

Application No: 16/5625M

Location: ROUGH HEYS FARM, ROUGH HEYS LANE, HENBURY, CHESHIRE, SK11 9PF

Proposal: Demolition of all existing on site building and the erection of 12 residential dwellings (Use Class C3), together with associated landscape and highway works

Applicant: PH Property Holdings Ltd

Expiry Date: 30-Jun-2017

### **REASON FOR REPORT**

Councillor Smetham has requested the application be determined by Northern Planning Committee for the following reason;

*Henbury Parish Council are concerned about road safety into and out of the site, including the junction with Chelford Road and Rough Heys Lane and wish to ensure the application is made more user friendly on Dark Lane.*

### **SUMMARY**

The site is located in the Green Belt.

Sufficient justification has been submitted to demonstrate the site is a previously developed site and therefore para 89 of the NPPF is of the upmost importance. The proposal is not considered to have an adverse impact on the openness of the Green Belt and therefore the proposal complies with national and local Green Belt policies.

In highway terms the proposal will not generate anymore traffic than the current use. Improvements are proposed by widening the junction of Rough Heys Lane and Chelford Road and the provision of a passing point on Rough Heys Lane. The proposal is therefore acceptable in highway terms.

The development raises no issues in respect of residential amenity, flooding, noise, or ecology. Some of these matters will be dealt through conditions.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits

### **SUMMARY RECOMMENDATION**

Approve subject to s106 agreement and conditions.

## **PROPOSAL**

The application is for the demolition of all existing on site building and the erection of 12 residential dwellings (Use Class C3), together with associated landscape and highway works

## **SITE DESCRIPTION**

The application site is known as Rough Heys Farm that is located off Rough Heys Lane. The site is not in agricultural use but is used by an agricultural contractor for the storage of agricultural equipment that is then used on other sites. The site has a number of buildings, some of which are in use and some of which are currently vacant. These buildings are of various sizes and design and the site is well screened by existing mounds and mature planting.

Some residential properties are located to the south of the site and along Rough Heys Lane, whilst in other directions the site is adjoined by agricultural land.

## **RELEVANT HISTORY**

The site has been subject to applications in the past; however they are not relevant to the consideration of this application.

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

79-92 Green Belt

### **Cheshire East Local Plan Strategy**

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG3 Green Belt

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SC4 Residential Mix

SC5 Affordable Housing

SE1 Design

SE2 Efficient use of land

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

GC1 (Green Belt)

DC3 (Protection of the amenities of nearby residential properties)

DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)

DC38 (Guidelines for space, light and privacy for housing development)

DC41 (Infill housing development or redevelopment)

### **Other Material Considerations:**

National Planning Practice Guidance (NPPG)

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

Environmental Health – No objection. A number of conditions have been requested to piling, provision of electric vehicle charging point, and contamination.

United Utilities – No objection. Conditions relating to details of surface water drainage and that the site is drained on separate systems.

Highways – No objection. Access issues are addressed in detail later in this report.

Flood Risk – No objection. A condition has been requested that details of how surface water will be drained on site.

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

Henbury Parish Council – Object to the proposal on the following grounds;

- Inadequate access along Rough Heys Lane / Dark Lane
- The development will create highway safety issues in the area.
- The developer did not carry out their own public consultation.
- There have been too many housing developments in the area.

### **OTHER REPRESENTATIONS**

Representations have been received from 13 properties who have objected on the following points;

- The site is not a previously developed site.
- Increase in buildings on the site
- The development will have an adverse impact on local highway safety.
- Inappropriate development in the Green Belt.
- Impact on landscape / loss of views

- Impact on residential amenity
- The site is an unsustainable location.

## **APPRAISAL**

### **Principle of Development**

The site is located within the Green Belt where there is a presumption against inappropriate development. Policies GC1 of the Macclesfield Borough Local Plan, PG3 of the Cheshire East Local Plan and paragraph 89 of the NPPF set out the circumstances where development can be acceptable and these are;

- i. buildings for agriculture and forestry;*
- ii. provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- iii. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- iv. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- v. limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- vi. 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 relevant part of this paragraph is (vi) and the first point to be established is the use of the site and if it constitutes previously developed land.

The applicant has submitted a statement to demonstrate why the site should be considered as a previously developed site. It is claimed that the site was solely in agricultural use until 1988 when the current operator started to use part of the site for use as an agricultural contractors. By 1994 they were using the entire site and therefore the agricultural use of the site ceased on the site at this point.

In order to support this claim the following evidence has been submitted;

- Evidence of the limited company being incorporated with the company address being given as the application site – dated February 1997.
- Copy of leasehold agreements that specify the use of the site.

The evidence submitted and research carried out into the operator on site is clear that the site is not currently in agricultural use and has not been in such a use for a period in excess of 20 years. No evidence has been provided to the contrary.

The agricultural contractor use is fundamentally different to the site being in agricultural use. The contractors use involves the storage and maintenance of vehicles and machinery for use

on other agricultural properties, rather than on the site itself. As a result the site is not in agricultural use but in a B2/B8 use and this results in the site as being a previously developed site as defined in Annex 2 of the NPPF.

The proposal must also not compromise the purposes of including land within the Green Belt. The five purposes are;

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The site is located a sufficient distance from the nearby settlements to ensure the development does not result in a development that results in an extension to any settlement, nor does it fill a gap between neighbouring towns. Therefore the proposal does not compromise the first two purposes set out above.

The proposal does not result in the encroachment of development into the countryside. The site is already in a use not typically found in such areas and the as the site is previously developed land by definition the development meets the third purpose outlined above.

The next listed purpose of including land in the green belt relates preservation the setting of historic towns. Given the distance of the building from any historic settlements the proposal meets this purpose.

The final purpose listed is that development is directed to urban areas to encourage the development of previously developed land. The proposal does not compromise this purpose as the site in question is itself a previously developed land.

Given the use has been established and the development not compromising the five purposes for including land within the Green Belt the principle of the redevelopment of the site is acceptable.

### **Impact on the Openness of the Green Belt**

The principle of re-development is acceptable subject to the proposals not having a greater impact on openness than the existing buildings on the site. The following table has been produced by the applicant to support their claim the proposals have less of an impact on openness than the existing buildings on the site.

	<b>Existing</b>	<b>Proposed</b>	<b>Difference</b>
Building Footprint	2,118m <sup>2</sup>	1,602m <sup>2</sup>	<b>-24%</b>

Building Volume	9,305m <sup>3</sup>	10,125m <sup>3</sup>	9%
Hardstanding Areas	6,935m <sup>2</sup>	1,847m <sup>2</sup>	-73%

As stated the proposals result in a significant reduction in the amount of hardstanding, a reduction in the level of building footprint and a small increase in the amount of built volume. What was not provided in the calculations is that the overall height of the built form will be increased across the site by up to 2 metres in places. No definition of what is materially larger is provided in national policy and therefore this requires assessment.

There is a clear benefit to openness in the significant reduction of hardstanding across the site coupled with the reduction in built footprint. This is weighed against the increase in height and volume. The extent of the reduction in hardstanding is given significant weight because of the extent of the reduction whilst the increases in volume and height are minimal in comparison.

What also must be considered is that large agricultural machinery can be stored in the external areas around the building, this have an impact on openness themselves. It is considered that on the impact on openness is acceptable, this is dependent on the permitted development rights being removed to ensure no extensions are erected without planning permission that may compromise this assessment.

It is considered that the proposal complies with paragraph 89 of the NPPF and the proposal does not have a detrimental impact on the openness of the Green Belt.

## 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”*

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of 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 SUSTAINABILITY**

### **Layout & Design**

Paragraph 56 of the NPPF notes that “the Government attach great importance to the design of the built environment. Good Design is a key aspect of sustainable development, indivisible from good planning”. This is supported through Policy SE1 of the Cheshire East Local Plan Strategy.

The proposed house types are bespoke for the site and incorporate rural characteristics such as chimneys, projecting bays and eaves detailing. The materials used will be subject to agreement through condition and it will be ensured they are of a type of brick suitable for such a rural area.

The layout of the site centres the houses around a central crescent and ensures sufficient space exists around the properties and allows for the required parking standards to be met and the properties enjoy gardens of a size expected for properties of the size proposed.

The proposal therefore complies with Policy SE1 of the Cheshire East Local Plan.

### **Highways**

In considering the highway implications of the scheme the existing use of the site is a key consideration.

Having regard for the existing agricultural contractors use and the associated employee vehicle movements and slow moving large agricultural vehicle movements, the Strategic Infrastructure Manager considers there to be no material highway implications associated with the above proposal for 12 dwellings.

As part of the proposals a passing point is proposed along Rough Heys Lane is to be provided as well as a widening of the junction between Rough Heys Lane and Chelford Road. This when combined in the reduction of large agricultural vehicles using the Lane this results in a clear improvement on the current operation along Rough Heys Lane.

A condition is recommended to require the highway improvements to be carried out before the development can commence.

There are no other highway considerations associated with this proposal; accordingly, the Strategic Infrastructure Manager has no objection to the planning application. The proposal therefore complies with the requirements of Local Plan Policy DC6.

## **Impact on Trees**

The application identifies the removal of 104 individual trees from throughout the site. The majority of the trees associated with this site appear to have been planted as part of a landscape scheme associated with the present usage of the site, which contains a number of large agricultural buildings and associated plant machinery.

The trees are a mix of species associated with large earth bunds which provide some artificial height to the intended landscape scheme; unfortunately the trees which are mainly semi and early mature specimens have received little or no maintenance since the inception of the scheme. This absence of maintenance including first and second thinning has resulted in large blocks of etiolated closely space trees whose value is extremely limited; moderately low (B-C). None of the trees identified for removal either individually or collectively are considered worthy of formal protection, large numbers exhibit advanced signs of bacterial canker, which will inevitably lead to their demise.

The proposed development occupies the central core of the site presently laid down to hard standing and a variety of buildings; removal of the identified trees enables construction to be facilitated without any direct implications for retained trees. It is anticipated as a result of the topography of the site and the height of the retained trees, there will be issues of social proximity and over bearing, and the absence of any significant high quality trees precludes an objection to the scheme on Arboricultural grounds.

The proposal therefore raises no detrimental impacts in respect of trees subject to conditions requiring the development to be carried out in full accordance with the submitted details, further details to be submitted in respect of how the retained trees will be protected during the course of the works and the submission of a landscape / woodland management plan.

## **SOCIAL SUSTAINABILITY**

### **Residential Amenity**

Macclesfield Local Plan policies DC3 and DC38 seek to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property due to amongst other things, loss of privacy, overbearing effect, loss of sunlight and daylight, noise, traffic generation, access and car parking.

New residential developments proposing two storey properties should generally achieve a distance of between 21m and 25m between principal windows and 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties and these are set out in Policy DC38 of the Local Plan.



The proposal meets the required separation distances and therefore causes no issues in respect of overlooking or overshadowing of the properties to the south of the site.

At present the site has the potential to cause significant issues for local residents in respect of noise and other disturbance. The re-development of this site will remove this potential when completed and make for a much more pleasant environment for local residents.

It is inevitable that some disturbance will occur as part of the construction process. However this will be for a temporary period only and separate legislation is in place to ensure this does not occur.

The proposed layout ensures that all the required separation distances set out above are met and therefore no overlooking will occur to a level at which permission could be withheld and the requirements of Local Plan policies DC3, DC38 and H13 are met.

### **Affordable Housing**

The development produces a need for 3.6 affordable properties as set out in Policy SC5 of the Cheshire East Local Plan. As some of the buildings are currently vacant and not in use and as such benefit from the vacant building as set out in National Planning Practice Guidance. It has therefore been agreed that 3 properties be provided on site.

The proposed affordable units each have 3 bedrooms and their delivery will be dealt with through a s106 agreement.

### **ECONOMIC SUSTAINABILITY**

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Macclesfield for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable.

### **PLANNING BALANCE**

The site is located on a previously developed site within the Green Belt and the proposal does not have an unacceptable impact on the openness of the Green Belt. The proposal provides a number of benefits in terms of:

- The development would provide benefits in terms of market housing which would help in maintaining the Councils delivery of 5 year housing land supply.
- The provision of affordable housing in a rural area.
- The development would provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local

business.

- Highway improvements that considerably improve the operation of Rough Heys Lane.
- Removal of a potentially disruptive use close to residential properties.

The development would have a neutral impact upon the following subject to mitigation:

- The character of the area is not detrimentally harmed.
- There is not considered to be any significant environmental implications raised by this development.
- Whilst the impact on the openness of the Green Belt is not considered to be detrimental it cannot be claimed that openness is improved.

No adverse impacts of the development have been identified.

The comments received in representation relating to material planning considerations have been considered in the preceding text. However, on the basis of the above, it is considered that the proposal represents sustainable development in compliance with national and local planning policy.

## **RECOMMENDATION**

The application is recommended for approval subject to the prior completion of a s106 agreement to secure the affordable housing, and conditions.

*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.*

Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. Commencement of development
2. Development in accordance with approved plans
3. Details of drainage to be submitted
4. Tree protection details to be submitted
5. Submission of samples of building materials
6. Phase II Contaminated Land Report to be submitted
7. Imported soil to be tested for contamination
8. Unexpected contamination

9. tree/landscape management plan to be submitted
10. Implement arboricultural works in accordance with Arbicultural Impact Assessment
11. Removal of PD rights
12. Electrical Vehicle Charging Points to be provided
13. Details of refuse storage to be submitted
14. boundary details and gates to be submitted
15. Travel Information Pack to be submitted
16. Nesting bird survey to be submitted
17. Provision of features for breeding birds
18. External lighting details to be submitted
19. Highway improvement works to be carried out

