

Application No: 16/3041M

Location: Styal Moss Nurseries, 38 , Moss Lane, Styal, SK9 4LG

Proposal: Redevelopment of the site to form a landscaping contractors business (to include the removal of all buildings/units on site and their replacement with one single storey building to include office/workshop and store with ancillary parking) and for the parking of airport related motor vehicles unconnected with the landscape contractors business

Applicant: Peter Davies, Peter Ashley Limited

Expiry Date: 22-Sep-2016

## **SUMMARY**

The proposed removal of all buildings / structures on the site and replacement with one single building is not considered to be an inappropriate form of development in the Green Belt.

Similarly, the consolidation of the existing uses into identified areas within a central location within the site, and the returning of all other areas to agricultural use, to be used for plant growing in association with the landscape contractor's business is also not an inappropriate form of development in the Green Belt.

The impact upon ecology, trees, the character of the area and highway safety is considered to be neutral subject to the imposition of conditions as required. Whilst the additional 29 vehicles that could be parked on the site do create the potential for there to be an increased impact upon neighbouring properties, having regard to the scale of this increase in relation to the existing development, it is not something that would justify the refusal of planning permission. This has also been the position adopted by the previous Inspectors.

The proposal is therefore considered to be a sustainable form of development and accordingly a recommendation of approval is made.

## **RECOMMENDATION**

Approve subject to conditions

## **REASON FOR REPORT**

The proposal relates to a site area of 3.7ha and as such requires a committee decision.

## **DESCRIPTION OF SITE AND CONTEXT**

The site covers an area of approx. 3.7 hectares and is accessed off Moss Lane, Styal. There are residential properties with relatively large plots to the east, west and south of the site. Beyond the northern boundary of the site is Manchester Airport's Operational Zone, an area of which is now used for parking vehicles.

At the southern boundary there are gates at the entrance to the site with a brick wall across the boundary; there are hedges to the eastern and western boundaries and there is a bank/earth mound at the northern end of the site.

The access into the site leads to an internal access road which runs parallel to the western boundary of the site and provides access to the whole site.

Within the site there are polytunnels, a glasshouse, shipping containers, a storage container, an implement store, a number of portacabins & portable structures (some used as offices), areas of hard-standing, areas used for the open storage of materials and areas used for the parking of vehicles (car parking for airport users).

The site lies within the North Cheshire Green Belt, as defined in the Local Plan.

## **DETAILS OF PROPOSAL**

This application seeks full planning permission for the redevelopment of the site to form a landscaping contractor's business (to include the removal of all buildings/units on site and their replacement with one single storey building to include office/workshop and store with ancillary parking) and for the parking of airport related motor vehicles unconnected with the landscape contractor's business. The proposal also involves returning part of the site to agricultural use, for the growing of plants ancillary to the landscape contractor's business.

## **RELEVANT HISTORY**

The site has a complex history dating back to the early 1990s:

|          |  |
|----------|--|
| 67156P   | Permission granted in June 1991 for an implement store and internal access road.   |
| 68994P   | Advertisement consent granted in November 1991.  |
| 68995P   | Planning permission granted in November 1991 for construction of earth mound.  |
| 71618P   | Retrospective application for change of use to garden centre. Approved subject to s106 restricting the sale and display of products or materials. Records show that the s106 was not completed. (Apparently garden centre was active between 1990 and 1998, when it was replaced by sale of Koi carp). |
| 96/1093P | Planning permission granted in September 1996 for erection of glasshouse.  |
| 97/1093P | Application for a dwelling was refused in February 1997.   |

02/2423P Planning permission granted for a 20m high column with 6 antennae and a 2.1m high palisade fence.

04/0718P Planning permission granted for entrance gates and wall in May 2004.

04/1588P Application for a dwelling with triple garage and new access was refused in august 2004.

04/2707P Application for two-storey workshop withdrawn in February 2005.

05/0883P Resubmitted application for two-storey workshop was refused planning permission in May 2005 and was later dismissed at Appeal in February 2006.

06/0032E 14 September 2006 – Enforcement Notice issued re. alleged unauthorised material change of use of land from horticultural use to parking of motor vehicles unconnected with the horticultural use, siting of 3No. portacabins and formation of areas of hard-standing. The requirements of the Notice were appealed (March 2008); appeal was dismissed but the Notice was corrected and varied but Inspector agreed with LPA that all vehicles not connected with the landscaping contractor's business should be removed from site. In July 2008 applicant successfully applied for permission to judicially review the decision made by the Planning Inspectorate. The High Court ordered re-determination of the appeal decision. A further Public local Inquiry took place in January 2012. A new Inspector dismissed the appeal and the Enforcement Notice was corrected and varied again. Of particular relevance, the Inspector concluded that the parking of 200 cars on site (unconnected with the landscaping contractor's business) had occurred in excess of 10 years and therefore no enforcement action could be taken in respect of this number of cars. The applicant applied for permission to appeal this decision but this was dismissed. The outcome concludes the situation as follows:

- The whole site was deemed to be a single planning unit
- Parking for a max. of 200 cars (not connected with the landscaping contractor's business) can take place on site, not restricted to any particular area of the site.
- The hard-standing (at the northern end of the site) laid in 2003/2004 has to be removed.
- The area of land from which the hard-standing has to be removed has to be seeded. However, this doesn't prevent cars from actually parking on the seeded area afterwards.
- The twin portacabin has to be removed.

The applicant has recently taken steps towards complying with the enforcement notice by taking up some of the hardstanding to the north of the site.

13/1050M Change of Use from a mixed use of landscaping contractors business and the parking of 200 motor vehicles unconnected with the landscaping contractors business to a mixed use of landscaping contractors business, the parking of motor vehicles unconnected with the landscaping contractors business and the

development of a wildlife and nature area for community and educational use. The removal of all buildings/units on site and their replacement with one single storey building to include office/workshop and store – Refused 06.06.2013

Appeal APP/R0660/A/13/2199824 – dismissed, decision then quashed on two occasions – Appeal Hearing was scheduled to take place again on 18 October 2016, but now held in abeyance by the Planning Inspectorate awaiting outcome of this planning application. If the application is successful the appeal will be withdrawn.

## **POLICIES**

### **Macclesfield Borough Local Plan – saved policies**

BE1 (Design principles for new developments)  
DC1 (High quality design for new build)  
DC3 (Protection of the amenities of nearby residential properties)  
DC6 (Circulation and access)  
DC8 & DC37 (Landscaping)  
DC9 (Tree protection)  
NE3 (Conservation & enhancement of the rural landscape)  
NE11 (Nature conservation)  
NE15 (Habitat enhancement)  
NE17 (Major development in the countryside)  
NE18 (Access to nature conservation areas)  
GC1 (New buildings in the green belt)  
RT8 (Access to the countryside)  
T20 (Airport related development)  
T21 (Airport related development)  
T23 (Airport operational area)

### **National Planning Policy Guidance**

National Planning Policy Framework  
National Planning Practice Guidance

### **Other material planning considerations**

Cheshire East Local Plan Proposed Changes Version

## **CONSULTATIONS**

**Environmental Health** – Raise some concern regarding impact upon neighbouring property. Conditions relating to hours of development and dust control are recommended.

**Head of Strategic Infrastructure** – No objections

**Manchester Airport** – No very special circumstances that would justify the proposed development within the Green Belt. Therefore do not consider it to be appropriate to allow permission for the number of vehicles on this site to surpass the 200 that is considered lawful.

### **Styal Parish Council – Object on grounds of:**

- No very special circumstances which outweigh the harm done to the Green Belt by the intensification of the site involved and that such intensification brought about by approval for 330 vehicles.
- SPC have been totally consistent in raising objections to any and all developments within the Green Belt which not only bring encroachment into the countryside but also have major negative effects upon the local area by virtue of the additional traffic created by the various enterprises involved.
- Styal Village already has very considerable traffic flow, speeding and parking issues, some of which are brought about by the type of Off -Site car parking entities which provide for Manchester Airport.

### **REPRESENTATIONS**

1 letter of representation has been received from a neighbouring property making the following comments:

- Loss of privacy
- Affect on property values
- Existing 24 hour operation disturbs residents. Any increase should include safeguards to protect residents.
- Increased smells and general pollution
- More cars results in an increased risk to highway safety

### **APPLICANT'S SUPPORTING INFORMATION**

The applicant as submitted the following documents to accompany the application:

- *Planning, Design & Access Statement*
- *Addendum Planning Statement*
- *Noise Assessment*

Details of the documents can be read on the application file. However, the planning statement concludes that:

- The proposals would have a minimal effect on the openness of the Green Belt
- The proposal for the replacement building would maintain the openness of the Green Belt (when compared to the extant position on site) and is not inappropriate by definition.
- The car parking and landscape contractors compound uses do not fall within the exceptions to Green Belt Policy but very special circumstances exist in order to outweigh any harm.

### **OFFICER APPRAISAL**

#### **Green Belt**

The existing site has a lawful mixed use of a landscape contractors business and the parking of 200 cars anywhere within the site (unconnected to the landscape contractors business). The same uses are currently proposed but will be restricted to specific areas within the site.

The partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt and would not conflict with the purpose of including land in the Green Belt than the existing development is listed as one of the identified exceptions to inappropriate development in paragraph 89 of the Framework.

The proposed building would replace several existing buildings and structures on site.

- Poly tunnel (29m x 16m x 3.3m)
- Green House (16m x 6.5m x 3.4m)
- Toilet (1.1m x 1.2m x 2.1m)
- 5 x Shipping Containers (6m x 2.5m x 2.6m)
- Storage Container (8m x 2.2m x 3.2m)
- Work Shop (14.5m x 9.7m x 6.6m)
- Portacabin (12m x 3.7m x 2.6m)
- Portacabin (12m x 3.1m x 2.6m)

The existing buildings of varying heights have a total floor area of 824sqm and the proposed replacement building would occupy a footprint of 445sqm, with a height of 3.0 metres for the office area and 5.9 metres for the workshop. The proposed building would serve both the landscape and the car parking operations. This aspect of the proposal alone would improve the openness of the site, and as such the new building is not considered to be an inappropriate form of development in the Green Belt.

The existing site covers an area of 3.7ha, and the existing lawful uses can take place anywhere across the site. However, it should be noted that it is likely that the use of the whole site (particularly for car parking) will be limited to some degree by the surfacing which is largely (lawfully) undeveloped. The existing lawful developed area (including hardstanding) amounts to approximately 7,700sqm. Beyond these areas, there are also parts of the site that are currently used for external storage associated with the landscape contractor's business. Although, as noted above the entire site could be utilised for external storage should the applicant so wish.

In terms of the proposed car parking and landscape contractor's yard, this has been reduced and relocated during the course of the application. The contractor's yard has been moved from close to the site entrance to a central position within the site. The total area of hardstanding proposed has also been reduced from approximately 10,400sqm to 7,840sqm.

The proposed car park for vehicles unconnected to the landscape business will accommodate 229 cars, which is 29 more than the lawful use of the site currently allows. An additional 17 spaces are provided for vehicles associated with the landscape contractor's business, and there is currently no restriction on the numbers of vehicles that could be parked in association with the landscape business.

Concerns were raised previously during the appeals that a significantly greater number of vehicles could be parked "nose to tail" rather than in allocated bays. However, as part of the current proposal knee rails are provided between the aisles and at either end of the aisles to prevent this occurring. 229 vehicles will be parked within marked bays.

Whilst an additional 29 vehicles (unconnected to the landscape business) could be parked within the site, it is considered that the proposal will consolidate the development into the

central section of the site. The areas of hardstanding will be fenced off and a landscape bund and additional planting will provide a physical barrier to prevent any encroachment beyond the areas of hardstanding identified on the plans. In addition, the areas that are shown hatched on the plans will be returned to agricultural use. Specifically, a horticultural use for the growing of plants ancillary to the landscape contractor's business. These factors will ensure the car parking and contractor's yard will remain within their respective areas.

In openness terms the increase in the numbers of vehicles that could be parked on the site (not in association with the landscape business) by 29 is considered to be offset by the consolidation of the uses within identified areas shown on the plans, as opposed to within any location across the 3.7ha site. The monitoring of these uses and areas will also be made much easier if the development is laid out as proposed. It is therefore considered that, on balance, the proposal will not have greater impact on the openness of the Green Belt than the existing development.

Whilst the developed areas will adopt a different form to those that currently exist on site, the proposed areas of hardstanding will be similar in scale to the existing areas. Therefore, whilst the extent of operational development will extend out in some areas and encroach into undeveloped areas, in other areas it will be pulled in, with new undeveloped areas created. Consequently it is considered that there will be a neutral effect in terms of any encroachment into undeveloped areas, and the proposal will not have a greater impact upon the purposes of including land in the Green Belt than the existing development.

The proposal is therefore not considered to be an inappropriate form of development in the Green Belt. However, it is considered to be necessary to attach conditions removing permitted development rights and to prevent any external storage within the areas identified for horticultural use on the plans.

### **Impact upon character of the area**

The existing development cannot be seen from public vantage points due to the substantial boundary treatment. The proposal moves the developed area further away from Moss Lane, and provides additional land for planting between the parking areas and the public highway. Having regard to these characteristics and the fact that the proposal is for a similar scale of development that currently exists on the site, there is not considered to be any significant impact upon the character of the area arising from this proposal.

### **Impact on residential amenity**

The site currently has a lawful mixed use status for a landscaping contractor's business and parking for 200 vehicles not associated with the landscaping business. The proposed scheme would still be a landscaping contractor's business and car parking of up to 229 vehicles not associated with the landscaping business but in designated areas of the site.

Environmental Health initially raised concerns regarding the lack of information relating to the noise impact of the proposal, particularly the landscape contractor's yard that would be located close to the residential neighbour at number 40 Moss Lane. This element of the proposal has now been removed, and the yard associated with the contractor's business will be located towards the centre of the site, where the existing business operates from.

The site has an existing lawful use for the parking of 200 vehicles, and whilst an additional 29 may have some additional impact upon the living conditions of neighbours, it is not considered to be so significant to justify a reason for refusal. It should also be noted that the impact upon the living conditions of neighbours was not raised as an issue by the Inspectors at either of the quashed appeals. The proposal is therefore considered to comply with policy DC3 of the Local Plan.

Having regard to the scale of the development and the existing lawful use of the site, the conditions recommended by Environmental Health relating to hours of operation and dust control are not considered to be reasonable or necessary.

### **Highways**

The Head of Strategic Infrastructure Manager has commented on the proposals and noted that the application includes a small increase in car parking spaces for the contract parking (29 spaces). There are no highways concerns regarding this proposal and no highway objections are raised. In addition it is worth noting that traffic generation, access and parking issues have not previously been raised as issues on this site, and that the business has been operating for well over 5 years at high levels of parking numbers (200) with no known safety issues.

### **Ecology**

A phase 1 habitat survey has been submitted with the application, and the nature conservation officer has confirmed his agreement with the findings and recommendations. Whilst the site falls within Natural England's SSSI risk zones, the type of development proposed at this site does not fall within the categories of development which Natural England wish to be consulted upon at this specific location. The nature conservation officer therefore advises that the proposed development is unlikely to have an impact upon any SSSIs and it is not necessary to consult Natural England upon this application. A condition to safeguard breeding birds is recommended.

## **PLANNING BALANCE**

The proposed removal of all buildings / structures on the site and replacement with one single building is not considered to be an inappropriate form of development in the Green Belt.

Similarly, the consolidation of the existing uses into identified areas within a central location within the site, and the returning of all other areas to agricultural use, to be used for plant growing in association with the landscape contractor's business is also not an inappropriate form of development in the Green Belt.

The impact upon ecology, trees, the character of the area and highway safety is considered to be neutral subject to the imposition of conditions as required. Whilst the additional 29 vehicles that could be parked on the site do create the potential for there to be an increased impact upon neighbouring properties, having regard to the scale of this increase in relation to the existing development, it is not something that would justify the refusal of planning permission. This has also been the position adopted by the previous Inspectors.



The proposal is therefore considered to be a sustainable form of development and accordingly a recommendation of approval is made.

## **RECOMMENDATION**

### **Approved subject to conditions**

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*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) 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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### Application for Full Planning

**RECOMMENDATION:** Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Landscaping - submission of details
5. Landscaping (implementation)
6. Removal of permitted development rights
7. No car parking or external storage outside of allocated areas
8. Breeding birds survey to be submitted
9. Knee rails to be provided prior to first use

