MERE NURSERIES, CHERRY LANE, CHURCH LAWTON,
ST7 3QX

Proposal: Demolition of existing glasshouses and construction of new residential
development for up to three dwellings

Applicant: Gary and Lorraine Barratt

Expiry Date: 02-Mar-2017

SUMMARY

The principle of the development is considered to be acceptable in Green Belt terms as it would involve the re-development of a previously developed site with no greater impact on openness or conflict with the purpose of including land in the Green belt which accords with paragraph 89 of the NPPF.

The proposal would have a neutral impact in terms of trees, ecology, design, flood risk and amenity.

The proposal would bring positive planning benefits such as; the provision of market housing in a sustainable location.

Balanced against these benefits must be the dis-benefits which in this case relate to a minor impact upon the landscape.

As this impact is not considered to be significant and can be mitigated against with the use of planning conditions, it is considered that on balance the application proposal represents sustainable development.

The application is therefore recommended for approval, subject to conditions.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR DEFERRAL

The application has been called in to Southern Planning Committee by Cllr Rhoda Bailey on the following grounds:

"I have been approached by residents who consider that this application should be dealt with by the planning committee because of the serious implications of this proposal, as they consider it to

be inappropriate development within the Green Belt, its proximity to listed buildings, and the effect of increased traffic on Cherry Lane”.

PROPOSAL

The application proposes the demolition of existing glasshouse buildings and the construction of 3 new dwellings.

The application is in outline form with access, siting and scale included with matters of landscaping and appearance reserved.

SITE DESCRIPTION

The application relates to an existing employment site. It is situated on the northern side of Cherry Lane, which is within the South Cheshire Green Belt. To the south east of the site is the Grade II Listed Lawton Mere Cottage.

RELEVANT HISTORY

09/0028/FUL – Proposed new building to provide office accommodation and garage / stores at ground level and garden stores at first floor level above offices – Approved 14th May 2009

15/1583C Change of use of existing glasshouse to storage and distribution – Approved June 2015.

15/5280C – Demolition of an existing glasshouse building and the construction of six new dwellings – Refused 5th February 2016 for the following reasons;

- The applicant contested that they has implemented the approved storage and distribution use however the Council did not agree with this therefore the proposal was considered inappropriate development in the Green Belt

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 14, 79-92 and 47.

Development Plan:

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review 2005, which allocates the site as being within the within Green Belt.

The relevant Saved Policies are;

PS7 Green Belt
GR1 General Requirements
GR2 Design

GR6 Amenity
GR9 Access and Parking
H6 Residential development in the countryside
E.6 Employment Development in Green Belt
BH4 Listed Buildings
GR4 Landscaping
GR21 Flood Prevention
NR1 Trees and Woodlands
NR2 Wildlife and Nature Conservation – Statutory Sites
H1 Provision of New Housing Development

Cheshire East Local Plan Strategy – Submission Version (CELP)

MP1 - Presumption in favour of sustainable development
PG1 - Overall Development Strategy
PG3 – Green Belt
PG6 - Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN1 – Infrastructure
SC4 - Residential Mix
SE1 – Design
SE2 - Efficient use of land
SE3 - Biodiversity and geodiversity
SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland
SE6 - Green Infrastructure
SE9 - Energy Efficient Development
SE12 - Pollution, Land contamination and land instability
SE13 - Flood risk and water management
CO1 - Sustainable Travel and Transport

CONSULTATIONS:

Cheshire Brine Subsidence Board: Request a condition relating to brine subsidence on the site.

Environmental Protection: Request conditions/informatives relating to piling, dust, noise and land contamination.

Highways: No objection

Church Lawton Parish Council: Object on the grounds of development on Green Belt, not considered brownfield land, access and highway safety, absence of fall back position and sustainability (full comments available on the website).

REPRESENTATIONS:

At the time of report writing, 3 representations and a petition with 28 signatures have been received. These can be viewed in full on the Council's website. They express the following concerns:

- Inappropriate in the Green belt
- Not brownfield land
- Highways safety
- Ecology
- Impact on existing cattery
- Houses should be moved from site boundary
- Village is at capacity
- Loss of privacy
- Contamination
- Impact on Listed Building
- Properties should be bungalow not 2 storey

APPRAISAL

Principle of Development/Green Belt

The site is designated as being within the South Cheshire Green Belt where Policy PS7 states that development will not be permitted unless it is for the following:

- Agriculture and forestry;
- Essential facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of land included within it;
- New dwellings in accordance with Policy H6 and extensions and alterations to existing dwellings in accordance with Policy H16;
- Controlled infilling within those settlements identified in Policy PS7 in accordance with Policy H6;
- Limited affordable housing for local needs which comply with Policy H14;
- Development for employment purposes in accordance with Policy E6;
- The re-use of existing rural buildings in accordance with Policies BH15 and BH16.

The NPPF in paragraph 89 allows for *“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*

The NPPF defines previously developed land as *“land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”*

The supporting information submitted with the application considers that the approval for *“change of use of existing glasshouse to storage and distribution associated with the existing plant hire business.”* (15/1583C), means that the land is now classified as ‘previously developed’ as defined in the NPPF. The statement also advises the applicant has been using a large proportion of the

site for storage and distribution since approval in June 2015 and have been using the entirety of the site as such since February 2016. Receipts/invoices have also been provided for the items stored.

During the officer site visit a number of items were noted as being stored inside the main glasshouse suggesting that the site is no longer in use for horticultural purposes and that the storage and distribution use has been implemented. Therefore the site is now considered to constitute previously developed land as per the NPPF

As a result the proposal is considered redevelopment of a previously developed site which can an appropriate form of new development in the Green Belt provided that it does not have a greater impact on the openness of the Green Belt or conflict with the purposes of including land in the Green Belt.

Greater impact on openness

The proposal would involve removing all existing structures on site (except the office building to the north-eastern boundary), including the main large glass house and replacing this with 3 dwellings. The supporting statement advises that the proposal would see a reduction in footprint on the site by 1379m² and a reduction in volume by 4353m³ (see break down below). The height of the existing glass house has not been provided however having viewed the building on site it would appear between 3/4m high with the proposed plans stipulating that the bungalows would be no more than 4.4m high.

BUILDING	AREA / INDICATIVE AREA (m ²)	VOLUME / INDICATIVE VOLUME (m ³)
Total Existing Glasshouses	1843	5818
Proposed Dwelling 1	184	581
Proposed Dwelling 2	140	442
Proposed Dwelling 3	140	442
Total Proposed	464	1465
Difference	-1379	-4353

As a result it is clear that the proposal would result in a significant reduction in the footprint and volume that current exists on site which would in fact result in an increase in the openness of the Green Belt.

The proposal would involve the re-development of a brownfield site with an overall reduction in built form, would be viewed in context of existing residential development to the east and the visual impact would be limited given the maximum height at single storey level (4.4m). As a result the proposal is not considered to result in unrestricted sprawl and would safeguard the countryside from encroachment. It is far enough away from neighbouring towns to prevent merging and would

not affect any special character of historic towns. Finally it would assist in the recycling of other urban land.

Fall back position

The applicant had highlighted in the supporting statement that the site could be further developed by the erection of additional buildings thus intensifying the commercial use of the site.

The fall back position is a material planning consideration which must be attributed some weight in the decision making process although it is for the decision maker to decide how much weight to attach to it.

Principle summary

As a result the proposal is considered redevelopment of a previously developed site which is an appropriate form of new development in the Green Belt and does not have a greater impact on the openness of the Green Belt or conflict with the purposes of including land in the Green Belt.

Housing Land Supply

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *“no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”*. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing

supply problems. The Council **still cannot demonstrate a 5 year supply of housing at this time** but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the *Richborough* case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

The application has not been accompanied with a Sustainability Statement that sets out the distances of the site to local services and facilities. However one was provided for the change of use application which is considered relevant as it relates to the same site. This is as follows:

Services & Facilities	Description	Distance from Application Site (Km)
Public Transport	Bus Stop	0.50
	Public Right of Way	0.20
	Railway Station	1.60
Services & Amenities	Convenience Store	0.45
	Supermarket	1.30
	Post Box	0.45
	Post Office	0.45
	Primary School	0.75
	Secondary School	1.70
	Medical Centre	1.50
	Local Meeting Place – Village Hall	0.60
	Public House	0.50

	Child Care Facility – Pre-School	0.75
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Sustainability has three roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

ENVIRONMENTAL ROLE

Landscape

There is an established hedgerow fronting Cherry Lane to the south, a line of Leylandii trees forming a hedge to the north, and existing development to the east. The western boundary is separated from agricultural land to the west by a post and rail fence.

Whilst a proposed site plan has been provided, the full landscape impacts would only become apparent at reserved matters stage. No landscape character or visual impact assessment has been provided.

As existing, the site and the glass houses are not prominent in the landscape. There are limited views into the site from Cherry Lane and the site is relatively well contained by the hedges to the north and south. Partial views of the site can be obtained from a public footpath to the east although there is some intervening vegetation and development. The northern line of Leylandii has limited lower cover allowing views out to the agricultural land beyond between the trunks. The open western boundary would leave any development exposed unless landscape treatment was provided. Whilst the design and access statements states that all existing trees and hedges on the site boundaries are to be retained, any impacts on the roadside hedge to achieve visibility splays could result in increased visibility in to the site from Cherry Lane. Development of any greater height/scale than existing could become intrusive in the landscape

It is considered that, should planning permission be granted, a reserved matters submission would need to be supported by comprehensive landscape and boundary treatment schemes.

Trees and Hedgerows

The site is well screened by existing trees and hedgerows and whilst the proposal is submitted in outline form an indicative layout has been submitted with the application. This shows a development of 3 bungalows within the site. The indicative layout shows that the boundary hedges and trees would be retained, meaning that the extensive, existing screening of the site would be maintained.

It is considered that, should planning permission be granted, a condition should be imposed relating to tree/hedgerow retention and protection.

Highways

The application has been assessed by the Council's Highways Engineer who has raised no objections to the proposal as he considers 3 residential units would not generate more than a few vehicle trips during the peak hour and when the vehicle trips of the existing use are removed the net impact would be negligible and the access would not be intensified.

The access is approximately 4.5m wide which is enough to allow for 2-way movement. The layout is indicative but shows that 2-way vehicle movement would be possible and there would be enough room for a refuse vehicle to enter and exit the site in a forward gear.

Therefore the proposal is not considered to pose any concerns from a highway safety perspective.

Ecology

The application was accompanied by a Great Crested Newt Scoping Survey. This survey has been assessed by the Council's Ecologist, who has concluded that there would be no adverse impact on Great Crested Newts from the development.

He has however suggested a condition requiring a nesting birds survey prior to demolition between 1st March and 31st August in any year.

As a result any impact to ecology can be suitably mitigated.

ECONOMIC SUSTAINABILITY

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'

With regard to the economic role of sustainable development, the proposed development would involve some employment and economic benefits during construction. However it would lead to the loss of a small employment site within the borough.

SOCIAL SUSTAINABILITY

Affordable Housing

The size of development does not require any affordable housing contribution.

Heritage

There is a Grade II Listed building adjacent to the site.

A Heritage Assessment had been submitted which has been assessed by the Councils Conservation Officer who is satisfied that the proposal given the limitation on the heights at 4.4m high, would not significantly affect the setting of the Listed Building.

Amenity

Whilst the submitted layout plan is indicative only, it does demonstrate that 3 dwellings could be accommodated within the site and they would meet the minimum separation distances and be able to provide adequate private amenity space.

In order protect the amenity of neighbouring properties, should permission be granted, a condition relating to piling operations should be imposed.

Therefore it is not considered that the proposal would cause significant harm to living conditions of the neighbouring properties.

Response to Observations

The representations of the members of the public have been given careful consideration in the assessment of this application including and the issues raised are addressed within the individual sections of the report including the impact on the green belt, amenity and privacy. The matter of disturbance to the neighbouring cattery is not something that could form a reason for refusal of the application. These issues have all been weighed in the planning balance.

Conclusion – The Planning Balance

The principle of the development is considered to be acceptable in Green Belt terms as it would involve the re-development of a previously developed site with no greater impact on openness or conflict with the purpose of including land in the Green belt which accords with paragraph 89 of the NPPF.

The proposal would have a neutral impact in terms of trees, ecology, design, flood risk and amenity.

The proposal would bring positive planning benefits such as; the provision of market housing in a sustainable location.

Balanced against these benefits must be the dis-benefits which in this case relate to a minor impact upon the landscape.

As this impact is not considered to be significant and can be mitigated against with the use of planning conditions, it is considered that on balance the application proposal represents sustainable development.

The application is therefore recommended for approval, subject to conditions.

RECOMMENDATION

APPROVE subject to conditions.

- 1) Standard outline 1**
- 2) Standard outline 2**
- 3) Standard outline 3**
- 4) Approved Plans**
- 5) Reserved matters application to include dust control measures**
- 6) Reserved matters application to include method statement for any piling**
- 7) Submission / Approval of Information regarding Contaminated Land**
- 8) Reserved matters application to include risk assessment for brine subsidence on the site**
- 9) Reserved Matters application to include details of the existing and proposed land levels. No levels should be raised on site that may result in the flooding offsite**
- 10) No development should commence on site until such time as detailed proposals foul and surface water drainage have been submitted to and agreed in writing**
- 11) Nesting bird survey measures to be submitted and approved**
- 12) The reserved matters application shall include a landscaping plan and boundary treatment plan for the site including a scheme to secure the retention and protection of the roadside hedge**
- 13) Reserved matters application to include tree protection measures**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

