

<b>Application Reference</b>	<b>DC/072210</b>
<b>Location:</b>	Hillside Farm Werneth Low Road Romiley Stockport SK6 4PY
<b>PROPOSAL:</b>	Construction of a detached building, together with associated outdoor groundworks including creation of a pond, seating areas and outdoor forest school, for use as training centre / hub for armed forces veterans (part retrospective).
<b>Type Of Application:</b>	Full Application
<b>Registration Date:</b>	14.03.2019
<b>Expiry Date:</b>	09.05.2019
<b>Case Officer:</b>	Mark Jordan
<b>Applicant:</b>	Mr Laurence Moore
<b>Agent:</b>	

### **DELEGATION/COMMITTEE STATUS**

Planning & Highways Regulations Committee - grant of permission would be contrary to the Local Development Framework and constitutes a 'Departure from the Development Plan'.

### **UPDATE**

Following a request by the applicant, this application was deferred from the Werneth Area Committee meeting in July of 2020, in order to allow for the submission of additional information to support the application. Following the deferral the applicant has submitted additional details in the form of a sequential test assessment for alternative sites, which seeks to reinforce the case for very special circumstances previously tabled. This additional information has now been assessed by Officers and the following planning report has been updated accordingly.

### **DESCRIPTION OF DEVELOPMENT**

Members will be advised that as is evident from other planning applications and appeals relating to the same site, that a partially constructed building currently in situ at the site, was previously sought to be completed as a single dwelling.

The current application now before Committee seeks planning permission (part retrospective) to complete the partially constructed detached building, for use as a training centre / hub for armed forces veterans.

The proposed use will involve the provision for armed forces veterans of free construction training, with an initial 4 week training programme designed to prepare veterans for their first role in the construction industry. The overall aim being to assist veterans in transition from service life to civilian life

The proposed building would have a footprint of 14m x 8m, as per the existing partial structure on site and would comprise a pitched roof design, with eaves and ridge heights of 2.2m and 4.8m respectively. External materials of construction include brick walls and a slate roof.

In addition the proposal seeks to provide a parking and servicing area, comprising 9 parking bays, of which 2 are disabled bays. Seating and planting is also proposed, as part of a wider quiet intervention area and forest school, around a feature pond, (which itself forms part of the surface water drainage strategy approved for the new build / converted dwellings beyond the site to the north).

Improved visibility splays and an element of re-surfacing works are proposed to the existing vehicular access point off Werneth Low Road.

The applicant has submitted a planning statement setting out how the use would operate and its associated benefits / very special circumstances, a copy of which is appended to this report. In addition a sequential test assessment showing how the current site was identified as being the most suitable, together with a drainage strategy and an energy statement form part of the submission.

Members are advised that the existing structure currently in situ on site previously formed part of an application (DC/067823) seeking the change of use of land and erection of a bungalow. This application was refused, with an enforcement notice subsequently served. Appeals were lodged against both the enforcement notice and the refusal of planning permission. The appeals were dismissed by the Planning Inspectorate in 2018, with the enforcement notice being varied (but still requiring the removal of the structure currently on site). As such a live enforcement notice remains in place on the current application site.

## **SITE AND SURROUNDINGS**

The application site comprises part of a wider, former agricultural holding of 1.5 hectares previously known as Hillside Farm, located on the northern side of Werneth Low Road.

The site itself is not currently farmed, however based on information connected to previous applications for the site, the last known agricultural use was evident in 2013.

The application site contains a partially constructed building of which elements of outer walls are evident, but no roof. Land around this structure contains mounds of spoil overgrown by vegetation.

The site to which the current application relates, sits adjacent to the boundary with Werneth Low Road and extends in a northerly direction. Vehicular and pedestrian access is taken from Werneth Low Road, via a narrow, unmade track. Ground levels fall gradually across the site from east to west.

A farmhouse and number of agricultural buildings previously existed beyond the current site to the north, however these have either been demolished to be replaced by new build dwellings, or are due to be converted to dwellings, having previously been granted planning permission or prior approval.

Open fields predominantly exist further beyond to the north, south, east and west, with residential properties on Werneth Road, Hill End, Greave interspersed to the east, south east and south west.

## **POLICY BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (“PCPA 2004”) requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

### **The Development Plan includes-**

- Policies set out in the Stockport Unitary Development Plan Review adopted 31<sup>st</sup> May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document adopted 17<sup>th</sup> March 2011.

### **Saved policies of the SUDP Review**

GBA1.1, 'Extent of Green Belt'

GBA1.2 'Control of Development in Green Belt'

LCR1.1 'Landscape Character Areas'

### **LDF Core Strategy/Development Management policies**

CS7 Accommodating Economic Development

AED-4 Employment Development in Rural Areas

CS8 Safeguarding and Improving the Environment

SIE-1 Quality Places

SIE-3 Protecting, Safeguarding and Enhancing the Environment

CS9 'Transport and Development'

CS10 'An effective and sustainable transport network'

T-1 'Transport and Development'

T-3 'Safety and Capacity on the Highway Network'

SD-3 'Delivering the Energy Opportunities Plans - New Development'

SD-6 'Adapting to the Impacts of Climate Change'

### **Supplementary Planning Guidance**

Supplementary Planning Guidance does not form part of the Statutory Development Plan; nevertheless it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

The following guidance is considered to be relevant:

Sustainable Design and Construction SPD

Sustainable Transport SPD

### **National Planning Policy Framework**

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 19th February 2019 replaced the previous NPPF (originally issued 2012 & revised 2018). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

N.B. In respect of decision-taking the revised NPPF constitutes a “material consideration”.

Para.1 *“The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied”.*

Para.2 *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”.*

Para.7 *“The purpose of the planning system is to contribute to the achievement of sustainable development”.*

Para.8 *“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) an economic objective*
- b) a social objective*
- c) an environmental objective”*

Para.11 *“Plans and decisions should apply a presumption in favour of sustainable development.*

*For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.*

Para.12 *“.....Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.*

Para.38 *“Local planning authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible”.*

Para.47 *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”.*

Para.124 *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*

Para.130 *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”.*

Para.133 *“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.*

Para.134 *“Green Belt serves five purposes:*

- 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”.*

Para.141 *“Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land”.*

Para.143 *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.*

Para.144 *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.*

Para.145 *“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) 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;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- 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.

Para.146 *“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Para.153 states *“In determining planning applications, local planning authorities should expect new development to:*

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption”.*

Para.213 *“existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should*

*be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.*

## **Planning Practice Guidance**

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

## **RELEVANT PLANNING HISTORY**

The immediate site has been subject to the following applications:-

DC/061504 - Erection of 1 no. bungalow Refused 06/03/17

DC/067823 - Change of use of land and erection of a bungalow. Refused 15/02/18. Enforcement Notice served. Appeals were subsequently lodged against both the enforcement notice and the refusal of planning permission, with both appeals dismissed by the Planning Inspectorate.

In addition to the above, the following applications are pertinent in the context of land and buildings adjacent to the application site:-

DC/061922 - Prior Approval for the conversion of two agricultural buildings to form two dwellings. Prior Approval not required 15/07/16.

DC/064710 - Prior approval for change of agricultural building to (Class C3) dwelling. Prior Approval not required. 16/08/17.

DC/064878 - Demolition of brick barn and erection of new single storey dwelling. Granted 12/10/17.

DC/070174 - Demolition of existing farmhouse and erection of replacement dwelling (amended scheme to planning approval DC/063863). Granted 29/11/18.

## **NEIGHBOUR'S VIEWS**

The owner/occupiers of nearby properties have been notified by letter and the proposal has been advertised as a Departure from the Development Plan by site and press notices. The consultation period has now closed.

At the time of report preparation 19 representations have been received in support of the proposal, the comments of which are summarised below:-

- 1) Project REECE is run by wonderful people. This proposal is needed to help the project to continue and to help veterans with their careers and lifestyle;
- 2) The location of the building would be more appropriate than the existing premises and would enable veterans to feel more at ease;
- 3) To grant planning permission would allow more veterans to gain employment in the construction industry, making the transition from to civilian life less stressful;
- 4) This is a positive and much needed project, which brings benefits to wider society;

- 5) 6000 homeless people and 1 in 10 prisoners in the UK are ex armed forces. This project gives people the motivation, determination, training and knowledge to excel in life;
- 6) Why do people object to a community project;
- 7) The proposal is unique and is supported by very special and positive / unusual circumstances;
- 8) This will allow people of similar backgrounds to meet in a safe place, help with rehabilitation and prove to be an asset to the community;
- 9) These service hubs help support veterans with employment, accommodation and mental health;
- 10) This would bring a derelict building back into use and would improve the look of the local area;

At the time of report preparation 18 representations have been received objecting to the proposal, the comments of which are summarised below:-

- 1) Construction of a new building in the Green Belt and a Country Park;
- 2) Buildings have never been seen on this site before;
- 3) The proposal presents serious traffic concerns. There would be an impact on traffic volume near a local Primary School, where there are already existing traffic issues. Access to the site is up or down a narrow country lane increasing the risk of accidents and affecting access to local properties and to Werneth Low itself;
- 4) There are countless vacant properties and brown-field sites within the Borough which could be more appropriately converted into a development envisaged in this proposal;
- 5) It would be detrimental to the local Green Belt and in a conservation area;
- 6) Site notices have not been readily visible;
- 7) An application for a bungalow on this site has already been refused and an appeal dismissed;
- 8) An enforcement notice has been issued to the developer requiring the removal of the building;
- 9) Vegetation previously existed on site which has been removed;
- 10) Documents submitted in support of the application refer to the proximity of both Romiley and Woodley railway stations to the site. These are more than a 10 min walk away contrary to the comments in the supporting statement. The site could not be reached within the planned 30 mins of leaving Manchester Piccadilly station;



- 11) Buses to the site only run hourly, and cost £3 return from Greave (the nearest stop) to either station, thus bringing the travel cost to more than £7. This shows a weakness in the research in the supporting documents;
- 12) Given the poor public transport links this area has, it seems not unreasonable that any potential workers and users of the development would wish to travel by car, yet there would not be sufficient car parking space for more than 7 cars, and there is no way cars can be parked on Werneth Low Road;
- 13) Whilst we have no issue with the need for support from such projects for veterans, we do wonder about sustainability. 20 users for a 4 week period amount to about 240 users per annum – what would happen to the building should the usage fall away – will the developer then attempt to change the use to the original bungalow for which planning permission was refused;
- 14) There are no shops /food outlets within the immediate vicinity of the site, to serve potential users;
- 15) Forest Schools are usually used for school age primary age pupils who are having difficulties in accessing education in a classroom setting. How would this be applied to veterans who are attending construction courses, however therapeutic these might be;
- 16) The submitted application form contains inaccuracies;
- 17) The proposal would result in the destruction of wildlife habitats;
- 18) Nearby dwellings already suffer from drainage problems, these will be made worse by the proposed development;
- 19) The proposal would be inappropriate development, which would be harmful to the openness of the Green Belt. The NPPF requires that substantial weight be given to the harm to the Green Belt;
- 20) The evidence put forward in support of the proposal does not constitute very special circumstances, rather they are temporary short term generic benefits;
- 21) There is no demonstrable need for the proposal to be in the Green Belt, with benefits able to be achieved elsewhere;
- 22) The proposed landscaping is not mitigation for the harm to the openness of the Green Belt;
- 23) The proposal would be detrimental to the local landscape, being out of keeping with its site and setting;
- 24) The use of the site would result in increased noise and disturbance to nearby residents;
- 25) The public footpath has been closed, will it re-open;
- 26) It is understood the same people involved in the construction and sale of the Hillside Farm residential properties are involved in this planning proposal.

## **CONSULTEE RESPONSES**

Planning Policy Officer: I view that the specialist nature of the operation, operational requirements of customers, the difficulties of operating in temporary accommodation and the unsuitability of head office premises, the lack of suitable alternative sites, enhanced opportunities to achieve gainful employment and the provision of beneficial uses of Green Belt together form a set of considerations that clearly outweigh the harm caused to openness. As such I advise that very special circumstances exist and that permission should be granted.

In view of previous attempts to secure consent for residential use on this site, I advise that a condition is included to restrict permitted development rights for conversion of the building to Use Class C3 (residential).

Highway Engineer: I write with reference to the revised plan, drawing LM000/001 Rev C, which has been submitted in response to my comments of the 27th November 2019. Examination of the plan concludes that it addresses the issue in respect to the site's access arrangements raised in that response. As such, I consider the plan acceptable.

The applicant, however, has not confirmed what vehicles (other than for refuse collection) would service the site and therefore it is not clear whether sufficient room will be provided within the site for servicing. As previously outlined, however, it is assumed that servicing would be by car / van, noting the size of the facility and, if this was the case, I would conclude that the car park would be adequate. This matter, as with other matters of detail, however, could be dealt with by condition (requiring the submission of a servicing method statement). I can therefore confirm that the additional information and drawings that have been submitted since the original submission address the issues originally raised in respect to the scheme, with other matters able to be dealt with by condition, and therefore I raise no objection to the application, subject to conditions.

Recommendation: No objection, subject to conditions.

In summary the suggested conditions cover the use applied for, a construction method statement, construction details of car parking, cycle parking provision, site access works, a servicing method statement, waste management facilities, removal of permitted development rights for gates and barriers and provision / agreement of a travel plan.

Nature Development Officer: The site has no nature conservation designations, legal or otherwise.

### *Legally Protected Species*

Ecological surveys have been carried out previously at the site as part of a previous planning application at Hillside Farm (DC064878) - SESS Ecology Appraisal Report (April 2017) and I have reviewed this information as part of consideration of the current application. The ecology survey was carried out by a suitably experienced ecologist in May 2016. It is generally considered that ecological surveys remain current for up to two or three years from the date of survey (British Standard for Biodiversity, 2013). It is acknowledged that the survey is now three years old, however owing to the nature of the site it is considered that site conditions/potential for protected species is unlikely to have significantly changed since the ecology survey was undertaken.

Many trees have the potential to support roosting bats. All species of bats and their roosts are protected under UK (Wildlife and Countryside Act 1981 (as amended)) and European legislation (The Conservation of Habitats and Species Regulations, 2017). None of the trees within the application site were considered to offer bat roosting potential. From the information submitted with the current application, it does not appear as though any of the existing trees will be directly impacted by the proposals.

No signs of badger were recorded within the site during the 2016 survey. The habitats within the application area are assessed as offering limited potential for foraging badgers. Badgers and their setts receive legal protection under the Protection of Badgers Act 1992.

Paragraph 016 of the Natural Environment Planning Practice Guidance states that the local authority should only request a survey if they consider there is a reasonable likelihood of a protected species being present and affected by development. In light of the above I would not consider it reasonable to request a bat or badger survey as part of the current application.

The trees and other vegetation on site offers suitable nesting habitat for breeding birds. All breeding birds and their nests are legally protected under the Wildlife and Countryside Act 1981 (as amended).

The application involves the creation of a pond. This is a welcome inclusion in the proposals as, with careful design the pond could greatly benefit local wildlife. Ponds are included on the Greater Manchester Biodiversity Action Plan (BAP).

From the information submitted with the application, it does not appear as though any of the existing trees would be directly impacted by the proposals. If this is not the case and trees will be lost, replacement planting will be required. It is recommended that all retained trees are adequately protected from any potential disturbance impacts in accordance with British Standard Guidelines and following advice from the Council's Arboriculture Officer.

The trees and vegetation on site offer suitable nesting habitat for breeding birds and so the following condition should be attached to any planning permission granted: [BS42020: D.3.2.1] No tree/vegetation clearance works should take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of trees/vegetation for active birds' nests immediately before vegetation clearance works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the LPA for review.

The proposed works are considered to be of low risk to protected species such as badgers and roosting bats. These are mobile species however and can sometimes be found in seemingly unsuitable habitats. As a precautionary measure I would therefore advise that an informative is attached to any planning permission granted to state that the granting of planning permission does not negate the need to abide by the legislation in place to protect biodiversity. Should at any time during works, evidence of roosting bats, badgers or any other protected species be discovered on site during works, works must cease and a suitably experienced ecologist contacted for advice. Reasonable Avoidance Measures during construction works (such as covering any excavations that are left open overnight to prevent badgers getting trapped) should also be followed.

Biodiversity enhancements are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). The creation of a pond within the proposals is welcome. I would recommend that detailed pond design is submitted to the LPA for review – including: details of proposed planting and sympathetic design to maximise benefits to wildlife and a management plan for the pond. Further opportunities for biodiversity enhancements include provision of bat and bird boxes on the new building and/or retained mature trees, creation of insect/amphibian refuge areas, landscape planting comprising locally native species (such as creation of a wetland and/or wildflower areas). Detailed landscaping plans should be submitted for review to the LPA.

Any proposed lighting should be sensitively designed so as to minimise impacts on wildlife associated with light disturbance (following the principles outlined in Bat Conservation Trust guidance).

LLFA / Drainage Engineer: The submitted strategy is the same as the original project DC/072070, which has previously been agreed for adjacent developments.

Public Rights of Way Unit: No response received.

Arboricultural Officer: There are no legally protected trees on the site.

The construction site footprint predominantly sits within the hard standing and informal grounds of the site and the proposed new development potentially will potentially only impact on several small, poor valued regenerated trees.

A full tree survey has not been supplied as part of the planning application to show the condition and amenity levels of the existing trees and where applicable which trees could be retained to increase the amenity levels of the site with retained mature trees.

There are several concerns over the proposed scheme which is the potential impact from the car parking location as several trees are shown as removed on the site layout plan as well as the concern over materials storage, deliveries and site compound/cabins during the construction phases on the existing trees at the front and side of the site and potential impact on them to facilitate the infrastructure of the scheme and lack of landscaping detail to off-set the losses.

The lack of any landscaping will need to be considered by the applicants to allow consideration for new trees on or off site and the local provenance and improved amenity and interest, with this in mind the following species should be considered; *Quercus robur* 'Fastigiata' (Upright Oaks) or *Ilex aquifolium* varieties (Variegated Holly) if any opportunity allows for the increase tree cover for the residential site.

In principle the design will potentially have a small negative impact on the trees on site and within neighbouring properties, therefore it could be accepted in its current format with some improved landscaping design, with care taken over the proposed siting of the trees and the species of the trees, to offer some diversity in the species and improved biodiversity the trees offer increasing wildlife benefits to an ever increasing urban area.

If granted, conditions relating to tree protection measures, tree retention and tree planting are recommended.

Contaminated Land: The development site has no former potential contaminative uses and it isn't close to any landfill. An appropriate informative is requested should any unforeseen contamination be found.

## **ANALYSIS**

In terms of policy principle, the application site is located within the Green Belt, as defined on the UDP Proposals Map.

Members are advised that the existing structure partially constructed on site remains un-authorized. This same structure previously formed part of an application (DC/067823) seeking the change of use of land and erection of a bungalow, which was refused by the Council on the grounds of harm to the Green Belt caused by the built development (both existing and proposed).

The Council subsequently served an enforcement notice requiring the removal of the existing structure. Appeals were lodged against both the enforcement notice and the refusal of planning permission. The appeals were considered and dismissed by the Planning Inspectorate in 2018, with the enforcement notice requiring the removal of the un-authorized structure currently on site. As such a live enforcement notice remains in place on the current application site, which requires the removal of the structure.

The proposal represents a departure to local and national Green Belt Policy that precludes the construction of such a building. The NPPF refers to the definition of previously developed land as excluding “land that is or has been occupied by agricultural or forestry buildings”. The purpose for this is to protect agricultural land from development save in very special circumstances.

### *Inappropriate development*

The proposal is subject to assessment under Paragraphs 133, 134, 141, 143, 144, 145 and 146 of the NPPF.

Paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and permanence.

Paragraph 145 sets out that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt, but lists a number of exceptions. The exceptions include:-

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) 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;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- 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.

In addition paragraph.146 sets out that certain other forms of development are also not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. These are

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Saved UDP policy GBA1.2 states that there is a presumption against new buildings in the Green Belt and lists a set of criteria that could form acceptable forms of development. The proposal does not constitute any of these forms of development and therefore is contrary to saved UDP policy GBA1.2 and paragraphs 145 and 146 of the NPPF.

#### *Openness*

With regard to the issue of openness, Paragraph 133 of the NPPF emphasises how the Government attaches great importance to the Green Belt and how the essential characteristics of the Green Belt are its openness and permanence. Relevant case law reiterates that agricultural buildings are not deemed to have an impact on openness and that appropriate agricultural buildings are regarded by the NPPF as not harmful to openness or Green Belt purpose. This matter was considered and reinforced as part of the 2018 appeal decision for the proposed bungalow at this same site, when the Planning Inspector confirmed the scheme did not constitute previously developed land. As such, it is considered that the current proposal for a new building and its associated hardstanding areas, would have an overall net impact on the openness of the Green Belt, contrary to Paragraph 133 of the NPPF.

#### *Other harm*

In respect of other harm caused, reference should be made to the Inspector's findings in the previous appeal on the site for the proposed bungalow, as the new training centre, being of similar dimensions, would have a similar impact on openness. As part of the previous appeal the Inspector found that openness would be harmed both spatially when compared with the former agricultural building on the site, and visually; in that the greater volume of the building and use of the driveway and parking area would represent an 'intrusion' into the countryside. The Inspector concluded that openness would be affected.

Having regard to the above, Members will be advised that the parking area now proposed has increased in size from the previous appeal, this being to accommodate

9 parking bays, when compared to the 2 parking spaces for the refused bungalow scheme.

### *'Very Special Circumstances'*

Paragraphs 143 and 144 of the NPPF set out that 'inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Relevant case law assists in the consideration of what constitutes 'Very Special Circumstances'.

As quoted in the supreme court decision, *Wychavon District Council v Secretary of State for Communities and Local Government* [2008] EWCA Civ 692:

"The guidance in the NPPF is unchanged in relation to very special circumstances. As such, whether a factor constitutes a very special circumstance is a matter for the decision maker in the exercise of his judgment in any particular case."

Whilst neither local nor national policy specify what demonstrating a case for 'very special circumstances' should entail there is considerable case law which suggests that adhering to the following approach is likely to be suitable:

1. Identify (with evidence) an essential objective that the proposal is intended to meet;
2. Demonstrate that that essential objective could not reasonably be met in a less harmful way (i.e. consideration of other sites outside of the Green Belt or alternative sites within the Green Belt but where less harm would be caused or which would amount to a form of development excepted by NPPF paragraph 89)
3. Demonstrate that the proposed development would meet the essential objective and that doing so clearly outweighs the degree of harm caused by the proposal (this should include demonstrating that the essential objective could not be achieved less harmfully by an alternative scheme at the same site).

As part of this current proposal before Members the applicant has outlined a detailed case seeking to demonstrate the existence of very special circumstances. These are as set out in the submitted Planning Statement, with a further Sequential Test assessment also provided which seeks to evidence the lack of any suitable, less harmful alternative sites. The case for the very special circumstances being proposed by the applicant can be summarised as comprising the following:-

- The training centre must be provided in a quiet, semi-rural setting to aid cognitive therapy/rehabilitation away from noisy, built-up environments that allow mental health to deteriorate;
- There is a need for a permanent base not only to give financial security for organisation but to provide suitable learning environment;
- It is suggested that no other sites outside the Green Belt or within the Green Belt are available which meet the above requirements. The CIC head office is currently on an industrial estate within Romiley district centre and is felt to be unsuitable by the applicant;

- Providing opportunities and support to vulnerable people, giving users access to meaningful employment in the construction industry, in turn increasing social value and reducing welfare costs.

Having regard to the above, it is evident that the proposal would undoubtedly offer socio-economic and welfare benefits in terms of reintegrating armed forces veterans into civilian life. However these need to be carefully balanced to judge whether they clearly outweigh the potential harm to the Green Belt, caused by the 'inappropriateness' of the proposal, as set out in paragraph 144 of the NPPF.

Weighted against the above is the fact that the use is not already established and operating from the site, i.e. there is no demonstrable need to expand the operation in this specific location. However, the applicant has sought to identify a need for the proposal in this particular Green Belt setting using a more detailed Sequential Test assessment of alternative sites that reflect the applicants' essential objectives. It is evident that from the submission a suitable location is suggested as being one in a semi-rural setting within 30 mins travelling of Manchester Piccadilly railway station.

The submission indicates that if granted the development would be offered to the applicant on a 3 year peppercorn rent basis, as part of a 5 year tenancy. This does however pose a risk that the short term future of the site is of a temporary nature, whilst the impact of the development on the openness of the Green Belt would be permanent. Given the permanent nature of the proposed building and associated infrastructure, a condition limiting the development to a temporary period would not meet the relevant legislative tests and as such should not be imposed.

In considering the current proposal, Officers believe that on balance, based on the detailed case put forward in support of the application indicating that no less harmful alternative sites exist and in the absence of any objections from Planning Policy Officers, very special circumstances are considered to exist. In order to ensure that the case for very special circumstances is maintained, should planning permission be granted this should be subject to appropriate conditions. These should include, but not be limited to, a condition ensuring the development is a personal consent based on the unique case put forward by the applicant and conditions limiting the use of the development to that applied for and for no other purpose, thereby preventing the change of use of the building to another inappropriate use (i.e. residential) through the use of permitted development rights.

On balance after having regard to all of the above, including the case put forward in support of the proposal as well as the principles established by the previous appeal decisions relating to this site, it is considered that very special circumstances are present in this particular case which are sufficient to outweigh the harm the proposal would cause to the Green Belt by way of inappropriateness, in accordance with paragraphs 143 and 144 of the NPPF.

### Residential Amenity

Whilst it is accepted that the current proposal is not for residential purposes, it must be acknowledged that in dismissing the previous planning appeal for the construction of a building (bungalow) of similar scale, siting and design, both the Local Planning Authority and the Planning Inspectorate considered that the development was of an appropriate scale, siting and design, which would safeguard the amenity of nearby residential properties.

Although the current proposal is for a non-residential use, given the relatively limited floorspace of the building and that the open air elements are positioned further into



the site away from existing residential properties and having regard to the previous appeal decision, it is not considered that a refusal on the current application on the grounds of its impact on residential amenity would be justified.

In view of the location of the site and the retained separation to nearby residential properties, it is considered that the proposed development could be accommodated on the site without causing harm to the amenity of surrounding residential properties.

### Design

The proposal is considered acceptable with regard to its design and siting and its subsequent visual impact on the surrounding Landscape Character Area. In this respect it is noted that in dismissing the previous planning appeal for the construction of a building of similar scale, siting and design (albeit for residential purposes), both the Local Planning Authority and the Planning Inspectorate considered that the development was of an appropriate scale, siting and design which would not be unduly harmful to the surrounding Landscape Character Area.

Whilst it is acknowledged that the current proposal includes an increased area of hardstanding towards the site frontage, when compared to the previous appeal, this is now in part off-set by the absence of a domestic garden and associated paraphernalia.

On this basis, the proposal is considered to comply with the requirements of saved UDP policies LCR1.1 and LCR1.1A and Core Strategy DPD policy SIE-1.

### Highway and Pedestrian Safety

No objections are raised to the proposal from the Highway Engineer, subject to the imposition of suitably worded planning conditions.

The proposed level of parking (9 spaces, including two spaces for disabled badge holders) is considered sufficient to meet demand.

It is noted that as part of the submission the applicant has suggested the provision of a minibus (or other form of vehicle) to address the issue of the site being too far from Romiley Train Station or a high frequency bus route and reduce journey times for veterans travelling to and from the site. Sites within a town or district centre would be more accessible, but if it is considered that the facility needs to be located in a rural location, the provision of a mini-bus would ensure that veterans would be able to travel to the site by public transport and allow the applicant's travel criteria to be met. The operation of a mini-bus could form part of a Travel Plan for the site, secured by appropriate condition.

Providing the facility operates along the lines indicated by the applicant as part of their submission (which could be conditioned), with the number of veterans, staff and visitors being along the lines outlined and around half of them travelling by sustainable modes of transport, the Council's Highway Engineer concludes that the number of vehicle movements that would be generated by the development would not result in a material increase in vehicle movements on the local highway network, subject to improvements being carried out to the site access / visibility as per the submitted drawings.

Other matters relating to cycle provision and servicing arrangements have been addressed to the satisfaction of the Council's Highway Engineer and are subject to conditional control.

On this basis, the proposal is considered acceptable with regard to the site access arrangements, highway safety and parking, in accordance with Core Strategy DPD policies SIE-1, SD-6, CS9, T-1, T-2 and T-3 and the Council's Sustainable Transport SPD.

### Landscaping

The comments received to the application from the Council Arboricultural Officer are contained within the consultee responses section above.

Whilst the Arboricultural Officer raises some concerns to the potential negative impact of the proposal on existing trees on the site, especially during construction, these concerns could be addressed by way of the imposition of suitably worded conditions to require the provision of protective fencing to retained trees and the submission, approval and implementation of a landscaping scheme to compensate for any tree loss.

In the absence of any fundamental objections from the Arboricultural Officer and subject to conditional control, the proposal is considered acceptable with regard to its impact on trees, in accordance with Core Strategy DPD policies SIE-1 and SIE-3.

### Ecology

In terms of ecological interests, the detailed comments of the Council's Nature Development Officer are contained within the consultee responses section above.

Whilst the site has no nature conservation designations and there are no records of protected species in the site, it is noted that the site contains habitats that could support legally protected species such as bats and nesting birds.

In the absence of objections from the Nature Development Officer, it is considered that the proposal would not result in harm to protected species, biodiversity or the ecological interests of the site, in accordance with Core Strategy DPD policy SIE-3.

### Other Matters

No objections are raised to the application from the Council's Environment Team, therefore the proposal is not considered to be at risk from land contamination, in accordance with Core Strategy DPD policy SIE-3.

Whilst the concerns of some local residents in respect of drainage are acknowledged, the current proposal includes a surface water drainage scheme which is supported by the Council as the Lead Local Flood Authority. Furthermore this is based on a scheme previously accepted, serving the residential development being carried out as part of the wider former Hillside Farm complex, adjacent to the site.

The diversion of the public right of way adjacent to the site has previously been accepted as part of the various permissions granted for the residential developments currently underway as part of the wider Hillside Farm complex. In the absence of any objections from the Council's Public Rights of Way Unit, this aspect is considered to be acceptable.

In terms of the Council's carbon reduction targets, an Energy Statement has been submitted, to address the principles of Core Strategy DPD policy SD-3. This is supported by Officers.

## **SUMMARY**

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision-taking.

The NPPF establishes three dimensions to sustainable development – economic, social and environmental, which should be sought jointly and simultaneously through the planning system.

The layout and design of the proposed development is considered acceptable, in terms of its impact on the visual amenity of the area and the residential amenity of surrounding properties. Noting the analysis earlier in this planning report, the proposal is considered acceptable in terms of parking and highway safety; land contamination; ecological interests, public rights of way; drainage and energy efficiency.

Notwithstanding the un-doubted positive aspects of the scheme highlighted earlier in this planning report, the proposed development within the Green Belt constitutes inappropriate development which is, by definition, harmful to the Green Belt and in reducing openness conflicts with the purposes of including land in Green Belt.

The current proposal would clearly deliver significant benefits, including to the veterans who would receive training at the site and the impact this would have on wider society. In light of this and based on the detailed case put forward in support of the application it is considered that a sufficiently robust case has been presented to demonstrate 'very special circumstances' sufficient to outweigh harm by reason of inappropriateness and any other harm, in accordance with the NPPF.

In view of the above, when considering the planning merits of the proposal against the requirements of the NPPF and development plan policies, the proposal is considered to represent sustainable development. On this basis, in accordance with the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application is recommended for approval.

## **RECOMMENDATION**

Grant.

### **WERNETH AREA COMMITTEE (01/02/21)**

The Planning Officer introduced the report and advised Committee of the receipt of a further letter of representation received from a 3rd party, re-iterating their objections to those that had previously been raised to the application, but making the following additional summarised comments:-

- 1) Work has already commenced on the pond and landscaping;
- 2) The surrounding area has experienced increased flooding and the current project may exacerbate this even more;
- 3) Inaccuracies within the case put forward by the applicant in terms of travel times;
- 4) The current application could be a back door way of applying for conversion to a dwelling in the future;
- 5) Queries over the need for the proposal in this location and potential noise impacts.

K Burton spoke against the application, expressing the view that there had been no changes since the application was previously before the Committee in 2020 with an officer recommendation of refusal. It was noted that the site fell within the Green Belt and to grant permission would set a precedent. It was felt that the applicant has only looked at limited alternative sites and that Committee should be mindful of the planning history relating to the site. On a final note it was highlighted how the current proposal looked similar to a bungalow.

L Moore (applicant) spoke in support of the proposal. It was explained how the current pandemic has highlighted the need for Project REECE, with significant increases in the number of online courses carried out and increased numbers of participants. Reference was made to previous attempts at community engagement with local residents to explain what the project involved. It was highlighted how the current premises from which the project is currently run are unsuitable for the participants and that a calm, rural setting would help limit anxiety.

Members debated the application and noted that the principles and the objectives of Project REECE were worthwhile and should be supported. Notwithstanding this the location of the site within the Green Belt, together with the objections received to the application were acknowledged.

Committee referred to the planning history relating to the site and accepted that the building currently proposed looked similar to a bungalow. It was noted that conditions were being proposed, which included removing the ability to convert the completed building to residential use (should it become vacant), without further consent being obtained from the Local Planning Authority.

On balance Committee considered that very special circumstances had been demonstrated to outweigh the harm to the Green Belt and recommended that the Planning & Highways Regulation Committee grant planning permission, whilst also recommending that a condition be included removing the ability to convert the completed building to residential use, without further consent being obtained from the Local Planning Authority.