

#### **ITEM 4**

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| <b>Application Reference</b> | <b>DC/083867</b>  |
| <b>Location:</b>             | Woodford Cricket Club<br>Moor Lane<br>Woodford<br>Stockport<br>SK7 1PW  |
| <b>PROPOSAL:</b>             | The installation of two shipping containers for the purpose of a micro brewery within Use Class E(g)(iii) (commercial, business and service uses) |
| <b>Type Of Application:</b>  | Full Application  |
| <b>Registration Date:</b>    | 28.02.2022  |
| <b>Expiry Date:</b>          | 25.04.2022  |
| <b>Case Officer:</b>         | Brian McParland   |
| <b>Applicant:</b>            | Mr Andrew O shea  |
| <b>Agent:</b>                | N/A   |

#### **DELEGATION/COMMITTEE STATUS**

Planning & Highways Regulations Committee - Departure from the development plan and called-in by Cllr Bagnall.

#### **DESCRIPTION OF DEVELOPMENT**

The installation of two shipping containers for the purpose of a micro-brewery within Use Class E(g)(iii) (commercial, business and service uses).

The proposed development seeks to remove two existing shipping containers located to the south-east of the Woodford Cricket Club and replace them with two shipping containers within a similar footprint and is proposed to be used for on-site storage and a self-contained micro-brewery. Both proposed shipping containers would be finished with a sedum roof and their sides planted using a living wall planting (verdant appearance)

The shipping containers would have the following dimensions:

- On-site storage container – width of 2.8m x a length of 6.0m x a height of 3.0m.
- Micro-brewery – width of 2.8m x a length of 12.1m x a height of 3.0m.

The applicant also seeks to widen the existing vehicular entrance from Moor Lane to enable two vehicles to pass.

## **SITE AND SURROUNDINGS**

The application site is located on the west side of Moor Lane and is accessed via a private driveway which relates to Woodford Cricket Club which is a single storey development. The site is isolated and bounded by 2.8m high hedgerow.

The UDP Proposal Map identifies the application site as being within the Woodford Landscape Character Area and the Greater Manchester Green Belt within Stockport Borough.

## **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**

- LCR1.1 Landscape Character Areas
- LCR1.1a The Urban Fringe Including the River Valleys
- GBA1.1 Extent of Green Belt
- GBA1.2 Control of Development in Green Belt

### **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
- 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

### **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.

- Sustainable Transport' SPD.
- Sustainable Design and Construction 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 20<sup>th</sup> July 2021 replaced the previous NPPF (originally issued 2012, revised 2018 & 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*
- 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.126 “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.132 “Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot”.*

*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:*

- *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.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, is clearly outweighed by other considerations”.*

### **Woodford Neighbouring Plan 2018 - 2033**

ENV3: Protecting Woodford’s natural features

‘The protection and/or enhancement of Woodford’s natural features, including those identified in the Table below, will be supported’.

ENV4: Supporting biodiversity

‘The conservation, restoration and enhancement of biodiversity, including that found in open spaces, trees and hedgerows, in order to promote and support wildlife and other forms of biodiversity will be supported. Development should, where viable and deliverable, achieve net gains in biodiversity’.

EMP1: New Businesses within the Area

‘The sustainable growth of local businesses and facilities, including the development and diversification of agricultural and other land-based rural businesses, will be supported, subject to development respecting local character, highway safety and residential amenity. The development of high quality communications infrastructure will be supported, subject to any such development respecting local character through sympathetic design and camouflage, where appropriate’.

COM2: Development of Community Facilities

‘Development should not result in the loss of an existing community facility, including any of the Features of Value to the Community listed below, unless it can be demonstrated that the harm arising from any such loss would be mitigated by the provision of an equal or greater benefit to the community’.

### **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**

- J/2196          Renewal of temporary permission. Decision Date: 28-APR-75;  
Decision: GTD
- J/8265          Extension of pavilion by erection of toilet, showers, kitchen and storage  
area. Decision Date: 09-MAR-77; Decision: GTD
- DC/006826      Proposal: Reconstruction of Club building destroyed by fire; Decision  
Date: 21-MAY-02; Decision: GTD
- DC/053609      Installation of new roof to the existing clubhouse. Installation of  
containerised storage to replace existing unit. Decision Date: 03-DEC-  
13; Decision: GTD

### **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.

No. 15 letters of support have been received and no.1 letter of objection.

The letters of support have been summarised below:

- Improve the cricket establishment (small business),
- Focal point for community,
- Regulator activity would improve security,
- Improve the area.

The letter of objection has been summarised below:

- Increase in smell and traffic.

### **CONSULTEE RESPONSES**

EHO Quality – No objection and recommended a compliance condition.

*‘The activities are to be limited to normal working hours during the week only and not during weekends or during sensitive night-time hours.*

*There is sufficient separating distance between the proposed odour/noise source - microbrewery proposed location and sensitive residential receptors (approximately 100m between the microbrewery location and Moor Lane properties). In addition, any potential odour and noise is not out of character for a semi-rural area that the development is proposed to be located.*

*The outcome of this services assessment, is that the proposed micro-brewery will have minimal impact upon the areas amenity`.*

Highways – No objection and recommended a pre commencement condition.

**Original comment 23.03.2022** *`The provision of two shipping containers for the purpose of a micro-brewery is clearly intended to expand the offer at the cricket club, for the benefit of and to draw more visitors to the site. Whilst in principle I see no concerns noting that the site has adequate parking to accommodate the likely and realistic parking demands that will arise, I do have concern with the means of access from Moor Lane.*

*The existing access is substandard by virtue of its width and condition for any intensification in use. It is currently single width which gives rise to vehicles stopping or reversing on the highway when conflicting movements occur at the entrance. The driveway is also restricted in width with no passing places so vehicles overrun the grassed space and the surfacing condition is relatively poor which is not conducive to ideal and safe walking and vehicular movement along the driveway.*

*In order for me to support this application I seek improvements to the access and driveway. The entrance requires widening to 5.5m, whilst incorporating the same degree of pedestrian visibility that exists adjacent to the access by virtue of the offset/grassed areas. A passing place is required suggesting half way along the driveway with widening to 5.5m over a distance of 10m and the driveway requires repair and resurfacing along its length. I request that the application is revised to incorporate these improvements otherwise I may have no option other than to raise objection`.*

**Updated comment 12.05.2022** *`Further to the receipt of revised drawing which indicates improvement and widening of the site access.*

*The proposal for provision of two shipping containers for the purpose of a micro-brewery will expand the offer at the cricket club, clearly for the benefit of and to draw more visitors to the site.*

*Some improvement is proposed to the site entrance on Moor Lane with widening of the access to 5.5m for a distance of 10m, to enable two vehicles to pass in the entrance. I welcome this improvement which will afford a safer means of access and mitigate for the likely increase in traffic and pedestrian movement to and from the site that will arise. The detail of drainage, construction and surfacing of the widened entrance is a matter capable of conditional control.*

*Within the site I am satisfied that there is sufficient hardstanding space to accommodate the likely parking demand and servicing requirements associated with the overall site use and this leads me to conclude that I have no concerns with the proposal`.*

## **ANALYSIS**

### **Principle of Development**

The application site lies within the Greater Manchester Green Belt within Stockport Borough (broad area of Ladybrook) therefore policies GBA1.1 & GBA1.2 of the SUDP are considered relevant.

Policy GBA1.2 is the most relevant and states `within the Green Belt, there is a presumption against the construction of new buildings unless it is for the following purposes:

- (i) agriculture and forestry (unless permitted development rights have been withdrawn);
- (ii) essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it;
- (iii) limited extension, alteration or replacement of existing dwellings (in accordance with Policy GBA1.5); or
- (iv) limited infilling or redevelopment of Major Existing Developed Sites identified on the Proposals Map, in accordance with Policy GBA1.7.

Forms of development other than new buildings, including changes in the use of land, will not be permitted unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. Proposals for the re-use of buildings will be assessed against the provisions of Policy GBA1.6`.

Paragraphs 149 and 150 of the NPPF provide a list of exceptions to what is considered to be appropriate development in the Green Belt. The proposal does not fall within any of these exceptions and is therefore inappropriate development in the Green Belt.

Paragraph 147 from the NPPF states that `inappropriate development is, by definition, is harmful to the Green Belt and should not be approved except in `very special circumstances`. Paragraph 148 gives substantial weight to any harm to the Green Belt and notes that a case for 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.

#### *- Openness*

Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Planning Practice Guidance states that `openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume`.



With regard to visual impact, the design of the proposal is considered modest in scale and would be finished in planting clad and a sedum roof which would be of a verdant appearance and so would adequately integrate. Additionally, the shipping containers would replace existing containers within a similar footprint although it is acknowledged the proposed development would have a slightly larger footprint; the increase is considered negligible. Importantly, the development would be within the defined site boundary of the Woodford Cricket Club. The defined boundary consists of a 2.8m high hedgerow which would visually obscure/filter the appearance of the proposal and would cause no further extension into the Green Belt. The recommending planning officer is satisfied the proposal from a spatial perspective would have a limited impact on openness.

- *Very Special Circumstances (VSC)*

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 an essential objective that the proposal is intended to meet;
2. Demonstrate that the 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 149)
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.

The applicant has submitted a justification statement in that the storage and micro-brewery shipping containers would serve the adjacent clubhouse and bar of Woodford Cricket Club and would generate additional income (by way of renting the shipping containers, utility costs and the ability to hold additional events). The objective of the proposal is *'The production from the micro-brewery will improve the availability of beer in the bar area ... with the introduction of brewing on site, the club can aim to attract customers on a more frequent basis'*. The applicant has outlined the purpose of the micro-brewery within the site is to serve the adjacent Woodford Cricket Club and so the location was chosen so that the micro-brewery is readily available. Therefore, any location outside the Green Belt would be unviable and would not meet the objective.

On balance, giving weight to the modesty of the proposal, its sensitive design and its location, it is considered that the applicant has demonstrated the proposal does fulfil the essential objective and any harm to Green Belt is mitigated by the existing boundary treatment. As such, it is considered in this instance that very special circumstances exist that outweigh any potential harm to the Green Belt.

UDP review Policy GBA1.2 'Control of Development in the Green Belt' from the UDP has a presumption against development and has a strict criteria approach, the proposal does not fit in with any of these criteria and the policy does not allow for Very Special Circumstances. The proposal is therefore a departure from this policy.

The relevant paragraph in the National Planning Policy Framework (NPPF) however offers a more up-to-date position in any event and is a material consideration. UDP Review Policy GBA 1.2 is therefore not consistent with the NPPF and holds limited weight.

The proposal demonstrates very special circumstances exist in the context of paragraph 148 of the NPPF. As such, the proposal's principle of development within the Green Belt is acceptable, on balance, subject to the below considerations.

### **Character / Design & Appearance**

The application site is situated within the Woodford Landscape Character Area therefore policies LCR1.1 and LRC1.1a of the Stockport Unitary Development Plan Review 2006 (SUDP) are considered relevant. Policies SIE-1 and SIE-3 of the Core Strategy 2011(CS) are also considered relevant.

Policy LRC1.1 states `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. Where it is acceptable in principle, development should: (i) be sensitively sited, designed and constructed of materials appropriate to the landscape character area in which it is located; and (ii) be accommodated without adverse effect on the landscape quality of the particular character area. Provisions (iii) – (vii) are also listed`.

Policy LRC1.1a states `proposals for development in the urban fringe should protect, conserve and improve the landscape quality and natural history of the locality, and encourage the development of a variety of attractive landscape types... Improvements to the built environment will be carried out and encouraged`.

The proposed shipping containers would be of a modest design and would be bounded by a 2.8m high hedgerow and so would be sensitively sited. Materials include wall planting clad (walls) and a sedum (roof) which are considered subservient and sympathetic. The proposed shipping containers would replace in-situ shipping containers which appear slightly dilapidated therefore, the proposal would improve the appearance of the area in the interest of placemaking.

It is considered the proposal by way of design would be an acceptable form of development within the Woodford Landscape Character Area. As such, the proposal would be in accordance with policies LCR1.1 and LRC1.1a of the SUDP and policies SIE-1 and SIE-3 of the CS.

### **Residential Amenity**

The proposed shipping containers would be isolated from neighbouring properties and would be of a modest scale, such that they would not detrimentally impact neighbouring amenities by way of loss of daylight/sunlight or privacy.

The council's Environment Team (Noise) has been consulted regarding noise and has raised no objection to the proposal (see consultation comments above. Should permission be granted Officers recommend that a condition form part of any

approval, restricting the proposed brewing activities to between Monday – Friday 09:00 – 17:00.

It is considered the proposal by way of its siting and design would be an acceptable form of development and would not prejudice the amenity of nearby residents. As such, the proposal would be in accordance with policy SIE-1 of the Core Strategy.

### **Impact on Highways**

Policy T-3 of the Core Strategy is considered relevant which states, `... development which will have an adverse impact on the safety and/or capacity of the highway network will only be permitted if mitigation measures are provided to sufficiently address such issues. Developments shall be of a safe and practical design, with safe and well-designed access arrangements, internal layouts, parking and servicing facilities ...`. Policy T-1 & T-2 of the Core Strategy are also considered pertinent.

In terms of access and parking arrangements, improvements are proposed to the site entrance on Moor Lane. This includes the widening of the access to 5.5m for a distance of 10m, so as to allow two vehicles to pass. There would be sufficient hardstanding space to accommodate the likely parking demand and servicing requirements associated with the overall site use.

The council's Highway Engineer has been consulted and has raised no objection to the proposal, subject to a condition covering details of drainage, construction and surfacing of the widened access. As such, the proposal would be in accordance with policies T-1, T-2 & T-3 of the Core Strategy.

### **Other matters**

The application would be in compliance with the Woodford Neighbourhood Plan 2018 – 2033.

### **CONCLUSION**

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 proposal would not have a detrimental impact on the Woodford Valley Landscape Character Area, the neighbouring amenity or highway safety.

Although the proposal would be a departure from the local plan it would not prejudice the Greater Manchester Green Belt and therefore would not be a form of `inappropriate development` as defined under paragraph 147 of the NPPF. Furthermore, 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 – subject to conditions.