

Application No: 18/3873M

Location: Ollerton Garden Centre, CHELFORD ROAD, OLLERTON, CHESHIRE, WA16 8RJ

Proposal: Outline application with some matters reserved (Access, Appearance, Landscaping) for redevelopment of former Garden Centre to 10 No Dwellings (including 2 affordable units), with associated landscaping together with conversion of existing site building into office use

Applicant: Mr Russ Brighthouse, Brighthouse Homes [Mobberley] Ltd

Expiry Date: 18-Jan-2019

### **Summary**

This application seeks outline planning permission with some matters reserved (access, appearance, landscaping). The proposals are to re-develop Ollerton Garden Centre, which is classified as previously developed land. The existing structures would be cleared and 10x 2-storey dwellings would be erected of a contemporary flat-roof style, alongside the conversion of an existing shop to B1 office use. The proposals are considered to cause a slightly greater impact on the openness of the Green Belt, but this impact would be less-than substantial in terms of harm. 2x affordable units would be included within the housing mix which would provide a small contribution to the Borough's commitment to providing affordable housing. The less than substantial harm to the openness of the Green Belt coupled with the affordable housing provided on this previously developed site, enables compliance with paragraph 145 of the NPPF. In contrast to the recently refused application (17/6072m), the proposal is no longer an inappropriate form of development in the Green Belt.

The units would be concentrated primarily along the southern boundary of the site to reflect the existing garden centre layout, and would be of a relative low density with ample space for landscaping. The scale (2-storey, approximately 4.8m high) and footprints of the dwellings are appropriate when compared to the existing structures on-site. A modern style with larger extents of glazing should be secured at reserved matters stage to again reflect the lightweight nature of the existing structures, although this has been indicated in the submitted visuals and elevations.

It is expected that details relating to access, appearance and landscaping could be acceptable at reserved matters stage. The proposed layout and scale, coupled with suitable appearances and landscaping, would preserve the rural and landscaped character of the area.

Subject to suitable conditions set out in the report, no issues are raised in respect of ecology, arboriculture, flood risk, highways, or contamination.

The proposals are considered to be in accordance with both the Development Plan and the guidance of the National Planning Policy Framework. Paragraph 11 of the above Framework stipulates that proposals that accord with the Development Plan should be approved without delay. As such, the application is recommended for approval subject to conditions.

### **RECOMMENDATION**

**APPROVE subject to conditions and the completion of a S.106 agreement**

### **REASON FOR REFERRAL**

This application is referred to Northern Planning Committee as it has been called-in by the Ward Councillor for the following reason:

*“Concerns of local residents and the Parish Council in respect of the proposals being not dissimilar to the two previously refused applications for the site, 16/3647m and 17/6072m, deemed inappropriate development with the current proposals still having a greater impact on the openness of the Green Belt through encroachment. Additionally concerns are raised regarding the paucity of the information available within the application documentation including the lack of a Design and Access statement.”*

## **PROPOSAL**

This application seeks outline planning permission with some matters reserved (access, appearance, landscaping) for the erection of 10 dwellings within the Green Belt.

The existing garden centre use would cease, and the associated structures demolished and removed from the site. The exception is a brick built building to the eastern edge of the site, which would be converted to office use (B1 use).

The residential units would be spread across the site in a relatively low-density fashion, with a greater concentration of units along the southern periphery. The access would be branched with 2 cul-de-sacs separated by an area of open space comprising 3x protected Oak trees. The site access would be relocated slightly to the south, still off Chelford Road.

As identified on Drawing No. (PL) 03, units ‘1’ and ‘2’ would be semi-detached affordable. The remaining 8 dwellings (6x detached, 2x semi-detached) would be open market dwellings. The style is indicated as relatively contemporary with high uses of glass, flat roofs and modern materials (see Drawing No. (PL) 100).

## **SITE DESCRIPTION**

The application site is Ollerton Nursery which is located off Chelford Road. The site has a number of buildings on it, the majority of which are glasshouses and polytunnels, the site covers an area of 1.4ha. In total there are a total of 10 buildings on site, the majority of the site is covered by hardstanding, with the front of the site being laid to grass and a number of individual trees and groups of trees existing on site. Ollerton Nursery has clearly not operated from the site for some time, and part of the site is in a poor condition of upkeep towards the rear of the site.

There is a formal driveway access to the site with off road customer parking.

## **RELEVANT SITE HISTORY**

06982P - Garden centre and associated car parking - Refused - 08-01-1990

56711P - Garden centre and associated parking - Withdrawn 20-03-1989

72668P - Glasshouse and polytunnel (determination) - Approved 11-01-1993

77020P - Glasshouse and polytunnel - Approved - 03-03-1994

96/0448P - Glasshouse and polytunnel - Approved - 13-05-1996

98/1285P - Formation of new delivery access off Seven Sisters Lane - Refused - 12-08-1998

98/1287P - New glasshouse - Approved - 01-09-1998

03/0291P - Erection of two-storey detached dwellinghouse for agricultural worker with double garage and granny annexe and construction of two polytunnels - Approved - 19-04-2004

13/3560M - Lawful Development Certificate For Existing Use As A Single Dwellinghouse – Approved - 05-Nov-2013

16/1775M – Lawful Development Certificate for existing use of the land as a Garden Centre (A1 use class) – Approved - 27-Jun-2016

16/3647M - Development of former garden centre to 26no. dwellings, community shop, public open spaces including associated landscape works – Refused - 05-May-2017

17/6072m – Redevelopment of former garden centre to 17 dwellings, public open spaces including associated landscape works together with conversion of existing building to office use. Refused – 10-May-2018 (Appeal Dismissed).

NB: A s.288 appeal has recently been lodged against the Secretary of State by the applicants re. the Inspectors decision to dismiss the appeal for 17/6072m. This is an ongoing appeal to which the Council will not actively participate.

## **LOCAL AND NATIONAL POLICY**

### **Macclesfield Borough Local Plan (2004) – saved (legacy) policies**

Policy DC3: Amenity

Policy DC6: Circulation and Access

Policy DC8: Landscaping

Policy DC9: Tree Protection

Policy DC35: Materials and Finishes

Policy DC36: Road Layouts and Circulation

Policy DC37: Landscaping

Policy DC38: Space Light and Privacy

Policy DC40: Children's Play Provision and Amenity Space

Policy DC63: Contaminated Land

Policy NE11: Protection and enhancement of nature conservation interests

Policy NE14: Natural habitats

Policy NE17: Nature Conservation in Major Developments

Policy NE18: Accessible areas of nature conservation from residential properties

Policy H9: Occupation of Affordable Housing

Policy RT1: Recreational land and open space

Policy RT2: Open spaces/amenity areas in residential areas

Policy RT5: Standards for open space provision

Policy GC1: Green Belt – New Buildings

Policy GC8: Reuse of Rural Buildings – Employment and Tourism

## **Cheshire East Local Plan Strategy (2010 – 2030)**

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG3 Green Belts  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
EG1 Economic Prosperity  
EG3 Existing and allocated employment sites  
SC1 Leisure and Recreation  
SC3 Health and Well-being  
SC4 Residential Mix  
SC5 Affordable Homes  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
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  
CO4 Travel plans and transport assessments

## **National Policy**

The National Planning Policy Framework (NPPF) (2018) establishes a presumption in favour of sustainable development. Of particular relevance are the following sections:

Chapter 13: Green Belt

The National Planning Practice Guidance (NPPG) (as updated online)

## **Supplementary Planning Documents**

Cheshire East Borough Design Guide (2017)

## **CONSULTATIONS**

**Manchester Airport:** No objections.

**United Utilities:** No objections subject to conditions.

**Ollerton and Marthall Parish Council:** Strong objection (summarised as follows):

- Fails to address planning policy
- Previous objections remain the same
- Green Belt harm including inappropriateness and impact on openness
- Reserved Matters application may be unsuitable
- Buildings on-site are not permanent and substantial when compared to the proposed buildings
- Dwellings would be sited on undeveloped land
- Urbanisation of site
- Harm to the peace and tranquillity of the village.
- Destroy the character of the area
- Affordable housing already provided in the area.
- Application should be refused.

## **REPRESENTATIONS**

### **Revised Plans**

#### **Letters of Support (10 x letters):**

- Good contemporary design
- Fits in with the Green Belt
- Low density
- Provision of affordable housing
- Policy compliant
- Makes good use of previously developed land (PDL)
- Compliant with the NPPF
- Imaginative design
- Attractive to purchasers
- Existing garden centre in poor state
- Improvement, visually
- Improvements to traffic by clearer perception as a village.

#### **Letters of Objection (9 x letters):**

- Green Belt harm
- Inspectors previous views remain valid
- No very special circumstances (Green Belt policy test)
- Vague information
- Council has strong housing land supply, no need for further housing
- Site is agricultural, not commercial
- Drainage issues
- Highways impact
- Harm to openness of the Green Belt
- Contrary to policy
- No consideration of upcoming neighbourhood plan
- Disproportionate addition to Ollerton
- No requirement for offices

- Impact on 'Party Wall'
- Increase in traffic
- Dwellings sited on undeveloped land
- Housing already allocated in Knutsford
- Possible housing at Booths Park 1 mile north of Ollerton (Public consultation event held for up to 1500 houses).

### **Original Plans**

#### **Letters of Support (1 x letters):**

- Opportunity to reduce pests

#### **Letters of Objection (15 x letters)**

- (In addition to the above comments)
- Proposal disregards views of residents and Parish Council
- Shop would be unviable
- Developer sits on the Parish Council, which is unacceptable
- Increase in activity compared to garden centre
- Sets a precedent for future similar developments
- Not a sustainable location
- Accident hotspot
- Landscape impact – urbanising form
- Existing land deliberately neglected
- Minimal information re. open leisure provision
- 81% of residents do not want this site developed (survey)
- Site is presently 'greening' over.
- Should be traffic calming measures (speed could be reduced to 30 mph)
- Legal matters
- Enjoy current rural ambience
- Application should not have been validated
  - Lack of supporting information
  - No Design and Access statement.

The full content of the above objections can be viewed on the public file. These have been noted and considered in the assessment of this application.

The details submitted are considered sufficient, in enabling the Local Planning Authority to satisfactorily determine this application. Numerous site inspections have been carried out in relation to this application and the previous application (17/6072m). A number of letters have made reference to a potential 'Neighbourhood Plan'. Ollerton with Marthall have been designated as a 'Neighbourhood Area' although this is only Regulation 7, which is a very early stage in the Neighbourhood Planning process. As such, this is afforded very little weight. Issues relating to Party Wall or legal matters are not material planning considerations that can be afforded significant weight in the determination of this application. These are typically civil matters for discussion between residents.

Public consultation has been carried out in accordance with statutory requirements on both the original and revised plans.

## **APPRAISAL**

### **Key Issues**

- Principle of development / Green Belt
- Sustainability of the location
- Housing Land Supply
- Design considerations
- Character of the area
- Impact upon amenity of neighbouring properties
- Highway Safety Implications
- Tree impacts
- Flooding/Drainage
- Ecology
- Sustainability

### **Differences to previous application (17/6072m):**

The number of units has been reduced from 17no. to 10no, and the layout has been revised to show a greater proportion of development proposed to the southern part of the site.

The application is now also outline with access, appearance and landscaping as a reserved matters.

Notably the revised NPPF (2018) has been published which now forms a key policy document to which this proposal is assessed against.

### **Principle of Development / Green Belt**

The application site resides within an area designated as Green Belt (as defined by the Macclesfield Borough Local Plan, 2004). The key policies are PG3 (CELPS), GC1 (MBLP) and Chapter 13 of the NPPF (2018), specifically paragraph 145.

Within this designation, the policy focus is on preventing “inappropriate” development in the Green Belt with the fundamental aim being to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. It should be noted that development defined as ‘inappropriate’ is by definition harmful to the Green Belt, and attracts substantial weight in decision making. Such development should only be approved in very special circumstances where the harm by reason of inappropriateness (and any other harm) is clearly outweighed by other considerations.

One form of development not considered ‘inappropriate’ in the Green Belt (as set out in para. 145) is as follows:



“(g) – limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

NB: “Openness” is defined, in planning terms, as ‘the absence of built development’. Broader definitions relate to a state of being open and a sense of spaciousness.

Point (g) of para. 145 is considered to be the most relevant policy test to this application.

16/1775m granted a Lawful Development Certificate to classify the existing use of the site as a Garden Centre (A1 use class). The site is therefore considered a non-agricultural or forestry use and is occupied by permanent structures and fixed surface infrastructure. As such, the site is considered ‘previously developed land’ in accordance with the definition set out in Annex 2 of the NPPF. It is noted that the Planning Inspectorate in determining 17/6072m did not dispute this land classification.

In assessing the impact on openness, due weight has been given to the following:

- The footprint of residential development on the site would be reduced in comparison to the existing garden centre (2695sqm. to 1300sqm.)
- Creation of a landscaped access into the site, with the protected oak trees as a focal point. This replaces the existing access which immediately adjoins a large hardstanding area used for vehicle parking.
- Replacement of the existing buildings (which range up to 4.5m in height) with residential flat-roof units up to 4.8m in height.
- The erection of unit 10 (2-storey) to the northern part of the site which replaces only a small single storey flat-roof structure.
- The replacement of lightweight glass structures (such as greenhouses and polytunnels) with more substantial buildings suitable for residential use

Taking all the above points into consideration, it is considered that the development would have a slightly greater impact on the openness of the Green Belt. Whilst there would be significant reductions in footprint, this is outweighed by the slightly greater height of the replacement buildings. These buildings would visually appear more prominent by virtue of their massing and residential form. Moreover, despite the development being concentrated along the southern periphery (reflecting the layout of the existing development), unit 10 would still result in a larger building in an area on the site which is particularly more open.

Point 2 of (g) is therefore engaged, which states that development which would not “cause substantial harm to the openness of the Green Belt, where the development would re-use

previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority” is not inappropriate.

As noted above, whilst the proposal would have a greater impact on the Green Belt’s openness, the harm attached to this would not be considered ‘substantial’.

In terms of housing need, the CELPS (adopted 2017) emphasises the following:

*“Although the borough has a stock of good quality housing with relatively low vacancy rates, in many areas there is an imbalance in the type and tenure of available housing. There is a need to make sure that future housing development in Cheshire East helps to support economic growth by providing for a range of income groups.” (12.43)*

*“The Housing Development Study shows that there is the objectively-assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year”. (12.44)*

The provision of 2 affordable units on this site would make a small contribution to the objectively-assessed need (>0.5%, annual). There is also recognition that within Cheshire East, the delivery of rural exception sites has been slow, and the Council is keen to facilitate a higher provision of affordable homes in rural areas. This aligns with a view to maintaining sustainable communities and meeting resident’s specific needs.

It is widely acknowledged that the northern part of rural Cheshire East comprises land values and house prices which are relatively unaffordable (exceeding the regional average by 36.2%). The 2 units proposed here will help to create a more balanced housing market in rural areas, which is an issue highlighted both in the CELPS, and nationally in the NPPF as facilitated under the affordable housing exceptions set out in paragraph 145. The 2 units would meet an identified affordable housing need within the area of the Cheshire East authority. The latest CE Housing Strategy (2018 – 2023) draft continues to highlight the need for affordable housing in rural areas. The Councils Housing Officer has recommended that both units be available as ‘affordable rent’.

Finally, the existing building to the eastern side of the site is substantial in its construction and a permanent fixture on the site. This building has previously been used as a small shop, and would be converted to B1 office use. The conversion of this building would not be inappropriate in the Green Belt, in accordance with paragraph 146 (NPPF).

In summary, the proposal is not considered an inappropriate form of development in the Green Belt, due to compliance with paragraph 145. It is noted that PG3 (CELPS) is not consistent with the NPPF in this regard, and thus PG3 is afforded reduced weight in the determination of this application.

Further to the inappropriateness test, there is no other significant harm to the Green Belt. The proposal would not conflict with the purposes for including land within the Green Belt. There is a greater impact on openness, although this is discussed above. Paragraph 145 in determining inappropriate (and by virtue appropriate) forms of development in the Green Belt registers an inherent impact on openness.

The proposal complies with the NPPF and is considered to have an acceptable impact on the Green Belt.

### **Affordable Housing**

It should be noted that there is no affordable housing requirement for the site once the principle of vacant building credit is applied.

The 2 proposed affordable units are put forward by the applicant to ensure compliance with paragraph 145 of the NPPF as noted above.

### **Sustainability of the location**

Para. 79 of the NPPF seeks to avoid the creation of isolated homes in the countryside. For the purposes of this application, the site is contained within Ollerton which visually can be defined as small village. Functionally, the site is within close proximity to Knutsford and in a wider context, the greater Manchester conurbation. The occupants of the development would have good access to a range of amenities within Knutsford, including educational facilities, retail, employment and public transport. Knutsford sits 1.7 miles North West of the application site, and easily accessible via the A537. This larger settlement is also accessible via a public bus network, and of a topography that could support cycling.

For these reasons, it is not considered that the site is an 'isolated' location as set out in paragraph 79 of the NPPF.

### **Design assessment**

The proposed layout is considered to be suitable for the proposed 10 dwellings. Access would be provided directly from Chelford Road before branching into 2 cul-de-sacs (with turning heads), which circumvent 3 mature oak trees (TPO) centrally within the site. Each unit would enjoy ample garden space, and are well set-back from the proposed roads which would allow sufficient space for soft landscaping suitable to this rural environment. Off-road parking could be achieved and the low-density configuration of buildings would create a sense of spaciousness within this development. The concentration of units to the south of the site, whilst important in ensuring compliance with Green Belt policy, also enables the edges of the development closest to the countryside to be less dense.

Appearance of the dwellings would be a reserved matter although the indicative design portrays a contemporary style using high quality materials with large expanses of glazing. This partially reflects the glass lightweight nature of the existing structures on-site. 2-storey is appropriate for the scale, and the footprints of each unit are not excessive. Both the footprint, number of storeys and relative height, can be conditioned on this application. Whilst there are slight undulations in the topography of the site, there are no level differences that would render the buildings unacceptably overbearing.

It is expected that a suitable residential design of good aesthetics, coupled with a sympathetic conversion of the shop can be achieved at reserved matters stage, which would comply with policies SD2 and SE1 of the CELPS and the NPPF.

### **Character of the area / landscaping**

The proposed dwellings would be well set-back from Chelford Road with Unit 1 approximately 43m back from the street scene. There would be sufficient space for detailed landscaping to the east of this unit to help screen the development. Some landscaping here will be important, as whilst the dwellings are relatively low in height and well set-back, their contemporary design would provide a contrast to the surrounding architectural styles. Whilst contemporary design is encouraged in the CE Design Guide, some landscaping fronting Chelford Road will enable the proposal to better assimilate into the existing landscaped character.

The village of Ollerton already comprises a number of residential properties, bus stops, a main arterial road and a nearby public house. Some letters of objection have cited 'harm' to the quiet character of this area, although the rural serenity of this area has arguably been prejudiced by the present extent of development in this location. The proposed site would fit relatively well into the grain of Ollerton, recycling a redundant brownfield site and with 10 dwellings, it would not create an out of character intensification of the site nor undermine its semi-rural appearance.

Noise is not expected to be an issue given the development is clearly focused upon family sized dwellings, and would replace an existing garden centre which has a certificate for A1 retail use. Whilst the site access would be intensified in contrast to the present redundant use, the intensification is not considered excessive compared to the approved lawful use. A letter of objection has referred to the site 'greening over' although this is not apparent on-site with the former garden centre in a poor state of upkeep with hard surfacing and structures becoming dilapidated. The proposal would provide a more attractive site layout of which the oak trees would be a focal point, with further space for soft managed landscaping.

The Landscape Officer has considered it unlikely that the proposals would result in any harmful landscape or visual impacts. Landscaping is a reserved matter and it is expected that a suitable landscaping scheme could be achieved which would accord with policies SE1 and SE4 of the CELPS.

### **Residential amenity**

The proposed dwellings are positioned in a low density arrangement that would create ample space for external landscaping and private amenity space. Units 5 and 6 contain smaller garden areas although the space (approximately 60m<sup>2</sup>) would be sufficient for their purposes as a private garden. The properties are situated such that they would not be overbearing upon one another, nor cause significant losses of daylight or sunlight. Most of the proposed gardens contain a south facing aspect.

Detailed elevations of the dwellings shall be submitted at reserved matters stage. This can ensure that there are no unacceptable fenestration arrangements which could induce overlooking / losses of privacy. It is expected that a satisfactory relationship between properties can be achieved.

Separation distances are appropriate to properties on Seven Sisters Lane and Chelford Road. The proposals would not cause significant losses of light nor appear overbearing to properties

on these mentioned roads. Moreover, at 2-storey (which can be conditioned), 1<sup>st</sup> floor openings would not significantly compromise privacy or enjoyment of neighbouring sites.

No issues are raised with noise given this rural context.

The development is considered acceptable in terms of residential amenity and would comply with DC3 of the MBLP.

## **Highways**

The internal road layout proposes a 5.5m carriageway with 2.0m footways on the adoptable areas within the site. The internal roads are split into two cul-de-sacs, and the proposed design of the internal roads are of an acceptable standard with turning facilities for refuse vehicles being provided.

There is a small office proposed and there is an indicative 4 car parking spaces including a disabled space to serve this unit.

There is no traffic impact issues arising from the 10 units and it also has to borne in mind that this site is a former garden centre that generated trips to the site.

The position of the access is acceptable and does provide an acceptable level of visibility in both directions.

Sufficient space would exist within the site to accommodate parking in accordance with CE standards. These are as follows:

2/3 bedroom – 2 spaces per dwelling

4/5+ bedroom – 3 spaces per dwelling

No highway objections are raised.

An EVP (Electric Vehicle Infrastructure – Charing Point) condition as recommended by Environmental Health shall be added to the recommendation ensuring that the occupiers of each dwelling have the infrastructure in place to accommodate more environmental friendly modes of transport. This helps to contribute to the Borough's clean air quality targets.

A suitably worded condition will also ensure that a 'residents' sustainable travel information pack' is issued to the occupation on the initial sale of the properties. This travel pack will incorporate local information on public facilities, bus services, any improvements to public transport, bicycle storage facilities, and any car sharing incentives.

The proposal would comply with policy CO1 of the CELPS and policy DC6 of the MBLP.

## **Public Rights of Way**

Having consulted the Definitive Map of Public Rights of Way, the proposal would not affect any public right of way. No public rights of way issues are therefore raised.

## **Arboricultural impacts**

The proposed site plan shows an amended road layout which brings the road/turning head to the south east of Plot 9 closer to the protected Oak trees. While the road layout has changed it does not appear to encroach within the RPA of the protected Oak trees therefore should outline permission be granted any reserved matters application should be supported by a detailed updated Arboricultural Method Statement, Tree Protection Plan and Landscape Layout.

Subject to the above conditions, it is considered that the proposal can be accommodated without harming the arboricultural value of the site. The proposals would accord with policy DC9 (MBLP) and SE5 of the CELPS.

## **Flooding issues**

The site is sited within Zone 1 (EA Flood Risk) which indicates a low probability of flooding (less than 1 in 1,000 annual probability). It is not considered that this scheme would significantly exacerbate any present flooding within the neighbouring sites or the immediate locality and is thus acceptable in this aspect, in line with the NPPF. As part of any landscaping scheme suitable areas of permeable surfacing would be secured which would facilitate surface water drainage.

United Utilities have been consulted on the proposals and have raised no objection suitable to conditions that secure the following:

- Foul and surface water being drained on separate systems
- A surface water management scheme to be submitted to and approved in writing by the LPA prior to the commencement of any development.
- A sustainable drainage management and maintenance plan for the lifetime of the development

Subject to these conditions, the proposal accords with policy SE13 of the CELPS.

## **Ecology and Nature Conservation**

### Bats

An updated extended Phase 1 Habitat Survey (Rachel Hacking Ecology, 2015/2017) was carried out and deemed the proposed development unlikely to have a negative impact upon bats or great crested newts. No further survey effort is therefore required for this proposed development.

### Hedgerow

Should planning permission be granted, a landscaping condition would be necessary for the retention and enhancement of existing hedgerows, and that any new/replacement hedgerow sections be of native species composition.

### Breeding Birds

Should any demolition/conversion works, or vegetation removal, be carried out between 1<sup>st</sup> March and 31<sup>st</sup> August in any given year, a detailed survey should be carried out to check for nesting birds. An appropriate condition is therefore recommended.

### Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with his policy. It is therefore recommended that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

## **Sustainability**

### ***Environmental sustainability***

Taking into account the above sections, the proposal is not considered to represent an inappropriate form of development in the context of the Green Belt. The scale and layout of the proposals are considered appropriate in this rural area which, subject to suitable appearance and landscaping details, could preserve the rural characteristics of this area.

The visual amenities which contribute to the street scene could be preserved and it is expected that there would be no significant highway issues, flood risk issues, harm to the wellbeing of any significant trees, or harm to the biodiversity of the area.

### ***Social sustainability / Housing Land Supply***

Paragraph 73 of the National Planning Policy Framework requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. This development would contribute to the Council's existing five year housing land supply and provide needed housing for the Borough's growing population.

It is recognised that the provision of 10 additional houses including 2x affordable units within the site would provide some social benefits to the area. The scheme would also help to provide family housing with Cheshire East, which both locally and nationally is shown to be in demand.

### ***Economic sustainability***

The proposed development will help to maintain a flexible and responsive supply of land for housing, albeit to a small extent. Some direct and indirect benefits for the local economy will also be evident, including additional trade for local shops and businesses.

Jobs in construction and economic benefits to the construction industry supply chain could also be supported within the local area and wider Cheshire East environment.

The proposed office (B1 use) would also create some local jobs and opportunities for local enterprise, which adds a slight economic benefit to the developments potential.

It is acknowledged that, whilst these economic benefits would exist, they are considered to be relatively minor.

### **Heads of Terms of a Legal Agreement:**

- **20% Affordable Housing** (i.e. 2 units as proposed), available for affordable rent.

### **Community Infrastructure Levy (CIL) Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fair and reasonably related in scale and kind to the development.

The provision of affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy, specifically point 'g' of paragraph 145 of the NPPF.

This is considered to be necessary and fair and reasonable in relation to the development.

On this basis the S106 contributions associated with the scheme are compliant with the CIL Regulations 2010.

### **Conclusion**

The objections have been noted and considered, however the proposals are judged to accord with the Development Plan.

The proposals are considered to cause a slightly greater impact on the openness of the Green Belt, but this impact would be less-than substantial in terms of harm. 2x affordable units would be included within the housing mix which would provide a small contribution to the Borough's commitment to providing affordable housing. The less than substantial harm to the openness of the Green Belt coupled with the affordable housing provided on this previously developed site enables compliance with paragraph 145 of the NPPF. In contrast to the recently refused application (17/6072m), the proposal is no longer an inappropriate form of development in the Green Belt.

The units would be concentrated primarily along the southern boundary of the site to reflect the existing garden centre layout, and would be of a relative low density with ample space for landscaping. The scale (2-storey, approximately 4.8m high) and footprints of the dwellings are appropriate when compared to the existing structures on-site. A modern style with larger extents of glazing should be secured at reserved matters stage to again reflect the lightweight nature of the existing structures, although this has been indicated in the submitted visuals and elevations.



It is expected that details relating to access, appearance and landscaping could be acceptable at reserved matters stage. The proposed layout and scale, coupled with suitable appearances and landscaping, would preserve the rural and landscaped character of the area.

Subject to suitable conditions set out in the report, no issues are raised in respect of ecology, arboriculture, flood risk, highways, or contamination.

The proposals are considered to be in general accordance with both the Development Plan and the guidance of the National Planning Policy Framework. Paragraph 11 of the above Framework stipulates that proposals that accord with the Development Plan should be approved without delay. As such, the application is recommended for approval subject to conditions.

**Recommendation – Approve subject to conditions and completion of a Section. 106 agreement.**

*In the event of any changes being needed to the wording of the Committee's decision (such as to debate, 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 Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.*

Application for Outline Planning

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

1. Development to commence within 3 years of this permission, or within 2 years of the approval of the last of the reserved matters.
2. Submission of reserved matters
3. Accordance with approved plans
4. Application for reserved matters to be made within 3 years.
5. Travel Information Pack to be submitted and implemented.
6. Electric Vehicle Infrastructure to be provided
7. Phase II ground investigation and risk assessment to be completed and submitted.
8. A verification report to be submitted.
9. Any soil imported for garden use to be tested for contamination and report submitted to LPA.
10. LPA to be contacted if previously unreported contamination found
11. Noise Impact Assessment to be submitted.

12. Foul and surface water to be drained on separate systems
13. Surface water drainage scheme to be submitted
14. Sustainable drainage management and maintenance plans for the lifetime of the development to be submitted.
15. Survey for nesting birds
16. Features to enhance the biodiversity value of the site
17. Arboricultural Method Statement and Tree Protection Plan to be submitted.
18. Construction management plan to be submitted
19. Landscaping scheme to be submitted showing retention and enhancement of hedgerows and native composition of new hedgerow sections.
20. Dwellings not occupied until space laid out for parking of cars
21. Details of bicycle storage to be submitted
22. Reserved matters to comply with scale parameters

