

## Item 6(vii)

<b>Application Reference</b>	<b>DC/081672</b>
<b>Location:</b>	Huws Gray Moor Lane Woodford Stockport SK7 1PL
<b>PROPOSAL:</b>	Rebuilding of warehouse and trade counter following fire
<b>Type Of Application:</b>	Full Application
<b>Registration Date:</b>	08.07.2021
<b>Expiry Date:</b>	20210902
<b>Case Officer:</b>	Jane Chase
<b>Applicant:</b>	Huws Gray
<b>Agent:</b>	Perega

### **DELEGATION/COMMITTEE STATUS**

Planning & Highways Committee – Departure

### **DESCRIPTION OF DEVELOPMENT**

The application proposes the erection of a warehouse and trade counter that were destroyed by a fire at the site on a near like for like basis with improvements as necessary to comply with current standards and to aid visual amenity. The site has been cleared of debris and any remaining dangerous structure demolished. The existing slab remains. The site however remains in use as a builders merchant.

The previous warehouse consisted of two portal sheds in front of which was a trade counter building with a canteen extension. The warehouse building was constructed of 1800mm high red brick and profiled metal sheet cladding, painted brown. The roof was also profiled metal sheet cladding painted brown with rooflights. The trade counter building was constructed with red brick with blue/grey roof tiles (some reclaimed from the previous trade counter building). The trade counter had white upvc windows.

The application seeks to rebuild what existed previously and can be summarised as follows:

- A trade counter to the front of the site within a single storey brick built building and a tiled pitched roof over, a hipped roof projecting wing and pitched roof entrance. This building would measure 19m wide, 11.5m deep with an eaves height of 2.3m and a ridge of 5.5m. Materials are proposed as red brick and grey/blue tiles. The windows are white upvc.

- Behind and interconnected to this trade counter, a warehouse is proposed with a double pitched roof running front to rear. This building would measure 19.08m wide, 24.517m long, 5m to eaves and 5.5m to the ridge. One half of this building will have a mezzanine floor at first floor level. The rear south east corner of this warehouse now encloses what was an open sided materials store which had a roof over. Materials of construction, as amended following discussions with Officers, are

proposed as 1800mm high red brick with untreated cedar cladding to the side, east elevation and rear, south elevation. That to the west facing Moor Farm will comprise 180mm red brick with brown painted profiled metal cladding above. The warehouse will incorporate polycarbonate rooflights and ppc aluminium rainwater goods. Waste water pipes to be black upvc.

There are no proposed amendments for access or to the external layout of the wider site in terms of parking and external storage. Whilst the works are in progress the internal existing yard wall will be taken down to provide sufficient working area whilst allowing vehicles to move in and out of the yard safely. The wall forms part of the screening of the yard and is to be reinstated.

The application is supported by a Design and Access Statement and a Heritage Statement.

### **SITE AND SURROUNDINGS**

The application site is located on the south side of Moor Lane close to the junction with Jenny Lane. The site has historically been occupied by a builders merchant with a variety of buildings, mainly single storey positioned within the site along with external storage, parking and servicing areas. This is illustrated in the photos below.





### **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.

Policies set out in the Woodford Neighbourhood Plan adopted September 2019.

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

LCR1.1 Landscape Character Areas

GBA1.1 Extent of Green Belt

GBA1.2 Control of Development in Green Belt

E1.2 Location of New Business Premises and Offices

CDH1.2 Non Residential Development in Predominantly Residential Areas

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

SD-1 Creating Sustainable Communities

SD-3 Delivering the Energies Opportunities Plan

SD-6 Adapting to the Impacts of Climate Change

CS7 Accommodating Economic Development

AED-6 Employment Sites Outside Protected Employment Areas

CS8 Safeguarding & Improving the Environment

SIE-1 Quality Places

SIE-3 Protecting, Safeguarding & Enhancing the Environment

CS9 Transport & Development

T-1 Transport & Development

T-2 Parking in Developments

T-3 Safety & Capacity on the Highway Network

### **Woodford Neighbourhood Plan**

ENV4 Supporting Biodiversity

EMP1 New Businesses Within The Area

COM3 Woodford's Heritage Assets

DEV4 Design of New Development

### **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.

### **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 20th July 2021 and replaced the previous NPPF (originally issued 2012, revised 2018 and 2019). 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 – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*  
*b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*

*c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

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. 81 “Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.”*

*Para. 83 “Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.”*

*Para. 92 “Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:*

*a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;*

*b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and*

*c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”*

*Para. 104 “Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*

*a) the potential impacts of development on transport networks can be addressed;*

*b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*

*c) opportunities to promote walking, cycling and public transport use are identified and pursued;*

*d) the environmental impacts of traffic and transport infrastructure can be*

*identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*

*e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.”*

*Para. 105 “The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”*

*Para. 110 “In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

*a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*

*b) safe and suitable access to the site can be achieved for all users;*

*c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*

*d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*

*Para. 111 “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

*Para. 112 “Within this context, applications for development should:*

*a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*

*b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*

*c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*

*d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*

*e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”*

*Para. 113 “All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”*

*Para. 119 “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a*

way that makes as much use as possible of previously-developed or 'brownfield' land."

Para.120 "Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;"

Para.126 "The creation of high quality, beautiful and sustainable 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process."

Para. 130 "Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>49</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

Para. 131 "Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible."

Para.134 "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning

documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

Para.137 “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.138 “Green Belt serves five purposes:

a) to check the unrestricted sprawl of large built-up areas;

b) to prevent neighbouring towns merging into one another;

c) to assist in safeguarding the countryside from encroachment;

d) to preserve the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”

Para. 147. “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

Para. 148. “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 resulting from the proposal, is clearly outweighed by other considerations.”

Para. 149 “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

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.”

Para.152 “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

Para.154 “New development should be planned for in ways that:

a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are

*vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*

*b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards."*

Para.157 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.167 "When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

*a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*

*b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*

*c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*

*d) any residual risk can be safely managed; and*

*e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan."*

Para. 169 "Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

*a) take account of advice from the lead local flood authority;*

*b) have appropriate proposed minimum operational standards;*

*c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*

*d) where possible, provide multifunctional benefits."*

Para. 174. "Planning policies and decisions should contribute to and enhance the natural and local environment by:

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

*e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air*

*and water quality, taking into account relevant information such as river basin management plans; and*

*f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

*Para.183 “Planning policies and decisions should ensure that:*

*a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*

*b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*

*c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.”*

*Para.184 “Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”*

*Para.185 “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

*a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*

*b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*

*c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*

*Para.188 “The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.”*

*Para.194 “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”*

Para. 195 *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”*

Para. 196 *“Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.”*

Para.197 *“In determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.”*

Para.199 *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

Para.219 *“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**

DC041766 - Construction of replacement warehouse building. Approved 2009

DC047495 – Non Material Amendment to DC041766 to include additional/revised window openings to front and rear elevations; revised entrance porch and roof design and omission of entrance door and windows. Approved 2012

DC055360 - Single storey extension to front elevation of main building to provide a staff/customers canteen and farm shop to replace existing facility. The existing facility comprising a portacabin is to be demolished and the site restored. Approved 2015.

## **NEIGHBOUR'S VIEWS**

The receipt of the application has been advertised by way of a site and press notice. The occupiers of 15 neighbouring properties have also been notified in writing. At the time of writing this report:

2 letters have been received objecting on the following grounds:

- The close proximity of the new building to the boundary will result in a fire risk and does not accord with Building Regulations. To build that close to the boundary and considering that there is a grade 2 listed building on the other side of the hedge, the wall facing this hedge should be non-combustible or it should be pulled away at least 900mm from the boundary. The brickwork to the lower level is fine but corrugated steel is not fire proof.

- The google earth photographs in the planning application clearly show that from 2010 to 2016 a significant area of the fields that were to the south and east of the site have already been used for car parking and storage thus straying into the Green Belt. Hard standing has also been laid. These fields have always been part of the Green Belt, and were originally farm land. The Council have already been made aware of this (enforcement case 21/00114/BRE) but thus far have not responded. The provision of additional parking would appear to be in contradiction to the Council's public transport policy.

- The view of Huws Gray from the public footpath further south can only be described as an eyesore. Our understanding is that developments in this area should not affect the public aspect. The current extended storage facility clearly contravenes this.

- Noise pollution from the "beeping" warning sound of reversing fork lifts and lorries. This starts from the moment the business opens at 7.30 am and is easily heard from adjacent residential properties. Crashing sounds from what we assume is fork lifts dumping tote bags of building materials, also from early morning and easily heard.

- HGVs park on Moor Lane in the early morning waiting for the gates to open. These lorries are causing difficulties getting past because they are blocking the view for motorists, on a bend, and at the junction with Jenny Lane. They also block Moor Lane when manoeuvring / reversing in to the site entrance. They cause damage to the verges (and it would appear, their drivers also dump their rubbish on the road and verge);

- Large numbers of customers' vans, flat-bed trucks and pick-up trucks come to the site (as well as Huws Gray's own vans and HGVs) and these cause noise and vibration - the flat-bed trucks and the many vehicles that have trailers "bounce" over the speed bumps. This causes in turn considerable noise as the trailers rattle over every speed bump the length of Moor Lane. On occasion, items to bounce out of the trailers (outside our own home so far we have found a Stanley knife, a gate post, a screw driver, spanners, a hasp, and on a number of occasions spillage of hardcore). The larger vehicles also cause shock waves which can be felt indoors as they hit the speed bumps. Vehicles often speed on Moor Lane, despite the speed bumps (though we acknowledge that this is a more general problem).

- Although we understand the history of the development of the site, the current / proposed operation is a far cry from the previous small businesses that operated from there: from farm, to farm shop, to small haulier, from café to small family run builder's merchant. It has, as the saying goes, "grown like topsy", to a corporate entity which is now far too large and is an inappropriate development relative to its

lone setting in a residential semi-rural location, with no apparent constraints on further expansion. Our objection is not to the presence of Huws Gray, but we believe that the opportunity should be taken to only grant planning permission for a far more constrained development, and should include restrictions on future physical expansion.

2 letters have been received neither objecting nor supporting the proposal but making the following comments:

- The access statement makes no reference to the pre-existing traffic issues caused by the brick works and I request that this be addressed as part of the current planning application. Traffic to the site has increased in recent years, I believe as a result of the change in ownership. Company policy is to prevent access to the site without appointment and until entry is approved. This results in HGVs blocking one side of the road for considerable periods of time, causing danger to pedestrians and drivers. The road is narrow and has limited vision, meaning that overtaking is dangerous. This is further exacerbated as they park next to the Jenny Lane junction. I believe it to be only a matter of time before there is a serious accident. I request that waiting be prohibited, company policy changed to allow immediate access and sufficient space is allocated on site to allow such entry.

- The description and history of the buildings that have been demolished following the fire earlier this year does not mention the developments since Huws Grey purchased the business. The sheds at the back of the brick buildings were converted into a new reception area and building material store. This new indoor area is now approximately four times larger than the original area. The business is also seeing a significant increase in traffic due to the growth of the development. Being located within a residential area this increase in traffic has unfortunately resulted in increase noise and traffic.

- To minimise the impact of the development we therefore ask for planning conditions to be in place to control the hours and days of operation (opening and trading); restricting the use of lighting outside of working hours; improvements to the grass verges caused by HGV's accessing the site; limiting noise e.g. by avoiding storing materials against the property borders which require offloading. Ways to avoid the queuing of large HGV vehicles on Moor Lane which block access to property driveways and cause a hazard due to the bend in the road should also be considered.

### **CONSULTEE RESPONSES**

Conservation Officer - The application site is immediately next door to the Grade II listed Moor Farm farmhouse, with the two sites at one time being conjoined under a single site as Moor Farm. As such, the application site forms part of the setting of a designated heritage asset. The application site is separated from Moor Farm by a fence and coniferous tree boundary.

The application seeks planning permission for the rebuilding of a two-storey warehouse which was demolished following a fire. The original, now demolished, warehouse, was first granted permission in 2009 by application DC/041766. In reviewing the planning history associated with the 2009 application, it is evident that the proposed design, scale, materials and boundary treatments were revised through the course of the application in order to resolve concerns raised by the Conservation Officer at the time (Crispin Edwards), in respect of the impact of the development in the setting of the listed building. It is noted that a subsequent NMA to the application

was received and granted in 2012 (DC/047495) however these related to issues relating to the detailed design of the roof to a porch (changing from a hipped roof to a gable) and minor revisions to window and door openings. The overall design, scale and materials as approved in 2009 remained unaltered.

In looking at the current application it is evident that the design and scale of the warehouse would replicate that of the 2009 approval, however the proposed materials of external construction are markedly different. The materials of external construction for the approved warehouse were detailed within the application drawings as brick at ground floor level, with untreated cedar panel cladding at first floor level, and colour coated profile metal sheeting for the roof and were in accordance with the requested amendments by the Conservation Officer at that time. A pre-commencement condition was also attached to the planning permission requiring a schedule and samples of all materials of external construction to be provided. It is not apparent that a discharge of conditions application was submitted to the Council in respect of this application. It is also noted that no change to the materials of external construction were included as part of the non material amendment.

The current application proposes the use of brickwork with profiled metal sheet cladding above for the external elevations. Whilst the applicant states that the profiled metal cladding above the brickwork would be 'as previous building' this is not consistent with the 2009 approval, and nor does it appear that any approval has been sought or granted for this material.

Untreated cedar cladding, as a natural and traditional material is far more sympathetic to the setting of the historic farmhouse and my view concurs with that of the previous Conservation Officer, in that the materials of external construction form a key part of the acceptability of the scheme. As such, whilst I raise no objection in principle to the application, I request that the materials of external construction should be those specified on the documents of the 2009 approval (together with a condition for samples to be provided), unless there is evidence that other materials of external construction were submitted to and approved by the Council, in accordance with the requirements of the conditions of the permission.

NB: Members are advised that the application in respect of the materials to the warehouse have been amended to address the comments of the Conservation Officer.

Highway Engineer - The proposal is for a new building on the site, as a replacement for a recently fire damaged building. The proposed building is similar in scale and of the same nature in use and as such should not give rise to materially different traffic volumes. The site has suitable access arrangements and adequate parking for staff and customer needs and this will be respected by the proposal.

I am aware that servicing of the site has on occasion caused highway operation and safety concerns as vehicles have been stopping and waiting on the adjoining highway network before site management are apparently allowing access. This is a concern and whilst I note that this application is effectively for a building that is no different to that which previously existed, it appears reasonable, relevant and necessary for the site to provide a service management plan to ensure that continued site servicing does not give rise to off-site difficulties and consequent highway operation and safety concerns. This is a matter capable of conditional control.

NB: Members are advised that the applicant is agreeable to a condition requiring the submission, approval and implementation of a servicing management plan.

Woodford Neighbourhood Forum - We support the proposals for reinstatement of the premises following fire. As noted in the Design and Access Statement, there has been a builder's merchants business in that location for a long time and it provides a useful facility in the village and surrounding community.

We would like to make the following suggestions:

- There is an opportunity for tree and shrub planting on the site to enhance Woodford's natural features in accordance with WNP ENV3 and to increase biodiversity in accordance with WNP ENV4. We recommend native species to be in character with the semi-rural location and to support local ecology. Flowering species would support important pollinator insects.
- There is also an opportunity for use of renewable energy sources, high levels of insulation and permeable exterior surfaces to improve drainage, in order to address the impacts of climate change.
- The site is adjacent to a listed building, Moor Farm. Given the serious fire last year, which posed a significant risk to this property, we request that particular attention is given to ensuring that the rebuild meets fire safety regulations with regard to the materials used and the distance of the new premises from this building.
- There is an opportunity to impose conditions on operating hours to ensure that any disturbance to neighbours is minimised.

United Utilities – United Utilities has reviewed the submitted documents and wishes to highlight to the applicant the existing large trunk main that falls within the site boundary which is protected by a legal easement. Whilst the proposed new building does not appear to encroach on the water main, the submitted Site Layout Plan (Drawing Ref: L16438-0999) shows 'external material storage' directly on top of the water main. This is not acceptable to United Utilities and should be removed.

NB: Members are advised that the site plan has been amended to address this comment.

In terms of drainage, in accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Conditions should be imposed on any planning permission to secure the drainage of the development.

## **ANALYSIS**

In considering this application Members are advised that neither the use of the site nor the layout of the wider site form part of this application. The only element that requires planning permission is the erection of the trade counter and warehouse behind following the destruction of the previously existing buildings in a recent fire. Indeed, it is important to note that despite the buildings having been destroyed by fire, the lawful use continues to this day. As such, the only considerations are the impact of the buildings proposed in terms of the provision of employment floorspace, the openness of the Green Belt and general character of the area, the setting of the adjacent heritage asset, the residential amenities of the area and whether the building proposed benefits from adequate parking and servicing provision. Conditions imposed on earlier permissions to control the hours at which the wider site is used and serviced remain in force (DC041766).

### Employment Floorspace

Saved policy E1.2 confirms that employment development will be permitted on sites outside of designated employment areas where they do not conflict with other UDP Review policies. This is reflected in Core Strategy policy CS7 which confirms that small scale employment development in residential and rural locations will be acceptable provided they meet criteria set out in development management policies. Policy AED-6 confirms that the extension of existing employment premises will be permitted where it does not conflict with other policies.

There are no policies in the Woodford Neighbourhood Plan that directly reference the redevelopment of existing employment sites however it is noted that policy EMP1 supports the sustainable growth of local businesses subject to development respecting local character, highway safety and residential amenity.

The NPPF offers the most up to date policy position and confirms at para 81 that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The assessment of the development under other development management policies is set out below, however, in terms of the provision of employment floorspace to replace that destroyed by fire, the proposal wholly accords with the policy position set out above.

### Green Belt

Saved UDP policy GBA1.2 confirms that the construction of buildings within the Green Belt is inappropriate unless it is for one of 4 excepted purposes. The exceptions listed do not make provision for the replacement or erection of commercial buildings and therefore the proposed development is contrary to this policy.

The Woodford Neighbourhood Plan is silent on the construction of non residential development in the Green Belt and as such there is no conflict with this Plan.

The NPPF offers the most up to date policy position on development in the Green Belt and therefore offers significant weight in the consideration of this application. Para 149 confirms that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include amongst others:

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

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.

Members are advised that in order to comply with paragraph 149d there has to be an existing building to replace. Given that there is no such building (it having been destroyed by fire and the remains cleared from the site) the proposed development is not compliant with this sub paragraph. Whilst it is noted that paragraph 149g also allows for redevelopment of previously developed land

(which the site comprises) in order to be appropriate in the Green Belt that proposed must not have a greater impact on openness than that existing. As there are no buildings on the site, that proposed will clearly have a greater impact on openness than that existing. As such the proposed development is not compliant with paragraph 149g either.

Paragraph 147 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The case presented by the applicant in this respect is set out below:

1. *The need for a replacement building and securing the future of the business - Huws Gray is a well established business which employs local people and serves local customers. The fire devastated the existing premises along with stock. In the current climate building materials are in high demand and low supply. 2021 has been an incredibly busy year in the construction sector and in the time of need due to the fire, the absence of a branch and warehouse facility meant Huws Gray were unable to stock the materials they used to. There are no signs of the demand for the construction sector slowing down and the trade and public customers in Woodford and the surrounding areas need Huws Gray to be the best it can be and have the stock ready for when they need it.*

*The premises were acquired by Huws Gray in 2016 from Woodford Building Supplies, before that it was The Brick Market. The site has always contained portal framed buildings and therefore reinstating a portal building should not be deemed as being harmful, the existing footings/slab are being reused. Over time, with previous planning applications, the visual impact has been tidied up.*

*The premises are practical for the type of business use with product display, giving adequate space for forklifts to move materials around along with a separate customer entrance. The building will provide a good quality weatherproof building. At the moment there are temporary facilities in use at the site and their team of 13 employees are continuing to work the best they can in the given circumstances but are finding it difficult and frustrating.*

*Although there is currently only a slab left from the existing building, the proposed building is in the same use and not materially larger than the one that was in existence prior to the fire.*

*By providing employment and ensuring the future viability of the business the proposal is positive in terms of the rural economy.*

2. *Significant improvements to visual amenity - The visual amenity of the building had been considered in previous planning applications and was considered an improvement and that it would also meet the needs of the business.*
3. *The proposal would be in-keeping with the existing character of the area Woodford has a dispersed character with ribbons of development separated by open countryside. The application site lies within one of these ribbons of development. It is not therefore an open rural setting and*

*the replacement building would continue to form part of the ribbon of development.*

*The proposals was an established builders yard with the entire site covered in hardstanding. The replacement building would be on the footprint of the existing. The proposal would not alter the character of the use on the site.*

In response to this, the economic and environmental benefits of the proposed development are noted. It is also apparent that until the recent fire, and as evidenced by the planning history and photographs within this report, there existed on the site a large building comprising two portal sheds in front of which was a trade counter building with a canteen extension projecting forward. The development proposed by this application will be in the same position as that previously existing on the site, of the same footprint and design with only a small increase in the eaves height proposed to the warehouse.

To compare that previously existing and proposed the following is noted:

#### Previously Existing Building

Trade Counter and Canteen – 6.11m deep and 19.078m wide with the canteen projecting forward measuring 5.782m deep and 5.682m wide. Eaves and ridge to both structures 4.2m and 5.5m high respectively.

Warehouse including external covered materials store – 24.517m deep and 19.08m wide. Eaves and ridge height 4.4m and 5.5m high respectively.

Existing Volume – 2726.65m<sup>3</sup>

#### Proposed Building

Trade Counter and Canteen – 6.11m deep and 19.080m wide with the canteen projecting forward measuring 5.782m deep and 5.682m wide. Eaves and ridge to both structures 2.3m and 5.5m high respectively.

Warehouse – 24.517m deep and 19.08m wide. Eaves and ridge height 4.8m and 5.5m high respectively.

Proposed Volume – 2835.45m<sup>3</sup>

It is clear from this application that the proposed building will have little impact on the openness of the Green Belt than that which existed on the site before the fire. It will be in the in the same position as that previously existing, of the same footprint (on account of enclosing the previously existing open side materials store), of the same height to ridge and of the same design. The only difference which accounts for the small increase in the volume is the raising of the eaves to the warehouse building by 0.5m which is required to achieve an acceptable headroom in the mezzanine that was previously lacking. This increase in the eaves level results in an additional volume of 108.8m<sup>3</sup>.

Material also to the consideration of the application and the existence of 'very special circumstances' it should be noted that even though there is no existing building to replace, para 149d allows for the replacement of a building provided that proposed is in the same use and not materially larger than that it replaces. Whilst there is no definition within the NPPF as to what 'materially larger comprises', that set out in the explanatory text to saved UDP policy GBA1.5

confirming that an increase of around 33% is considered appropriate is routinely used as a guide to development. As such, had the fire not occurred, the replacement of the building that previously existed with a new building up to a volume of 3626.25m<sup>3</sup> would have been compliant with para 145d of the NPPF. The building now proposed is significantly smaller than that which would have been NPPF compliant had the fire not occurred.

In conclusion of the consideration of whether 'very special circumstances' exist, Members are advised that whilst the economic and environmental benefits presented by the applicant are accepted, they do not on their own amount to very special circumstances noting that such arguments could be applied to many developments in the Green Belt which may be considered inappropriate. Of more relevance and carrying more weight is that the building proposed by this application in terms of its increased volume will not be materially larger than that which previously existed on the site before it was destroyed by fire. Noting that only a 108.8m<sup>3</sup> increase in volume is proposed, the impact on the openness of the Green Belt will be negligible and in any event would have been NPPF compliant had a proposal to replace the building been submitted to the Council before the fire destroyed that previously existing.

On the basis of the above, whilst the proposal is not compliant with the Development Plan in terms of its impact on the Green Belt and is therefore inappropriate, very special circumstances exist to justify the development. Having regard to paragraph 147 of the NPPF, the development is therefore considered acceptable in terms of its impact on the Green Belt.

#### Landscape Character Area/Character of the Locality/Heritage Asset

Saved UDP Review policy LCR1.1 confirms that development in the countryside will be strictly controlled, and will not be permitted unless it protects or enhances the quality and character of the rural areas. Development should improve the appearance of the countryside, notably by removing unsightly existing development. Where it is acceptable in principle, development should be sensitively sited, designed and constructed of materials appropriate to the landscape character area in which it is located; and be accommodated without adverse effect on the landscape quality of the particular character area.

Saved UDP Review policy CDH1.2 confirms that non residential development will be permitted in residential areas where it can be accommodated without (amongst other matters) detriment to the area as a whole. In this respect regard will be had of the scale of the proposal and whether or not the character of the area will be changed.

Policy CS8 of the CS DPD confirms that the landscape and character of the borough's countryside will be preserved and enhanced, taking into account the distinctive attributes of local areas based on a landscape character assessment. This is reflected in policy SIE1 of the CS DPD which notes that development which is designed and landscaped to the highest contemporary standard, paying high regard to the built and/or natural environment within which it is sited, will be given positive consideration. Specific account should be had to the site's characteristics including landform and landscape as well as the site's context in relation to surrounding buildings and spaces.

Policy DEV4 of the WNP confirms that new development in the area should achieve a high standard of design, respect and respond to the rural character of the area.

The application site falls within the Woodford Landscape Character Area as defined by the UDP Proposals Map. The character appraisal in the UDP confirms that the roads through the area are characterised by varying degrees of ribbon development making up the settlement of Woodford. Infill development has occurred over the years and it is likely that only a few opportunities for such development remain. The northern part of the area has been affected by the construction of the Manchester Airport Eastern Link Road and will be further affected by the construction of the Poynton Bypass.

The character of the area is derived from the ribbon development that exists on either side of Moor Lane. This is predominantly residential development with that on the application site diverging from this character. Whilst there are 2 storey properties immediately to either side of the application site, there are many bungalows evident especially to the south of the site.

The development proposed by this application, other than a minimal increase in the ridge height of the warehouse building, is virtually identical to that which previously existed on the site and was considered acceptable in the approval of planning applications DC041766, DC047495 and DC055360. In this respect it is noted that the design of the forward most part of the proposed development accommodating the trade counter and canteen reflects that of a residential bungalow, in keeping with the pattern of development to the south of the site. Whilst that to the rear of this is clearly of a commercial nature, its position is such that it will not unduly intrude upon the appearance of the streetscene. The slight increase in the ridge height is minimal and when viewed in the context of the building in front of it which will accommodate the trade counter and canteen, will cause no harm to the established pattern of development in the locality.

The neighbouring property to the north, Moor Farm, is a grade II listed building and the application site historically formed part of the curtilage to Moor Farm. Policies CS8 and SIE3 of the CS supported by Chapter 16 of the NPPF seek to ensure that development preserves or enhances the significance of heritage assets. Any harm to the significance of an asset through development in its setting will require clear and convincing justification.

WNP policy COM3 confirms that new development affecting a heritage asset, including the setting of the asset, should conserve or enhance the asset in a manner according to its significance.

The comments of the Conservation Officer in relation to the use of profiled metal sheeting vs untreated cedar cladding (as previously approved) are noted. The materials of construction have been discussed with the applicant who has confirmed that they are happy to clad the warehouse building above the lower brick walls in cedar cladding. This, as shown on the plan attached to this agenda, will be to the east, side elevation and south, rear elevation only so to accord with that approved by DC041766. The west, side elevation facing Moor Farm will as previously approved, be constructed in brick to the lower level and profiled metal sheeting above and which is in any event obscured from Moor Farm by the cedar hedging along the boundary.

On this basis, the proposal in terms of its impact on the Landscape Character Area, the general character of the area and setting of the adjacent heritage asset will cause no harm. The proposal is therefore compliant with saved policies

LCR1.1 and CDH1.2, CS policies CS8, SIE1 and SIE3 together with WNP policies COM3 and DEV4.

### Residential Amenity

Saved UDP Review policy CDH1.2 confirms that non residential development will be permitted in residential areas where it can be accommodated without detriment to the amenities of neighbouring occupiers and the area as a whole. In respect of residential amenity, regard will be had of noise, smell and nuisance; hours of operation and proximity to dwellings. Core Strategy policy SIE1 confirms satisfactory levels of amenity and privacy should be maintained for future and existing residents. The NPPF confirms that development should create places that promote health and well-being, with a high standard of amenity for existing and future users.

The proposed building will be positioned on the boundary with Moor Farm to the west of the application site, some 12.4m to the side of this dwelling, projecting 14.8m beyond its main rear elevation. The boundary with Moor Farm is formed by a 1.8m high close boarded fence, a conifer hedge and trees within the curtilage of Moor Farm. The proposed building will be in the same position as that which previously existed on the site and of the same footprint and overall height. In this respect it will be no different to that previously approved by the grant of DC041766. The only difference proposed by this application is the raising of the eaves height by 0.5m however this will be largely screened by the existing boundary treatment. Noting also the shallow pitch of the roof above and the fact that the proposed building will be no deeper or higher to ridge than that previously existing on the site, it is not considered that there will be any harm to the amenities of Moor Farm.

In relation to 91 Moor Lane to the east of the application site, the proposed building will be positioned 13.8m from the side boundary of this house, projecting to appoint circa 27m beyond its rear elevation. This building is in the same position and of the same footprint as that which previously existed on the site and was considered acceptable through the grant of DC041766. Given the siting of this building and noting that it will be no higher to ridge level than that previously approved and existing, it is not considered that the small increase in the eaves height will cause harm to the amenities enjoyed from this property.

The proposed building will be positioned over 40m from the house opposite the site at the junction of Jenny Lane and Moor Lane. Given this distance and the single storey nature of the building to the front of the site, a loss of amenity to this neighbouring property is not anticipated.

All other residential properties are positioned further away than those assessed above and as such the proposed development will cause no harm to their amenities.

In terms of noise and hours of operation, that proposed is no different to that, which prior to the fire, has previously existed on the site for many years. In granting planning permission for the building destroyed by fire (DC041766), a condition was imposed to control the hours of operation (07.30 hours and 17.30 hours Monday to Saturday and 09.00 hours and 16.00 hours on Sundays). This condition also restricted deliveries to between 07.00 hours and 20.00 hours Monday to Saturday only, with no deliveries on Sunday. This condition will remain in force in relation to the use of the wider site however it will be necessary to impose it again in the event that planning permission is approved to control the

use of the building which this application seeks permission for. Subject to compliance with this it is not considered that the proposed development will cause harm to the residential amenities of the locality.

Members will see that there are objections from residents regarding the servicing of the site and the impact that this has on the amenities of the area. As discussed in the report below in relation to highway matters, a new condition is proposed to secure the submission, approval and implementation of a servicing management plan which will assist in reducing the impacts of the development in this respect.

For the above reasons it is considered that the proposed development is in compliance with saved UDP Review policy CDH1.2 and policy SIE1 of the Core Strategy DPD and advice contained within the NPPF in terms of protecting residential amenity.

### Highway Safety

Saved UDP review policy CDH1.2 requires regard to be had of traffic generation, highway safety and parking in considering proposals for non residential development in Predominantly Residential Areas.

Core Strategy policy T2 requires parking in accordance with the maximum standards. Policy T3 confirms that development which will have an adverse impact on highway safety and/or the capacity of the highway network will only be permitted if mitigation measures are proposed to address such impacts. Developments shall be of a safe and practical design.

The NPPF at Chapter 9 confirms that safe and suitable access to the site should be achieved for all users. Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The Highway Engineer comments that the proposed building should not give rise to materially different traffic volumes than that which previously existed. He also confirms that the site has suitable access arrangements and adequate parking for staff and customer needs and that this provision will be unaffected by the proposal. He references issues with regard to the servicing of the site caused by the access gates not being open when deliveries are made and in this respect it is noted that objections from 3<sup>rd</sup> parties have also been made in connection with the highway impacts arising from the use of the site.

To address these concerns the Highway Engineer has suggested that a condition should be imposed to secure a servicing management plan. In response to this Members are advised that there is no condition on DC041733 securing the submission, approval and compliance with such a plan, presumably none was considered necessary at that time. Whilst the development approved by DC041733 and conditions imposed upon it is material to the consideration of this application, this current application has to be determined in accordance with the development plan in place now. If the use of the building which this application seeks permission for is likely to give rise to adverse operational issues then having regard to the provisions of saved UDP Review policy CDH1.2 and Core Strategy policy T3, it is considered reasonable to seek to impose conditions to address that harm.

In this respect and noting that there appear to be adverse issues with regard to the servicing of the site, it is considered necessary and reasonable to now impose a condition that secures the submission, approval and implementation of a servicing management plan. This condition will ensure that the use of the building that this application seeks approval for in terms of deliveries and dispatches and does not give rise to adverse impacts on highway safety and amenity. This plan should also explore the times at which deliveries will be accepted to ensure that they are within the permitted hours of operation and do not result in vehicles waiting outside of the site for it to open. A condition will also be recommended to control the hours at which the building is used to sit alongside that already imposed on DC041733 and which continues to control the use of external areas.

In this respect the applicant advises that they have a traffic management document however it needs updating. This document includes the requirement that HGV's delivering to the site call 30 minutes in advance of their scheduled delivery time so that the gates can be opened. The applicant is however agreeable to a condition being imposed to secure the submission, approval and implementation of a servicing management plan and Members are advised that this will provide the opportunity to reconsider this aspect of the proposal and formulate an appropriate solution.

On the basis of the above, Members are advised that the proposal is in accordance with saved UDP Review policy CDH1.2 and Core Strategy policies T2 and T3.

#### Other Matters

Policy SD3 requires development to demonstrate how it will assist in reducing carbon emissions through its construction and occupation through the submission and approval of an energy statement. Having regard to the scale of the development sought, the submission of an energy statement is not expected at this stage. A condition can however be imposed should planning permission be approved to secure the submission of a statement and implementation of measures in accordance with this policy position.

The application site is not identified on the UDP Proposals Map as being in an area liable to flood and the Environment Agency identify the site as being within Flood Zone 1. Having regard to the location/size of the site and scale of the proposed development there is no requirement for the application to be accompanied by a Flood Risk Assessment. Notwithstanding this, policy SD6 requires all development to be designed in such a way as to avoid, mitigate or reduce the impacts of climate change. In this respect development is required to incorporate sustainable drainage systems so as to manage run off water from the site. Members are advised that given the small scale of the proposed development, compliance with this policy is not required to be demonstrated at this stage, In the event however that planning permission is approved, a condition would be imposed to secure the submission and approval of a SUDS compliant drainage scheme for the site. On this basis the proposed development is considered compliant with policy SD6 of the Core Strategy.

An amended plan has been submitted to address the comments of United Utilities in terms of external material storage being directly on top of the water main.

Policies NE1.2 Sites of Nature Conservation Importance of the UDP Review and SIE-3 Protecting, Safeguarding and Enhancing the Environment of the Core Strategy along with policy ENV4 of the WNP and para's 170 and 175 of the NPPF seek to ensure that proposed development does not adversely affect protected species and secures enhancements for biodiversity. Given that demolition is not proposed by this application there is no need for a protected species survey of the site. The application however proposes enhancements to biodiversity through the installation of bat boxes within the development. The proposal therefore accords with the abovementioned policies.

To respond to objections not addressed above Members are advised accordingly:-

- Compliance with the Building Regulations in relation to combustibility is not material to the consideration of this application. The applicant has however advised that due to the distance from the boundary, boundary conditions will be implemented in the design stage of the wall adjacent to the boundary line to avoid fire spread.
- The potential expansion of the site in terms of external storage and car parking has been reported to the Council's Enforcement Officers and it is understood that these investigations are ongoing. Members are however advised that this issue does not preclude the determination of this application which in any event seeks permission only for the erection of a warehouse and trade counter. The application proposes no alterations to the use or layout of the wider yard and therefore if approved implies no consent for any development beyond that which the application seeks. Furthermore, any conditions imposed on this application should it be approved will relate only to the proposed building in terms of its use and construction and therefore would have no bearing on how the wider site is laid out etc.
- With regard to views of external storage areas from the footpath to the south, this is not material to the consideration of this current application.
- Vehicles speeding on Moor Lane is a matter for traffic/police enforcement and not material to the consideration of this application.

### Conclusions

This application seeks planning permission for the erection of a warehouse and trade counter to replace that previously destroyed by fire. Permission is not sought for any alterations to the wider use of the site in terms of the position or extent of parking or storage of materials.

The erection of the building in terms of the provision of employment floorspace complies with saved UDP Review policy E1.2, Core Strategy policies CS7 and AED-6 and policy EMP1 of the WNP.

Given the absence of any buildings on the site, the proposed erection of a warehouse and trade counter fails to fall within any of the excepted forms of development set out in saved UDP review policy GBA1.2 or para 149 of the NPPF. The development is therefore inappropriate in the Green Belt and can only be approved where very special circumstances exist. Such circumstances as set out in the report above can be demonstrated and as such the development is considered acceptable in terms of its impact on the Green Belt.

The proposed development is of an appropriate size, siting and design having regard to the lawful use of the site. Subject to the imposition of conditions in relation to materials of construction the development will cause no harm to the Landscape Character Area, the general character of the locality or the setting of

the adjacent heritage asset. The proposal is therefore in accordance with saved UDP Review policies LCR1.1 and CDH1.2, Core Strategy policies CS8, SIE1 and SIE3 and WNP policies COM3 and DEV4.

Having regard to the lawful use of the site and subject to the imposition of conditions it is considered that the proposed development will not give rise to conditions prejudicial to residential amenity. The proposal therefore accords with saved UDP Review policy CDH1.2 together with Core Strategy policies CS8 and SIE1.

The development will benefit from existing access and parking and the floorspace proposed will not give rise to any additional traffic generation beyond that which previously existed before the fire. Subject to the imposition of a condition requiring the submission, approval and implementation of a servicing management plan, it is considered that the proposed development will cause no harm to highway safety. In this respect the proposal is compliant with saved UDP policy CDH1.2 and Core Strategy policies CS9, T1, T2 and T3.

An energy statement and drainage strategy can be secured by condition thus ensuring compliance with Core Strategy policies SD3 and SD6.

The provision of features to support biodiversity ensures that the development is in compliance with saved UDP Review policy NE1.2 and Core Strategy policy SIE3.

For the above reasons the proposed development is considered acceptable and there are no grounds to withhold the grant of planning permission.

**RECOMMENDATION** Grant subject to conditions

**BRAMHALL & CHEADLE HULME SOUTH AREA COMMITTEE 21<sup>ST</sup>  
OCTOBER 2021**

The Planning Officer introduced the application.

The applicant spoke in favour of the proposals, no one spoke against.

Members considered the application and asked about the ongoing enforcement investigations. They were advised by the Planning Officer that these are in relation to the wider use of the site and whether there has been an encroachment into the Green Belt that requires planning permission. Members were advised that these investigations are ongoing and have not yet been concluded. In any event they do not preclude the determination of this application which relates to replacement buildings only and proposes no changes to the wider use of the site.

Members agreed the recommendation subject to the imposition of a condition to secure the submission and approval of a servicing management plan.