

# **Southern Planning Committee**

## **Agenda**

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<b>Date:</b>	<b>Wednesday, 16th September, 2009</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

To receive apologies for absence.

2. **Code of Conduct - Declarations of Interest/Pre-Determination**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Minutes** (Pages 1 - 8)

To approve the minutes of the meeting held on 26 August 2009.

4. **Public Speaking**

Please contact Julie Zientek on 01270 529641

E-Mail: [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies, requests for further information or to arrange to speak at the meeting

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not Members of the Planning Committee.

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not Members of the Planning Committee and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Applicants/Supporters

5. **09/1664C Retention of existing annexe building. Change of use to form integral garage, games room, toilet facilities and loft storage. Associated car parking and landscaping, Brownlow Farm, Brownlow Heath Lane, Newbold Astbury, Congleton, for J. Ekin Construction (Pages 9 - 16)**

To consider the above planning application.

6. **09/1665C Conversion of redundant barns to form 2no. dwellings. Associated detached garage and landscaping, Brownlow Farm, Brownlow Heath Lane, Newbold Astbury, Congleton, for J. Ekin Construction (Pages 17 - 24)**

To consider the above planning application.

7. **09/1109N New Residential Development with New Access Road and Associated Parking, Land Adjacent to Brooklands Cottage, Ford Lane, Crewe for Markden Ltd (Pages 25 - 34)**

To consider the above planning application.

8. **09/1624W Retrospective Permission For The Improvement And Extension Of An Existing Agricultural Track For Use In Association With Agricultural And Green Waste Compost Operations At Foxes Bank And Whittakers Green Farm, Hunterson, Nantwich for Mr F.H Rushton (Pages 35 - 44)**

To consider the above planning application.

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 26th August, 2009 in the Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillor B Dykes (Chairman)  
Councillor G Merry (Vice-Chairman)

Councillors W T Beard, D Bebbington, L Gilbert, B Howell, J Jones, S Jones,  
A Kolker, A Richardson, R Walker and J Weatherill

**NON-COMMITTEE MEMBERS IN ATTENDANCE**

Councillors A Moran, L Smetham and A Thwaite

**OFFICERS IN ATTENDANCE**

David Malcolm	Development Control Manager – Sandbach
David Snelson	Principal Planning Officer
Nicky Folan	Solicitor

**APOLOGIES**

Councillors M Davies, S Furlong and S McGrory

**54 CODE OF CONDUCT - DECLARATIONS OF INTEREST/  
PRE-DETERMINATION**

Councillor B H Dykes declared a personal and prejudicial interest in Planning Application No. 09/2035N on the basis that he had called-in the application and, as a Member of Bunbury Parish Council had been present at the Parish Council meeting when the application had been discussed. He declared a personal and prejudicial interest in agenda item 17 (Report in relation to variation of Section 106 Agreement for affordable housing units provided under planning permissions P05/0703 and P06/1125 – Moseley House, Audlem for Wulvern Housing, on the basis that he was a member of the Wulvern Housing Board.

Councillor W T Beard declared a personal interest in Planning Application No. 09/2053N on the basis that he was acquainted with the applicant; and a personal and prejudicial interest in agenda item 17 on the basis that he was a member of the Wulvern Housing Board.

Councillor R Walker declared a personal interest in Planning Application No. 09/1853N on the basis that he had called-in the application and had been in receipt of correspondence in respect of the application.

Councillor J Jones declared a personal interest in Planning Application No. 09/1255N on the basis that a friend of his lived in the immediate vicinity of the premises' address.

Councillor A Moran (non-Committee Member) declared a personal interest in Planning Application No. 09/1255N as a Member of Nantwich Town Council which had been consulted on the application.

Councillor A Thwaite (non-Committee Member) declared a personal and prejudicial interest in Planning Application No. 09/0509C on the basis of a long-standing business relationship which related to the former use of the premises.

**55 MINUTES**

**RESOLVED:** That the minutes of the meeting held on 5<sup>th</sup> August 2009 be approved as a correct record and signed by the Chairman.

**56 09/1255N NEW SINGLE DWELLING, LAND ADJACENT TO 87 CREWE ROAD, NANTWICH, CHESHIRE FOR MR J. STUART**

*(Note: Councillor A Moran, Ward Councillor, addressed the Committee on this planning application.)*

The Committee considered a report in respect of Planning Application No. 09/1255N.

**RESOLVED** - That the application be **REFUSED** for the following reasons:

- 1 Over-cramming of dwellings
- 2 Plot of insufficient size for the dwelling
- 3 Larger dwelling than approved at outline stage
- 4 Contrary to Policy BE2

**57 09/0509C CONSTRUCTION OF 90 BED NURSING HOME (C2), VALE MILL, PRIESTY FIELDS, CONGLETON, FOR BRITANNIA DEVELOPMENTS CHESHIRE LIMITED**

*(Note: Mrs R Pickles made representations in respect of this planning application.)*

The Committee considered a report in respect of Planning Application No. 09/0509C.

**RESOLVED** – That the application be **DEFERRED** to the September meeting of the Committee –

- 1 For consideration of additional information in respect of the application

- 2 To enable an assessment of the EC Habitats Directive to be undertaken

**58 09/0589N PROPOSED CHANGE OF USE OF EXISTING RETAIL SHOWROOM TO MOSQUE WITH ASSOCIATED COMMUNITY FACILITIES, 47A ELECTRICITY STREET, CREWE, CHESHIRE, FOR THE SHAHJALAL MOSQUE, 145 WALTHALL STREET, CREWE**

*(Note : Mr M Yardy (objector) spoke against the planning application.)*

The Committee considered a report in respect of Planning Application No. 09/0589N.

RESOLVED – That the application be APPROVED subject to the following conditions:

- 1 Standard
- 2 Materials
- 3 Surfacing materials
- 4 Car parking provision
- 5 Cycle parking provision
- 6 Access gates set back
- 7 Vehicle turning area
- 8 Boundary treatment
- 9 No external speakers
- 10 Approved plans
- 11 Mosque use only; no other use in Class D1

**59 09/0819N CHANGE OF USE FROM AGRICULTURE TO FISH REARING AND ANGLING CENTRE AND FORMATION OF PONDS AND LAKES, ERECTION OF BUILDINGS (INCLUDING TEMPORARY DWELLING) AND PROVISION OF ACCESS AND PARKING, LAND ADJACENT PINNACLE FARM, COOLE LANE, NEWHALL, NANTWICH, CHESHIRE FOR THE REILLY & SEIPP PARTNERSHIP**

The Committee considered a report in respect of Planning Application No. 09/0819N).

RESOLVED – that the application be DEFERRED for a site visit and consideration of agricultural assessment.

**60 09/1127C THE DEMOLITION OF EXISTING PROPERTY AND THE REDEVELOPMENT OF THE LAND, INCLUDING 43 NO. 1, 2 AND 3 BED USE CLASS C2 RESIDENTIAL ACCOMMODATION WITH CARE, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS, MOSSLEY HOUSE, BIDDULPH ROAD, CONGLETON, CW12 3LQ, FOR MR DEAN FISHER GLADMAN CARE HOMES LTD**

*(Notes: (a) Councillor A Thwaite, Ward Councillor, spoke on this planning application; and*

*(b) Mr T Dean, Gladman Care Homes Ltd. spoke in support of the application.)*

The Committee considered a report in respect of Planning Application No. 09/1127C.

RESOLVED – That the application be DEFERRED to the September meeting of the Committee to enable Officers to consider additional information and to conduct further ecological surveys.

**61 09/1586N ERECTION OF AN EXERCISE SPORTS SCIENCE FACILITY, A SYNTHETIC ALL WEATHER PITCH, ASSOCIATED CAR PARKING AND ACCESS WORKS, MMU CREWE CAMPUS, CREWE GREEN ROAD, CREWE, FOR MMU**

The Committee considered a report in respect of Planning Application No. 09/1586N.

RESOLVED – That the Head of Planning and Policy be granted delegated authority to APPROVE the application, (a) subject to the conditions listed below; (b) the satisfactory outcome of surveys by Cheshire East Council's Ecologist; and (c) if any issues were raised, the application be re-submitted to the September meeting of the Committee for determination.

- 1 Standard
- 2 Plans
- 3 Materials
- 4 Landscaping scheme
- 5 Implementation of landscaping (including replacements for 5 years and management method statement)
- 6 Arboricultural Method Statement to include, *inter alia*, details of tree and hedge protection scheme and details of construction of access road and hard-standing under trees
- 7 Access road and parking spaces to car park boundaries adjacent to trees to have permeable surface
- 8 Implementation of tree and hedge protection
- 9 Travel plan
- 10 Provision of car parking
- 11 Scheme for surface water regulation system including interceptors
- 12 Scheme for management of overland flow
- 13 Site to be drained on a separate system with only foul drainage connected into foul sewer
- 14 Acoustic attenuation of ancillary mounted equipment
- 15 Lighting diagrams
- 16 Hours of operation for all-weather pitch shall be restricted to 8 am – 10 pm Monday to Friday and 9 am to 6 pm Saturday, Sunday and Bank Holidays
- 17 Boundary treatment – to include provision of gates at each end of the proposed acoustic fence
- 18 Scheme of sustainable measures to be submitted and approved

- 19 Scheme of construction waste recycling to be submitted and approved
- 20 Provision of cycle storage and showers
- 21 Improvement works to be carried out to the network of paths to the rear of the site and the Macon Way Puffin Crossing

**62 09/1664C RETENTION OF EXISTING ANNEXE BUILDING. CHANGE OF USE TO FORM INTEGRAL GARAGE, GAMES ROOM, TOILET FACILITIES AND LOFT STORAGE. ASSOCIATED CAR PARKING AND LANDSCAPING, BROWNLOW FARM, BROWNLOW HEATH LANE, NEWBOLD ASTBURY, CONGLETON, FOR J. EKin CONSTRUCTION**

*(Notes: (a) Councillor A Thwaite, Ward Councillor, addressed the Committee on the application;  
(b) Councillor A Barratt (non-Committee Member) spoke on the application; and  
(c) Mr R Spruce, Picea Design Ltd, spoke in support of the application.)*

The Committee considered a report in respect of Planning Application No. 09/1664C.

RESOLVED – That the application be DEFERRED for a site visit.

**63 09/1665C CONVERSION OF REDUNDANT BARNs TO FORM 2NO. DWELLINGS, ASSOCIATED DETACHED GARAGE AND LANDSCAPING, BROWNLOW FARM, BROWNLOW HEATH LANE, NEWBOLD ASTBURY, CONGLETON FOR J. EKin CONSTRUCTION**

*(Notes: (a) Councillor A Thwaite, Ward Councillor, addressed the Committee on this application;  
(b) Councillor A Barratt (non-Committee Member) spoke on the application; and  
(c) Mr R Spruce, Picea Design Ltd, spoke in support of the application.)*

The Committee considered a report in respect of Planning Application No. 09/1665C.

RESOLVED – That the application be DEFERRED for a site visit.

**64 09/1853N ERECTION OF AN AGRICULTURAL BUILDING TO INCREASE THE CAPACITY OF THE APPROVED FREE RANGE EGG UNIT FROM 3500 TO 7000 BIRDS (RESUBMISSION OF P08/1113), LAND NORTH WEST OF THE BEECHES, AUDLEM ROAD, HATHERTON, NANTWICH, CW5 7QT FOR MR D DONLAN**

*(Note: Mr I Pick, the applicant's agent, spoke in support of the application.)*

The Committee considered a report in respect of Planning Application No. 09/1853N.

RESOLVED – That delegated authority be granted to the Head of Planning and Policy to approve the application with the following conditions, subject to further consideration of any late representations which may be received -

- 1 Standard time
- 2 Materials to be submitted and approved
- 3 Plans
- 4 Drainage details to be submitted and approved
- 5 Landscaping scheme
- 6 Implementation and maintenance of landscaping
- 7 A scheme of access and visibility improvements
- 8 Development to comply with the recommendations contained within the protected species survey
- 9 Works to stop if protected species found
- 10 Manure to be removed from the site
- 11 Details of lighting to be submitted for approval and no further lighting without the prior submission and approval of a planning application
- 12 Provision of waste water tank
- 13 No obstruction of public right of way

**65 09/2035N DEMOLITION OF EXISTING INDUSTRIAL WORKSHOP AND ERECTION OF 6 AFFORDABLE DWELLINGS FOR RENT INCLUDING ASSOCIATED ACCESS, PARKING AND AMENITY AREAS, LAND OFF BUNBURY LANE, BUNBURY, CHESHIRE, FOR EQUITY HOUSING GROUP**

*(Notes: (a) Having declared a personal and prejudicial interest in this item, Councillor B H Dykes withdrew from the meeting and Councillor G Merry assumed the Chair;*

*(b) Mr N Dyer (representing Bunbury Parish Council) addressed the Committee on the application;*

*(c) Mr R Goodyer (objector) spoke against the application; and*

*(d) Mr N Thorns, Nigel Thorns Planning Consultancy, spoke in support of the application.)*

RESOLVED – That the application be APPROVED subject to the completion of a S.106 Agreement to secure the development as affordable housing for social rent, in perpetuity, and the following conditions:

- 1 Standard time limit
- 2 Materials to be submitted and approved
- 3 Surfacing materials to be submitted and approved
- 4 Tree retention and protection
- 5 Drainage to be submitted and approved
- 6 Landscaping to be submitted and approved including the planting of seven trees to the Northern and Western boundaries
- 7 Landscaping to be implemented
- 8 Removal of permitted development rights



- 9 Bin storage details to be submitted and approved
- 10 Boundary treatment
- 11 Window reveal
- 12 Approved plans
- 13 Car parking provision to be provided prior to occupation
- 14 Scheme for management and retention of boundary hedgerows
- 15 Prior to the commencement of development details of solar panels to be submitted and approved
- 16 Contaminated land
- 17 Vegetation to be removed outside the bird-nesting season March and August
- 18 Loose rubble in the yard to be removed between March and October
- 19 Land levels
- 20 No obstruction of adjacent right of way

**66 VARIATION OF SECTION 106 AGREEMENT FOR AFFORDABLE HOUSING UNITS PROVIDED UNDER PLANNING PERMISSIONS P05/0703 AND P06/1125 FOR RESIDENTIAL UNITS WITH SHOPS AT FORMER CANALSIDE YARD, NOW KNOWN AS MOSELEY HOUSE, KINGBUR PLACE, AUDLEM FOR WULVERN HOUSING**

*(Notes: (a) Councillor B H Dykes, having declared a personal and prejudicial interest in this item, had withdrawn prior to discussion of the item. Councillor G Merry had assumed the Chair;*  
*(b) Councillor W T Beard, having declared a personal and prejudicial interest in this item, withdrew from the meeting during discussion and voting;*  
*(c) Mr D Beardmore, Company Secretary – Wulvern Housing Ltd, spoke in support of the application.)*

The Committee considered the report of the Head of Planning and Policy which sought approval for alterations to (1) the definition of affordable housing and (2) the Management Covenant in Schedule 2 of the Section 106 Agreement for the provision of four shared-ownership flats as affordable housing at the site formerly known as “Canalside Yard, Audlem” and now known as “Moseley House, Kingbur Place, Audlem”. The effect of the variations would be to allow residents to occupy the units for rent now, with a view to occupying the flats on a shared-ownership basis in the future.

RESOLVED – That the variations to the Section 106 Agreement as set out below be approved –

- (a) The definition of “affordable housing” be extended to include the words in italics as follows –

**“Affordable Housing** means subsidised housing accommodation that is accessible to Persons in Housing Need *and shall include accommodation provided at an intermediate rent under the “Rent to*

*Homebuy Scheme” and **Affordable** shall be construed accordingly. **Intermediate Rent** means a rent that is equivalent of 80% of the market rent achievable on the property.”*

(b) The Management Covenants in Schedule 2 to include the words in italics as follows –

1. “Managed at all times by an Affordable Housing Provider as Landlord in accordance with the terms and conditions of its usual and normal shared ownership lease or rental agreement of the type and style recommended and approved by the Housing Corporation *including an assured shorthold tenancy in the case of accommodation provided under the “rent to Homebuy Scheme”* AND IF SECURED WITHOUT PUBLIC SUBSIDY....”

**67 09/2043C SINGLE STOREY SIDE EXTENSION, 46, FAIRFIELD AVENUE, SANDBACH, CHESHIRE, CW11 4BP, FOR MR. S. MOGRIDGE**

*(Note: Councillor B H Dykes re-joined the meeting at this point in the proceedings and resumed the Chair.)*

The Committee considered a report in respect of Planning Application No. 09/2043C.

RESOLVED – That the application be DEFERRED to the September meeting of the Committee to enable revised plans to be submitted and for neighbour consultation.

**68 09/2053N REPLACEMENT BEDROOM OVER EXISTING UTILITY ROOM TO ENABLE CREATION OF HOME OFFICE SPACE AND SHOWER AREA, LANE END COTTAGE, MARSH LANE, EDLESTON, NANTWICH, CW5 8PA, FOR MR K BURTON**

*(Note: Mr K Burton (the applicant) and Mr M W Houlston, spoke in support of the application.)*

RESOLVED: That the application be REFUSED on the following grounds –

The position, scale and design of the proposed extension, when taken cumulatively with the existing alterations and extensions, will over-dominate the original dwelling to the detriment of its character and appearance and also the openness of the countryside, contrary to Policy RES.11 (Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The meeting commenced at 2.00 pm and concluded at 5.05 pm

Councillor B Dykes (Chairman)

<b>Planning Reference No:</b>	09/1664C
<b>Application Address:</b>	Brownlow Farm, Brownlow Heath Lane, Newbold Astbury, Congleton
<b>Proposal:</b>	Retention of existing annexe building. Change of use to form integral garage, games room, toilet facilities and loft storage. Associated car parking and landscaping
<b>Applicant:</b>	J. Ekin Construction
<b>Application Type:</b>	Full Planning Permission
<b>Ward:</b>	Congleton Town East
<b>Earliest Determination Date:</b>	10 August 2009
<b>Expiry Dated:</b>	22 July 2009
<b>Date Report Prepared:</b>	01 September 2009
<b>Constraints:</b>	None

### **SUMMARY RECOMMENDATION: REFUSE**

#### **MAIN ISSUES:**

The key issues that Members should consider in determining this application are

- Principle of Development
- Highways
- Design
- Landscaping & Ecology
- Amenity

### **1. REASON FOR REFERRAL**

The application was deferred from the Planning Committee held on 26<sup>th</sup> August 2009 to allow for Members to visit the site.

Councillor P. Mason officially requested that the application be determined by planning committee. The reason stated on the Committee request form was 'The design, character, and relationship of adjacent buildings' and also 'as there was concern that the inferior design would have an adverse effect on the development and the area.'

### **2. DESCRIPTION OF SITE AND CONTEXT**

This proposal is associated with application 09/1665C that is also pending determination by Planning Committee.

The site relates to an existing detached brick and tile built building within the Brownlow Farm complex and would form part of the barn residential conversion scheme. The entire site is located within the Green Belt.

The building in question was originally granted consent for use as three garages relating to a barn conversion approved by application 35646/3 however, work commenced on the

development prior to pre-commencement conditions being formally discharged and as such the development approved by 35646/3 was never lawful.

In addition to this, the building was increased in size via significant unauthorised roof alterations which resulted in another floor level being created.

It is noted that the building at present is not entirely garaging but contains facilities including a kitchen, living area, bathroom, and bedrooms. Such residential use has never been approved at the site.

### **3. DETAILS OF PROPOSAL**

Full planning permission is sought to retain the unauthorised works to the building, which include the addition of an extra floor level. This was achieved by altering the roof height from 4.8 metres with a 20-degree dual pitched roof to 6.8 metres with a 35-degree single pitched roof. Consent is also sought for other unauthorised alterations to the building, which include alteration of fenestration details to all elevations of the building.

The proposal also seeks to change the use of the building to a residential annexe that would be associated with residential barn conversions that are currently pending determination under application 09/1665C.

### **4. RELEVANT HISTORY**

09/1665C - Conversion of redundant barns to form two dwellings, associated detached garage and landscaping. Pending determination

09/0744C Conversion of redundant barns to form two dwellings, associated detached garage and landscaping. Withdrawn (May 2009)

09/0757C Retention of existing annexe building. Change of use to form integral garage, games room, toilet facilities, and loft storage area. Associated parking and landscaping. Withdrawn (May 2009)

35846/3 Conversion of redundant farm buildings to two dwellings. Approved (2003)

### **5. POLICIES**

#### **National Planning Policy**

Planning Policy Guidance 2: Green Belts

Planning Policy Statement 7: Sustainable Development in Rural Areas

#### **Regional Spatial Strategy**

DP1 Spatial Principles

DP7 Environmental Quality

#### **Local Plan Policy**

PS7 Green Belt

GR1 General Criteria

GR2 Design  
GR6 Amenity and Health  
H1 Provision of New Housing Development  
H2 Housing Supply  
H6 Residential Development in the Open Countryside and Green Belt  
BH15 Conversion of Rural Buildings  
BH16 The Residential Re-use of Rural Buildings  
Supplementary Planning Document 7: Rural Development

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

### **Highways**

[30.07.2009] The Highway Authority has no comment or observation to make on this application.

### **Environmental Health**

[15.07.2009] The Environmental Division has no comment or observation to make on this application.

### **Senior Landscape & Tree Officer**

[12.08.2009] There are ponds in the vicinity of the site. No Great Crested newt survey is provided. This is necessary and the application could be refused on the grounds of insufficient information.

(A previous submission for this site included a Great Crested newt survey. If resubmitted, that report was undertaken at a sub-optimal time of year. However no evidence of this protected species was found and notwithstanding the restrictions of the GCN survey, the ecologist concludes that there is low potential for impact on the species. Reasonable avoidance measure would be required).

The buildings offer potential for bats, barn owl and nesting birds. The submission includes reports of surveys for these species. Although suitable habitat is present no evidence of bats and barn owls is recorded. There is evidence of bird nests. Reasonable avoidance measures are suggested and I am satisfied that such measures could be covered by condition.

There are a number of existing trees along the driveway. A tree protection condition is recommended. The submission includes a landscape scheme. (Plan 458 –B-SL-01 and Plan 458 – F-L-01). The proposals in the scheme are acceptable. An implementation condition will be required.

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

[10.08.2009] Newbold Astbury cum Moreton Parish Council has agreed unanimously to support the application.

The building forms a part of a group that was once a working farm and the barns are within a few yards of a family occupied dwelling. It is the view of the Parish Council that the use of the building for residential use is the only appropriate use, as a commercial or

light industrial use would not be fitting for the environment. The proposed development is in an essentially rural landscape, which the proposal will not in any way significantly alter.

It is noted that a similar application was granted permission by the former Congleton Borough Council however; there had been a delay in meeting the conditions of the original permission, which was not the fault of the developer.

It is acknowledged that there has been a change in relevant Local Plan policies since the original grant of permission however, in the view of the Parish Council, the new policy BH16 has been met in that the application contains a statement which details the present day market regarding the sale or rental of rural buildings.

To conclude although the Parish Council would normally support national, regional and local planning policies, it is felt that in this particular instance and bearing in mind all the facts of the specific case, it would be more advantageous to permit the development than to refuse.

### **OTHER REPRESENTATIONS**

[01.07.2009] A representation was received from Councillor J. Wray that sought to call the application in for determination by planning committee should it be recommended for refusal under delegated powers.

This was on the grounds that the Barn conversion has previously been granted permission, which lapsed after works had started.

The resubmission has only minor modifications that only enhance and improve the original design by use of 'matching Staffordshire blue tiles' to that of the original farm building and old barn and additional information has been submitted which provides some reasonable evidence of marketing the barns for a commercial use.

An unfortunate set of circumstances and a certain misunderstanding of the original permissions have led to the current situation, which gives rise to the exceptional circumstances in this case.

### **APPLICANT'S SUPPORTING INFORMATION**

The following documents were submitted in support of the application:

- **A Design and Access Statement**  
The statement outlines issues relating to the site and its existing use, the sites planning background and policy, the developments context, layout scale, access, appearance, and landscape context and also ecology issues.
- **Structural Survey**  
The submitted structural survey concludes that the brickwork of the external elevations is in a good condition and that the roof slopes were found to be straight with no evidence of distortion.
- **Ecological Surveys**  
Surveys for Barn Owls, nesting birds, and bats concluded that proposed work would be unlikely to cause a net loss of habitat or disturbance. A newt survey concluded that there is

very small potential for the development to impact upon great crested newts however, reasonable avoidance measures are recommended.

## **7. OFFICER APPRAISAL**

### **Principle of Development**

This application is intrinsically linked to application 09/1665C as it would provide residential accommodation for one of the units with the barn conversion. This link to the residential usage means that policy BH16 of the Congleton Borough Local Plan First Review 2005 is applicable.

Policy BH16 requires that every reasonable attempt has been made to secure business reuse or that the location and character of the site is such that makes residential purposes the only appropriate use.

No evidence of any attempt to secure business re-use at the application site or the barn conversion site was submitted with the application – only information relating to other sites within the Cheshire East Borough. Such information is not sufficient evidence to demonstrate that this is not commercially viable and it does not justify the residential reuse of the building.

The location and character of the site is such that residential use may not be the only viable option. This is for two reasons, firstly although there are other residential properties in the vicinity, these are far from forming a cohesive group and as such it is not considered that residential uses are predominant in the area. Secondly although it is accepted that the barn building is located within somewhat close proximity to Brownlow Farm Farmhouse, approximately 10 metres to the north of the barn, this close proximity does not automatically rule out commercial uses as it is unreasonable to exclude other appropriate rural uses such as farm shops, equestrian facilities, live and work units, and tourist accommodation, which would be no more detrimental to the farmhouse amenity than residential units.

It is appreciated that the site has previously been granted consent for garaging under application 35846/3 however, it is noted that this was over six years ago and the consent was never lawful as work commenced prior to the discharge of pre-commencement conditions.

### **Highways**

No response was received from the Strategic Highways Manager at the time of report preparation however; it is noted that there is a significant amount of space available within the application site for parking and as such it is not considered that the proposal would pose a threat to highway safety. Nonetheless Members will be provided with Strategic Highways Manager comments via an update.

The new development would be accessed via an existing access track however, this access would divert onto a new track. Given that such new track would somewhat follow an existing field line it is not considered that the access would appear detrimental within the surrounding Green Belt.

The proposal would include the provision of garaging which would ensure that the detrimental impact of parked cars within the Green Belt would be avoided.

### **Design**

Significant unauthorised alterations have been made to the original building and this application seeks to regularise the situation. It is brought to Members attention that planning policies are still applicable despite the applications retrospective nature.

Policy BH15 outlines that a rural building would only be permitted for re-use if it was permanent and substantial as well as not requiring significant extension, rebuilding or extensive alteration.

In relation to the former criteria, the submitted structural survey concludes that the building is in sound condition allowing for re-use however, with regard to the second criteria the proposal clearly conflicts with the policy as substantial alterations have been made to the height and pitch of the buildings original roof.

The applicants reasoning for the significant increase in scale was to allow for a more appropriate tile to be used on the building that would match those of the adjacent barn building however, it is not considered that this justification outweighs the significant physical visual harm that the increase in roof pitch and height has as albeit having a matching tile to the barn-building roof, the increased roof height and pitch causes significant detriment to the open character and nature of the surrounding Green Belt by virtue of its large mass, scale, and positioning. The building by virtue of its scale can even be described as being tantamount to the erection of a new dwelling in the Green Belt, which would not normally be permitted.

It is not contested that the alterations have been completed to a high standard however, the use of matching roof tiles cannot justify the detrimental impact of the roof alterations of the building which appear significantly incongruous as the building is located immediately adjacent to a Green Belt field and as such is relatively exposed to the wider area.

### **Landscaping & Ecology**

Landscaping - Subject to tree protection and landscaping implementation conditions, there are no landscaping objections to the proposal.

It is noted that there are ponds in the vicinity of the site and newt survey was submitted to the Local Authority on 17.08.2009. This information is an identical re-submission of the surveys received in relation to withdrawn applications 09/0744C and 09/0757C. The report concludes that there is very small potential for the development to impact upon great crested newts and although there was no evidence on of the species on site, it recommended that reasonable avoidance measures are implemented should the development be approved.

### **Amenity**

The change of use of this building and its physical alterations are not considered to be detrimental to the amenity or privacy of surrounding residential properties given the significant distances and existing boundaries in position.



## **8. CONCLUSIONS**

It is appreciated that Congleton Borough Council have previously approved a residential scheme at the site which allowed for the building to be used for residential purposes however, it is noted that this was over six years ago. As each application must be judged on its own merits and against current planning policies, it is concluded that the proposal does not comply with the planning policy framework governing the provision of housing in the greenbelt and is recommended for refusal accordingly.

Additionally the alterations to the building are not in accordance with policy which would not permit changes to buildings if significant alterations are required and the retrospective changes to the building are considered to cause visual harm to the open nature of the surrounding green belt. It is noted that the application would have been recommended for refusal regardless of the application being retrospective.

## **9. RECOMMENDATIONS**

**REFUSE** for the following reasons: -

- 1. The proposal is an inappropriate form of development within the Green Belt, as defined by the Development Plan. The development would therefore be contrary to Policy BH15 of the adopted Congleton Borough Local Plan First Review. It is not considered that very special circumstances exist to justify the approval of inappropriate development in the Green Belt.**
- 2. Insufficient information has been submitted with the application relating to the commercial marketing of the property in order to assess adequately the impact of the proposed development having regard to the provision of housing within the Green Belt. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies namely BH16 and other material considerations.**
- 3. The proposed development, by reason of its size, siting and design, would form a visually obtrusive feature which would detract from the rural character and appearance of the area within which it is located. The approval of the development would therefore be contrary to Policies GR1, GR2, and BH15 of the adopted Congleton Borough Local Plan First Review.**

**LOCATION PLAN: Cheshire East Council licence no 100049045**



<b>Planning Reference No:</b>	09/1665C
<b>Application Address:</b>	Brownlow Farm, Brownlow Heath Lane, Newbold Astbury, Congleton
<b>Proposal:</b>	Conversion of redundant barns to form 2no. dwellings. Associated detached garage and landscaping
<b>Applicant:</b>	J. Ekin Construction
<b>Application Type:</b>	Full Planning Permission
<b>Ward:</b>	Congleton Town East
<b>Earliest Determination Date:</b>	10-August-2009
<b>Expiry Dated:</b>	22-July-2009
<b>Date Report Prepared:</b>	01- September 2009
<b>Constraints:</b>	None

### **SUMMARY RECOMMENDATION: REFUSE**

#### **MAIN ISSUES:**

The key issues that Members should consider in determining this application are;

- Principle of Development
- Policy
- Highways
- Design
- Amenity
- Landscaping
- Ecology

### **1. REASON FOR REFERRAL**

The application was deferred from the Planning Committee held on 26<sup>th</sup> August 2009 to allow for Members to visit the site.

Councillor P. Mason originally requested that the application be determined by planning committee. The reason stated on the Committee request form was 'The design, character, and relationship of adjacent buildings' and also 'as there was concern that the inferior design would have an adverse effect on the development and the area.'

### **2. DESCRIPTION OF SITE AND CONTEXT**

The application site relates to a red brick barn associated with Brownlow Farm. The building is a two-storey construction and appears to date from the 19<sup>th</sup> Century. The entire site is located within the Green Belt.

### **3. DETAILS OF PROPOSAL**

Full planning permission is sought for the conversion of the barn into two residential units.

#### **4. RELEVANT HISTORY**

09/1664C Retention of existing annexe building. Change of use to form integral garage, games room, toilet facilities, and loft storage area. Associated parking and landscaping. Pending determination

09/0744C Conversion of redundant barns to form two dwellings, associated detached garage and landscaping. Withdrawn (May 2009)

09/0757C Retention of existing annexe building. Change of use to form integral garage, games room, toilet facilities, and loft storage area. Associated parking and landscaping. Withdrawn (May 2009)

35846/C Conversion of redundant farm buildings to two dwellings. 3 Approved (2003)

#### **5. POLICIES**

##### **National Planning Policy**

Planning Policy Guidance 2: Green Belts

Planning Policy Statement 7: Sustainable Development in Rural Areas

##### **Regional Spatial Strategy**

DP1 Spatial Principles

DP7 Environmental Quality

##### **Local Plan Policy**

PS7 Green Belt

GR1 General Criteria

GR2 Design

GR6 Amenity and Health

H1 Provision of New Housing Development

H2 Housing Supply

H6 Residential Development in the Open Countryside and Green Belt

BH15 Conversion of Rural Buildings

BH16 The Residential Re-use of Rural Buildings

Supplementary Planning Document 7: Rural Development

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

##### **Highways:**

[18.08.2009] The Strategic Highways Manager has no objection to the proposal.

##### **Environmental Health:**

[13.08.2009] It is recommended that conditions relating to contaminated land and hours of construction are added to any consent should Members be minded to approve the application.

**Senior Landscape & Tree Officer:**

[12.08.2009] There are ponds in the vicinity of the site. No Great Crested newt survey is provided. This is necessary and the application could be refused on the grounds of insufficient information.

(A previous submission for this site included a Great Crested newt survey. If resubmitted, that report was undertaken at a sub-optimal time of year. However no evidence of this protected species was found and notwithstanding the restrictions of the GCN survey, the ecologist concludes that there is low potential for impact on the species. Reasonable avoidance measure would be required).

The buildings offer potential for bats, barn owl and nesting birds. The submission includes reports of surveys for these species. Although suitable habitat is present no evidence of bats and barn owls is recorded. There is evidence of bird nests. Reasonable avoidance measures are suggested and I am satisfied that such measures could be covered by condition.

There are a number of existing trees along the driveway. A tree protection condition is recommended. The submission includes a landscape scheme. (Plan 458 –B-SL-01 and Plan 458 – F-L-01). The proposals in the scheme are acceptable. An implementation condition will be required.

**VIEWS OF THE PARISH / TOWN COUNCIL**

[10.08.2009] Newbold Astbury cum Moreton Parish Council has agreed unanimously to support the application.

The building forms a part of a group that was once a working farm and the barns are within a few yards of a family occupied dwelling. It is the view of the Parish Council that the use of the building for residential use is the only appropriate use, as a commercial or light industrial use would not be fitting for the environment. The proposed development is in an essentially rural landscape, which the proposal will not in any way significantly alter.

It is noted that a similar application was granted permission by the former Congleton Borough Council however; there had been a delay in meeting the conditions of the original permission, which was not the fault of the developer.

It is acknowledged that there has been a change in relevant Local Plan policies since the original grant of permission however, in the view of the Parish Council, the new policy BH16 has been met in that the application contains a statement which details the present day market regarding the sale or rental of rural buildings.

To conclude although the Parish Council would normally support national, regional and local planning policies, it is felt that in this particular instance and bearing in mind all the facts of the specific case, it would be more advantageous to permit the development than to refuse.

## **OTHER REPRESENTATIONS**

[01.07.2009] A representation was received from Councillor J. Wray that sought to call the application in for determination by planning committee should it be recommended for refusal under delegated powers.

This was on the grounds that the Barn conversion has previously been granted permission, which lapsed after works had started.

The resubmission has only minor modifications that only enhance and improve the original design and additional information has been submitted which provides some reasonable evidence of marketing the barns for a commercial use.

An unfortunate set of circumstances and a certain misunderstanding of the original permissions have led to the current situation, which gives rise to the exceptional circumstances in this case.

## **APPLICANT'S SUPPORTING INFORMATION**

The following documents were submitted in support of the application:

### **Design and Access Statement**

The statement outlines issues relating to the site and its existing use, the sites planning background and policy, the developments context, layout scale, access, appearance, and landscape context and also ecology issues.

### **Marketing Report**

A marketing report was completed in March 2009, which outlines the marketing of six different farm buildings in the Sandbach and Congleton areas within the last 5 years. It outlines methods that were undertaken to market such properties and highlights that enquiries into properties were limited and the no reasonable offers received on an of properties. The report concluded that conversion to residential use as opposed to commercial use would be the only use to generate sufficient value to make conversion viable.

### **Structural Survey**

The submitted structural survey concludes that the barns are in adequate conditions and that there is no reason to consider that substantial rebuilding would be required in order to allow the barns to be converted for residential use.

### **Ecological Surveys**

Surveys for Barn Owls, nesting birds, and bats concluded that proposed work would be unlikely to cause a net loss of habitat or disturbance. A newt survey concluded that there is very small potential for the development to impact upon great crested newts however, reasonable avoidance measures are recommended.

## **7. OFFICER APPRAISAL**

### **Principle of Development**

Policy H6 of the adopted Congleton Borough Local Plan First Review 2005 outlines a presumption against new residential development in the Green Belt unless it complies with

certain limited criteria, one of which is the conversion of existing rural buildings in accordance with Policies BH15 and BH16.

Policy BH15 outlines that for a rural building to be appropriate for re-use, it must be permanent, substantial, and should not require significant extension, rebuilding or extensive alteration. Given that the existing barn building is a substantial brick built structure and evidence within the submitted Structural Survey suggests that significant rebuilding would not be necessary, it is considered that the principle of re-use is acceptable.

Policy BH16 requires that every reasonable attempt has been made to secure business reuse or that the location and character of the site is such that makes residential purposes the only appropriate use. This is as Business re-use is the preferred option for re-use of rural buildings.

In relation to the former criteria, no evidence of any attempt to secure business re-use at the application site has been supplied. Supplementary Planning Document 7 outlines the criteria for acceptable marketing reports; the main purpose of is to satisfy the Borough Council that genuine attempts have been made firstly to market the property actively and secondly to market it at a reasonable price for business or commercial uses. Given that the only evidence submitted relates to properties elsewhere within the Cheshire East Borough and not specifically the application site and no actual evidence was submitted to demonstrate that commercial conversion would not be financially viable, the marketing report is not sufficient to justify the residential reuse of the building.

In relation to the location and character of the site, it is not considered that the character of the site is such that residential use would be the only viable option. This is for two reasons, firstly although there are other residential properties in the vicinity, these are far from forming a cohesive group and as such it is not considered that residential uses are predominant in the area. Secondly although it is accepted that the barn building is located within somewhat close proximity to Brownlow Farm Farmhouse, approximately 10 metres to the north of the barn, this close proximity does not automatically rule out commercial uses as it is unreasonable to exclude other appropriate rural uses such as farm shops, equestrian facilities, live and work units, and tourist accommodation, which would be no more detrimental to the farmhouse amenity than residential units.

It is appreciated that the site has previously been granted consent under application 35846/3 however, it is noted that this was over six years ago and the consent was never lawful as work commenced prior to the discharge of pre-commencement conditions.

### **Policy**

The Borough Council is not able to demonstrate a 5-year supply of housing as outlined in Planning Policy Statement 3: Housing (PPS3) as such this application is not subject to the restrictions outlined in Housing Policies of the adopted Congleton Borough Local Plan First Review or Supplementary Planning Document 10: Housing Land Supply.

### **Highways**

No response was received from the Strategic Highways Manager at the time of report preparation however; it is noted that there is a significant amount of space available within the application site for parking and as such it is not considered that the proposal would

pose a threat to highway safety. Nonetheless Members will be provided with Strategic Highways Manager comments via an update.

The new development would be accessed via an existing access track however, this access would divert onto a new track. Given that such new track would somewhat follow an existing field line it is not considered that the access would appear detrimental within the surrounding Green Belt.

The proposal would include the provision of garaging which would ensure that the detrimental impact of parked cars within the Green Belt would be avoided.

### **Design**

#### **Barn Building**

With conversions of barn buildings it is important to retain as much of the original building fabric as possible and minimise alterations to help preserve the character of the building and produce a successful conversion.

No extensions are proposed for the barn building and the proposal makes good use of existing openings. Whilst it is noted that new openings are proposed, such are limited and it is not considered that their insertion would pose a threat to the character or appearance of the existing building subject to the use of appropriate materials as they would reflect the scale and proportions of existing openings.

The proposed conversion would make use of existing dormer windows on the barn building. Whilst such features are considered to be alien features on older rural buildings and not entirely appropriate, given that they are in existence and have been for a substantial period, it is not considered that the application could be reasonably refused for this aspect.

The proposal also includes numerous roof lights however, these are of a small scale and subject to the use of conservation style it is considered that are located in a satisfactory irregular groups in order to not be detrimental to the character or appearance of the building.

#### **Garage**

The garaging of cars should be contained within existing buildings where possible and it is noted that the annexe, which is subject to application 09/1664C, does include a garage area for one of the proposed residential unit.

An additional new build garage is proposed for the other residential unit and whilst this should usually be avoided, it is noted that the proposed garage would be located within the corner of the site and would be viewed from the wider Green Belt in the context of the barn building, its detached annexe, and the other farm buildings on the site. It is therefore not considered that the detached garage subject to the use of appropriate materials is of a scale, design or appearance that would appear incongruous within the Green Belt.

### **Amenity**

The northern elevation of Unit 1 would directly face a gable of Brownlow Farm Farmhouse – both elevations would contain principal windows. Given that a distance of approximately 10 metres would exist between both elevations, it is considered reasonable and necessary to request an obscured glazing to the windows within Unit 1's northern elevation to protect the privacy afforded to both properties.



## **Landscaping**

Subject to tree protection and landscaping implementation conditions, there are no landscaping objections to the proposal.

## **Ecology**

The Senior Landscape and Tree Officer concludes that although there is a suitable habitat for bats, barn owls, and breeding birds, conditions could be attached to any consent to ensure there would be no detrimental ecological implications.

Additionally it is noted that there are ponds in the vicinity of the site and a newt survey was submitted to the Local Authority on 17.08.2009. This information is an identical re-submission of the surveys received in relation to withdrawn applications 09/0744C and 09/0757C. The report concludes that there is very small potential for the development to impact upon great crested newts and although there was no evidence on of the species on site, it recommended that reasonable avoidance measures are implemented should the development be approved.

## **8. CONCLUSIONS**

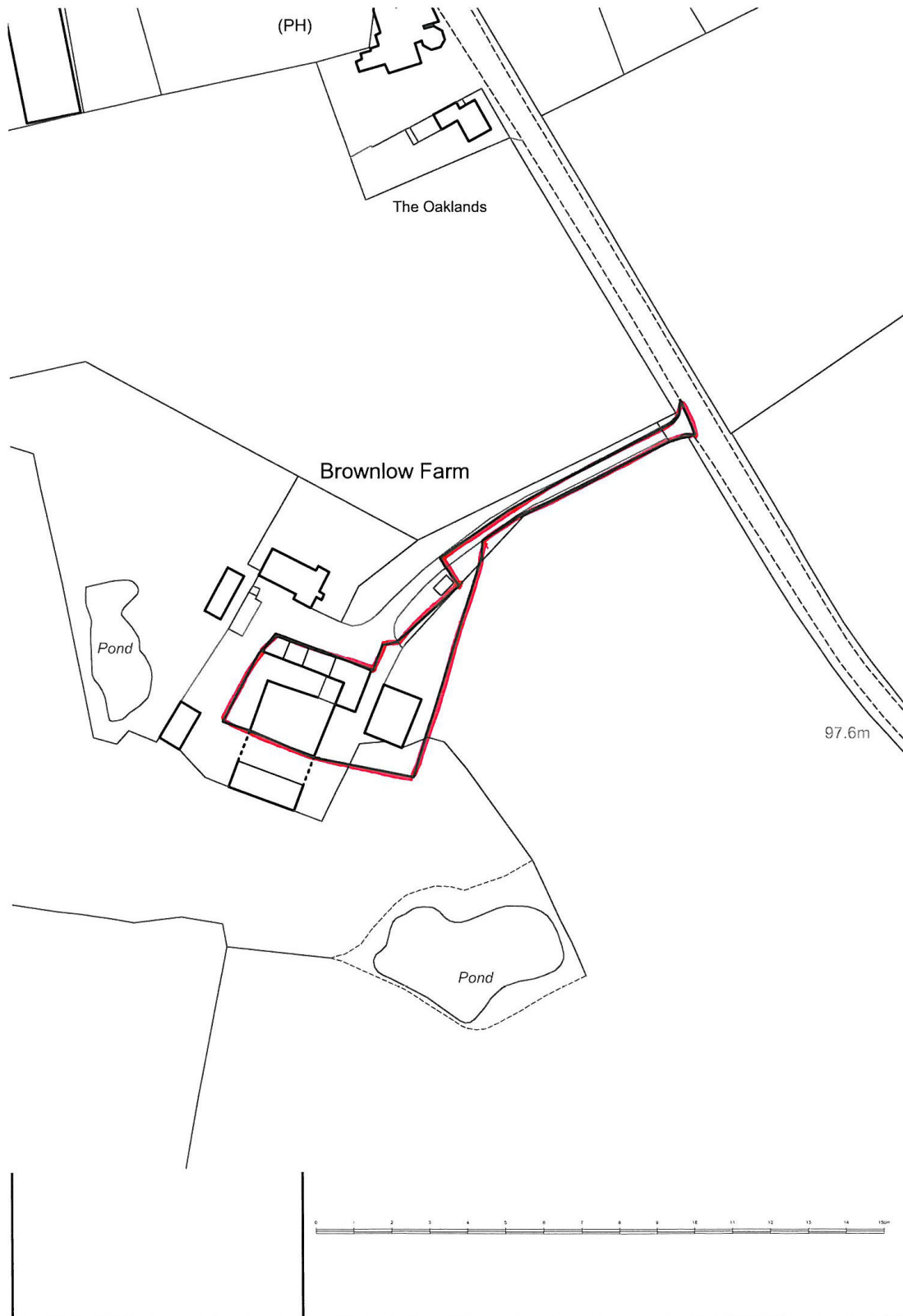
With regard to the above considerations it is appreciated that Congleton Borough Council has previously approved a residential scheme at the site however, this was over six years ago. As each application must be judged on its own merits and against current planning policies, it is concluded that the proposal does not comply with the planning policy framework governing the provision of housing in the greenbelt and is recommended for refusal accordingly.

## **9. RECOMMENDATIONS**

**REFUSE for the following reasons: -**

**1. Insufficient information has been submitted with the application relating to the commercial marketing of the property in order to assess adequately the impact of the proposed development having regard to the provision of housing within the Green Belt. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies namely BH16 and other material considerations.**

**LOCATION PLAN: Cheshire East Council licence no. 100049045**



<b>Planning Reference No:</b>	09/1109N
<b>Application Address:</b>	Land Adjacent to Brooklands Cottage, Ford Lane, Crewe
<b>Proposal:</b>	New Residential Development with New Access Road and Associated Parking
<b>Applicant:</b>	Markden Ltd
<b>Application Type:</b>	Full
<b>Grid Reference:</b>	370032.44 356634.79
<b>Ward:</b>	Crewe North
<b>Earliest Determination Date:</b>	31 August 2009
<b>Expiry Dated:</b>	22 September 2009
<b>Date of Officer's Site Visit:</b>	11 June 2009
<b>Date Report Prepared:</b>	14 August 2009
<b>Constraints:</b>	

### **SUMMARY RECOMMENDATION**

**APPROVE (subject to conditions)**

#### **MAIN ISSUES:**

- Impact on the Character of the Area
- Impact on Highway Safety
- Impact on Neighbouring Amenity
- Impact on Drainage and the Water Environment
- Impact on Protected Species and Nature Conservation

## **1. REASON FOR REFERRAL**

This application is to be determined by the Southern Planning Committee as the application relates to the creation of over ten residential units.

## **2. DESCRIPTION OF SITE AND CONTEXT**

This detailed application relates to the redevelopment of a 0.25ha site within the settlement boundary of Crewe. The application site comprises a rectangular plot of land occupying an elevated position adjacent to a bend in Ford Lane, opposite to the road junctions of Ellis Street and Princess Street. The site is adjacent to the church hall and rectory and opposite the graveyard associated with St. Michael's Church on Ford Lane. The nearest properties are along Ford Lane as the road slopes down towards Badger Avenue and these are predominantly Victorian terraces. There is a relatively large property directly beyond the southern boundary (Brooklands Cottage).

The boundary treatment around the site consists of iron railings. The site itself is relatively overgrown with various shrubs and bushes, with changing levels a feature of the site. In addition there are a number of mature trees on site, particularly to the north-western boundary with Ford Lane.

### **3. DETAILS OF PROPOSAL**

The proposals as originally submitted related to the erection of 14 houses on the site arranged in 3 blocks but the scheme has since been amended and now relates to the erection of 13 houses in a terraced formation with provision for 15 car parking spaces. The access point will lie adjacent to St Michaels Parish Hall.

### **4. RELEVANT HISTORY**

7/19814 Outline application for residential development.

Approved 26/07/1991

P01/0315 Outline Application for Residential Development.

Approved 22/05/2001

P02/1227 Ten Houses & Two Flats with Associated Parking.

Approved 04/02/2003

### **5. POLICIES**

#### **Regional Spatial Strategy**

EM2 (Remediating Contaminated Land)

EM17 (Renewable Energy)

L4 (Regional Housing Provision)

DP2 (Promoting Sustainable Communities)

MCR4 (South Cheshire)

#### **Local Plan Policy**

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.6 (Development On Potentially Contaminated Land)

RES.1 (Housing Allocations)

RES.3 (Housing Densities)

TRAN.9 (Car Parking Standards)

#### **Other Material Considerations**

SPD Backland Development and Development on Gardens 2008

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPS23: Planning and Pollution Control

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

### **Highways**

Visibility issues at proposed access. Visibility to the right when exiting Brooklands Avenue junction with Broad Street is also poor due to trees.

For the Highways Authority to support this application, the visibility splays will need to be improved at the access and the ramped footway altered in accordance with Cheshire East standards as the development will increase turning movements at this location.

A suite of plans showing must be provided and approved by the LPA before permission is granted.

Visibility is an issue due to trees.

### **United Utilities**

No objection to the proposal. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Foul drainage must be connected to the existing 375mm diameter public sewer in Ford Lane. Surface water must be connected to the existing 1800mm diameter public Surface water sewer crossing Ford Lane. Surface water flow attenuation is not required. All surface water drains must have adequate oil interceptors.

## **7. OTHER REPRESENTATIONS**

Letters of objection received from the occupiers of 1 & 2 Ellis Street, Brooklands Cottage and 215 Ford Lane, Crewe relating to the following matters:

- amenity: overlooking, noise and light pollution
- trees: loss of trees
- highway safety: visibility issues, additional on street car parking and pedestrian safety, increased traffic movements
- protected species

Petition received objecting to the application with 9 signatures

## **8. APPLICANT'S SUPPORTING INFORMATION**

### **Planning, Design and Access Statement (Emery Planning Partnership 2009)**

- Proposed development represents efficient use of land
- Site identified as a housing commitment in the local plan
- Development compatible with the surrounding area and reflects its local character
- Development would not appear out of keeping
- Proposal would not result in overlooking or loss of privacy to neighbours
- Adequate levels of car parking would be provided in a safe and secure location. In any case the location is highly sustainable and lends itself to reducing reliance on the private motor car.
- Planning permission granted in 1991, 2001 and 2002 which is a material consideration

### **Protected Species Survey (Biota 2009)**

- Recommends works take place outside bird breeding season or site inspection prior to works commencing
- Bat and swift boxes should be incorporated into the development

### **Geotechnical and Environmental Investigation Report (Rutter Johnson 2005)**

- The chance of the site being affected by on site landfill gas is negligible
- There are elevated levels of arsenic and zinc.
- Recommends a localised reduced level excavation of 600mm be carried out and the provision of a clean capping layer.

### **Arboricultural Statement (Landscape Design Solutions 2009)**

- There are 8 individual trees to the frontage of the site 4 No. Lombardy Poplars (*Populus nigra 'Italica'*), 2 No. Limes (*Tilia cordata*) and 2 No. Sycamores (*Acer pseudoplatanus*)
- Trees T1, T2, T4 & T7 are the Lombardy Poplars (*Populus nigra 'Italica'*) due to their nature and the fact that they are becoming over they have little long term potential. Trees T3 & T5 Limes (*Tilia cordata*) and T6 & T8 Sycamores (*Acer pseudoplatanus*) all have some health issues with regards to damage to trunks, broken and or dead limbs to canopy, and invasive Ivy growing up trunks. These trees would need remedial work to secure there long term future.
- With the proposed Site Layout it would not be possible to retain any of these trees so as such I have recommended there removal.

## **9. OFFICER APPRAISAL**

### **Principle of Residential Development**

The site lies within the settlement boundary of Crewe and is allocated under policy RES.1. Residential development on the site is therefore acceptable in principle, subject to details relating to matters of design, amenity, car parking, access and drainage considerations.

This approach is advocated by National Planning Guidance (PPS3: Housing) which states that most additional housing development should be concentrated in urban areas. This should involve the more efficient use of land by maximising the re-use of brownfield urban land to minimise the amount of greenfield land being taken for new development. Annex B of PPS 3 (Housing) classes the curtilage of a building as previously developed land. Therefore, the site is not regarded as greenfield land. In light of this, and considering the proximity of this site in relation to public transport and local services, the broad principle of residential development in this location is considered to be acceptable.

PPS3 does not offer any density threshold for new developments; it only stipulates a minimum of 30 dph. That said, policies RES.3 suggests between 30-50 dph where the quality of the local environment is not compromised and provided that this is on a scale in keeping with the character of the area. In this instance, the proposals achieve a density of 52 dph which accords with national guidance. In addition, this is an urban location within a short walking distance of Crewe town centre and the site itself is in need of regeneration.

As this is a brownfield site in a highly sustainable location with good access to public transport and the redevelopment of the site would result in the regeneration of the area and benefit the local economy, the principle of residential development is accepted.

### **Nature Conservation**

There are 8 mature trees at the front of the site; 4 poplars, 2 lime trees and 2 sycamore trees. The tree report submitted indicates that these trees have little long term potential and require remedial work and then goes on to state that as it is not possible to retain these trees within the site layout removal is recommended.

The Local Planning Authority has concerns regarding these recommendations. The tree survey schedule only indicates that the poplars are over mature and not the limes or sycamores. Moreover the overall health of the trees requires remediation only and these trees are prominent and contribute to the character of the area. The Council's landscape architect has also indicated that the tree report has failed to consider the impact of the development on trees overhanging the rear boundary to Brookland Cottage. The impact of the development on the mature trees alongside the southwestern boundary of the site with the grounds of The Brooklands was duly considered in 2002 as amendments were secured to the car parking layout to re-site car parking spaces away from the canopies of these trees.

Although the number, height and species of the trees will make it difficult to ensure that all are kept, where appropriate they should be retained as part of any landscaping scheme on the site.

An amended layout has been provided which enables the retention of the sycamore and lime trees along with additional planting to the frontage. Whilst some of the car parking will be located under the canopies of trees within the curtilage of Brooklands Cottage no dig construction, tree protection measures and permeable surfacing materials can all be conditioned accordingly to mitigate for any adverse impact upon these trees.

### **Protected Species**

The plot undoubtedly provides habitat for a number of plant and animal species, however it also appears to be used as an informal public area. In itself the site could not be retained for the purpose of a wildlife habitat.

It should be noted that the site may form a suitable habitat for Bats and Breeding Birds. Bats and Breeding Birds are listed as a protected species under schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Whilst this planning consent cannot implement other legislation, protected species are considered to be a material consideration in the determination of a planning application, and therefore any impact must be considered and mitigated accordingly.

Circular 06/2005 paragraph; 99 states that 'it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.' This guidance does go on to state that 'developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development.'

The above circular along with PPS9 and Policy NE.9 of the replacement local plan 2011 are considered a material consideration in the determination of this planning application.

The protected species survey submitted with the application indicates that there was no evidence of bats or other protected species across the site although the survey does recommend a condition in respect of works undertaken during the breeding season and recommends that the proposed dwellings are installed with bat boxes. This will be conditioned accordingly.

### **Amenity**

There is a relatively large property directly beyond the southern boundary (Brooklands Cottage). However there are no principal windows in the elevation facing the site and therefore no privacy or overshadowing issues are raised.

Plots 4-10 are located less than 18m from the principal elevations of properties at 198-215 Ford Lane, which is below the separation distance of 21m sited in the SPD. However it is considered that the proposals would not have a significant adverse impact on the amenities of these properties by reason of overlooking given the difference in topographical levels and that the properties are on the opposite side of the road. Also it should be noted that this separation distance was considered to be acceptable when previous approvals were granted.

With regard to amenity considerations within the site, between plots 1-3 and plots 11-13 there is a separation distance of between 20-21m which accords with the prescribed separation distances advocated by the SPD: Development on Backland and Gardens. This will provide an adequate standard of amenity for future occupants of these units.

Whilst the staggered building line will breach the 45 degree code between the proposed units, because the properties are north facing this will not be detrimental to the amenities of future occupants.

Some of the units have less than the 50 sq. m of private amenity space as stipulated within the SPD. That said, these are modest properties and there is an amount of defensible space to the front of the properties and landscaped 'buffer' areas. On balance it is considered that the development provides adequate amenity space for dwellings of this size.

### **Design Standards**

#### *Elevational Treatment*

The prevailing character of the area comprises public open green spaces bounded by Victorian terraced properties which abut the road frontage. The detailing on these properties includes large scale elements, sill and lintel detailing, sash windows, chimneys, contrasting brick banding and ground floor bay windows.

The existing dwellings along Ford Lane are attractive, substantial brick and tile properties which reflect the symmetry and proportions common in Victorian architecture.

Amended plans have been received following officer concerns regarding elevational treatment.



The elevations now include a chimney feature, contrasting brick banding, bay windows, eaves and lintel detailing and provide a long and staggered terrace which reflects the streetscene along Ford Lane.

The proposals replicate the symmetry and rhythm which feature so strongly within the existing properties along Ford Lane.

In summary the proposals provide a high standard of design which responds to its context. In so doing the proposals respect the pattern, character and form of the surroundings which enhances the built environment.

### *Layout*

The SPD on Extensions and Householder Development para 3.3 states that a development which looks out of place and doesn't respect the positive characteristics of immediate surroundings will not be permitted. It then goes on to state at para 3.6 that developments which look cramped or fail to comply with appropriate spacing, and open space guidelines will not be permitted.

The area is urban in character with regular and distinctive breaks in the built form created by greenspaces. This spacing between dwellings gives the area its distinctive character.

The proposals provide a terraced form of dwellings which reflects the existing terraces along Ford Lane. The proposals also provide greenscape and soft landscaping and the staggered arrangement of the terrace breaks up the bulk and massing of the terrace.

The layout respects the terraced nature of the surroundings, addresses the corner, provides green buffer areas, retains the existing prominent trees, provides amenity space and defensible space and consolidates car parking areas to the rear of the development. The group of three properties to the rear of the site also seek to terminate the view from the access road. All of the above create a form and layout which respects and enhances the character and appearance of the area.

### *Boundary Treatment*

The boundary treatment around the site consists of iron railings. These enhance the character and appearance of the area. Any development of the site should be required to ensure that these railings are retained where appropriate in order to maintain this character. As the chainlink fence to Brooklands Cottage and the loss of the railings is not considered to be appropriate, boundary treatment details will be conditioned accordingly.

### **Car Parking**

There is an existing highway access on to the site from Ford Lane, although it is currently unused. This is near the existing church hall, rather than towards the junction with Princess Street. The entrance, in its current form, is not acceptable for serving a site with a number of houses on. However a widening of this access and the retention of the required visibility splays, rather the creation of a new one elsewhere on the site, would be sufficient to satisfy both safety and design requirements. Whilst the Highways Authority has concerns regarding visibility, this issue is not insurmountable and it is considered that improvements to the visibility splays and widening of the access can be conditioned accordingly.

On-street parking along Ford Lane and other side roads can cause problems in the locality particularly when the Church is used for weddings and funerals. It is also understood that Ford Lane is used by motorists as a "short cut" between McLaren Street and Broad Street.

With regard to traffic generation it is important to ensure that these problems are not exacerbated. The proposals provide 15 spaces for the 13 units. Whilst this is below the 200% provision within the Local Plan, the standard is a maximum. Furthermore the site is in a sustainable location within walking distance of Crewe town centre where there is a range of means of public transport and access to shops and services. It is difficult therefore argue that the development would result in on street parking problems.

The Highway Authority considers that small residential developments of this kind only generate low levels of additional traffic movements. It is therefore considered that that the proposals will not have an appreciable impact on highway safety or traffic congestion in the area. It is also considered that use of the church and graveyard will principally occur outside of peak traffic periods, which will coincide at the times when very few vehicle movements will be generated by the development.

### **Contaminated Land**

The applicant has submitted a Geotechnical and Environmental Investigation Report which indicates that the chance of the site being affected by on site landfill gas is negligible, but there are elevated levels of arsenic and zinc. The report suggests a localised reduced level excavation of 600mm be carried out and the provision of a clean capping layer.

No response has been received from the Contaminated Land Officer and therefore the recommendations of the report will be conditioned accordingly.

### **Renewable Energy**

Policy EM17 of Regional Spatial Strategy requires that 10% of the developments energy needs are met by renewable energy sources. It is considered that solar panels could be provided on the southern elevations. There are no calculations to demonstrate that this will provide for the energy needs of the development and therefore this together with provision of solar panels, will be conditioned accordingly.

### **Drainage**

The applicant has indicated that the site will be drained via the mains sewer. No objections have been received from United Utilities. In this instance, given the contamination issues with the site it is considered necessary to condition details of the drainage scheme, which should include SUDS, given the amount of additional hardstanding proposed.

## **10. CONCLUSIONS**

The proposals as amended respect the character and appearance of the streetscene and will improve the character of the area. In addition the proposals are acceptable in terms of the impact on protected species, trees, highway safety, and contaminated land. There is also a historic precedent for residential development on the site. The proposals accord with policies NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), BE.1

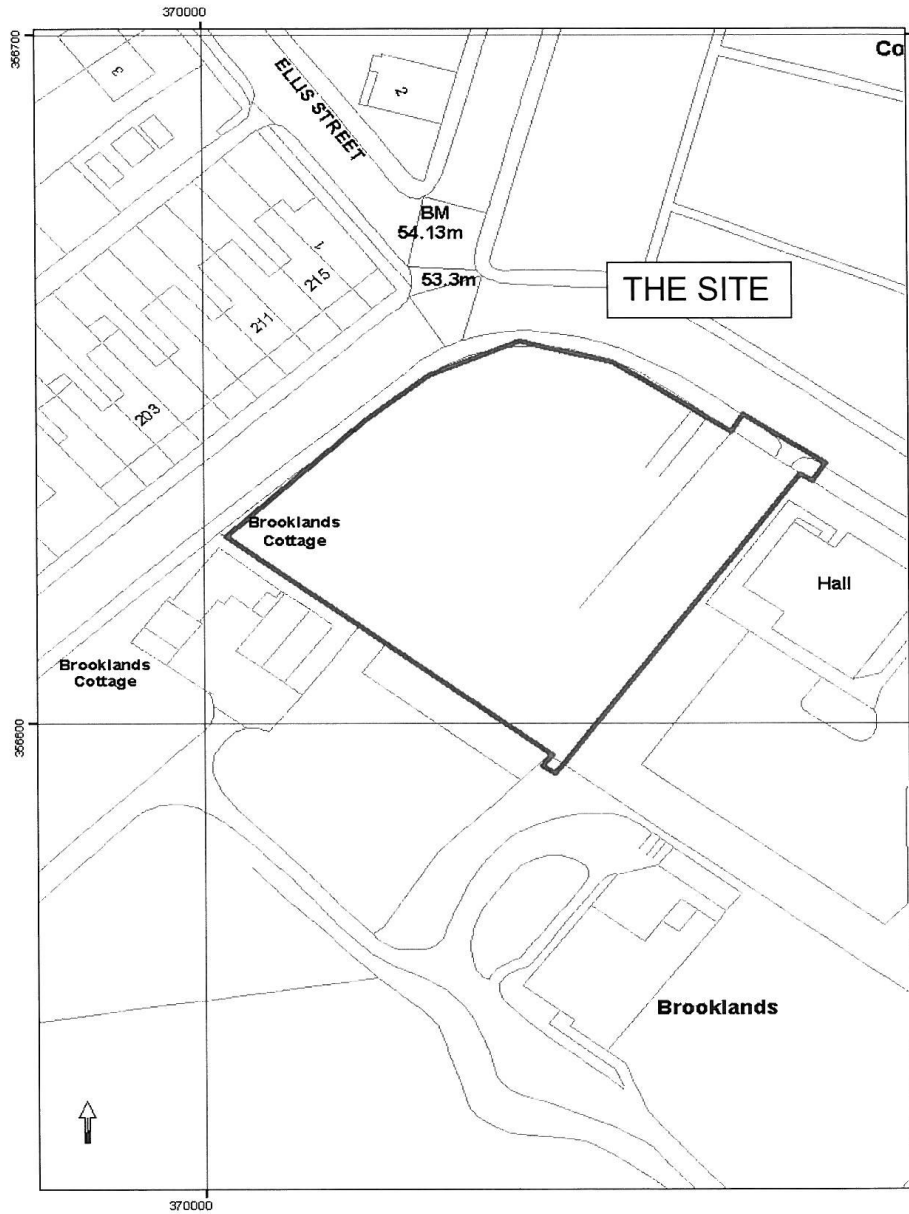
(Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.6 (Development On Potentially Contaminated Land), RES.1 (Housing Allocations), RES.3 (Housing Densities) and TRAN.9 (Car Parking Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and policy EM17 (Renewable Energy) within the North West of England Plan Regional Spatial Strategy to 2010 and guidance contained within the Development on Backland and Gardens Supplementary Planning Document.

## **11. RECOMMENDATIONS**

### **APPROVE subject to conditions**

- 1. Standard time limit**
- 2. Materials**
- 3. Approved plans**
- 4. Surfacing materials**
- 5. Drainage and sustainable urban drainage**
- 6. PD rights removed**
- 7. Visibility splays, footway and access improvements**
- 8. Landscaping- sycamore and limes to be retained**
- 9. Landscaping implementation**
- 10. Protected species survey recommendations**
- 11. Contaminated land survey recommendations**
- 12. Windows behind reveal**
- 13. Car parking and turning spaces to be provided**
- 14. Renewable energy measures**
- 15. Boundary treatment- railings to be retained and refurbished**
- 16. Construction outside breeding season**
- 17. Tree protection measures and no dig construction**

# Location Plan



09/1109N – Land adjacent to Brooklands Cottage Ford Lane Crewe

N.G.R; - 370.041 356.629

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Not to Scale

<b>Planning Reference No:</b>	09/1624W
<b>Application Address:</b>	Whittakers Green Farm, Pewit Lane, Hunsterson, Nantwich, Cheshire, CW5 7PP
<b>Proposal:</b>	Retrospective Permission For The Improvement And Extension Of An Existing Agricultural Track For Use In Association With Agricultural And Green Waste Compost Operations At Foxes Bank And Whittakers Green Farm, Hunterson, Nantwich
<b>Applicant:</b>	Mr F.H Rushton
<b>Application Type:</b>	Full
<b>Grid Reference:</b>	369430 345860
<b>Ward:</b>	Doddington
<b>Earliest Determination Date:</b>	12 August 2009
<b>Expiry Dated:</b>	30 August 2009
<b>Date of Officer's Site Visit:</b>	22 July 2009
<b>Date Report Prepared:</b>	01 September 2009
<b>Constraints:</b>	None

#### **SUMMARY RECOMMENDATION**

**Approve with conditions**

#### **MAIN ISSUES**

**Impact of the proposed development on**

- The character and appearance of the open countryside
- Potential ecological harm caused by the track that has already been constructed

## **1. REASON FOR REPORT**

This application is considered to be of a minor nature and the decision would have been delegated by the Head of Planning and Policy to officers for a delegated decision. However, this application has been called in to the Southern Planning Committee by Councillor Walker so that the application can be reported to them for determination.

Councillor Walker provided reason for the call-in; *to ensure that the planning committee can give due consideration to issues of potential ecological harm, and consider the impact of the character and appearance of the countryside and potential harm caused by the development.*

## **2. DESCRIPTION OF SITE AND CONTEXT**

The application site is located in a field approximately 100m to the south east of 'Foxes Bank', located off Bridgemere Lane, and approximately 175m to the north east of 'Whittakers Green Farm', located off Pewit Lane, Hunsterson, Nantwich (refer to Route C-C

of Appendix 1). The site is located within the Open Countryside outside the Settlement Boundary as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Planning permission was granted by the former Cheshire County Council in March 2009 for the creation of new access and track to join up with *existing* farm tracks between Foxes Bank and the Green Waste Composting Facility at Whittakers Green Farm (reference 7/2008/CCC/7) (refer to Route A-A for consented track and Routes B-B and D-D for existing tracks of Appendix 1). The purpose of the new track was to provide an alternative vehicular access from Bridgemere Lane to Whittakers Green Farm Green Waste Compost Facility, rather than using Pewit Lane which is narrow and less suitable for heavy goods vehicles.

When the applicant began constructing the approved vehicular access track, it was constructed in the course of the most direct route across the field, (Route C-C) as opposed to improving the *existing* farm track that followed the perimeter of the field boundary (Route B-B).

The applicant argued that this track (Route C-C) had been an existing route in this central location since 1983, and that the development that had taken place was, in his opinion engineering operations reasonably necessary for the purposes of agriculture (i.e. improvements to existing agricultural tracks), which would therefore be permitted development by virtue of Part 6 of the General Permitted Development Order. However, having viewed past and recent aerial photography, it is apparent that there has not been an access track through the centre of the field as claimed by the applicant.

As permission 7/2008/CCC/7 (Route A-A) did not provide consent for the access track to take the most direct route through the centre of the field (Route C-C), the applicant was requested to submit a formal retrospective planning application in order to regularise the development that had taken place.

### **3. DETAILS OF PROPOSAL**

This application is for retrospective planning permission for the improvement and extension of an existing agricultural track for use in association with agriculture and green waste operations at Foxes Bank and Whittakers Green Farm, Hunsterson, Nantwich (Route C-C).

The 240m long and 3.1m wide track is required to create vehicular access across the field in question to a standard suitable for agricultural and heavy goods vehicles associated with farming activities at Foxes Bank and green waste composting activities at Whittakers Green Farm respectively, providing a link between existing tracks on the farm (Routes D-D) and the newly permitted one (Route A-A consented by virtue of 7/2008/CCC/7).

The track has been constructed of a surface in the form of a hardcore base and a fine aggregate top surface, thus forming a permeable surface. Passing bays have also been provided.

### **4. RELEVANT HISTORY**

Planning permission was granted in 2004 for the use of land for composting of green waste at Whittakers Green Farm by virtue of planning permission 7/P04/0124. Subsequent

applications have been made since, including those made under section 73 of the Town and Country Planning Act 1990 (as amended) to vary various planning conditions;

- 7/2006/CCC/11; Application to vary condition 13 of permission 7/P04/0124 to allow importation of green waste on Bank Holidays except for Christmas; (not extant as permission 7/2009/CCC/1 has superseded this)

- 7/2007/CCC/7; Full planning application to provide an extension to the existing green waste composting facility;

- 7/2008/CCC/9; Variation of Condition 14 of permission 7/P04/0124 to increase the green waste vehicle movements to tie in with planning application 7/2008/CCC/7 for the new access track to the site. (Refused and dismissed on appeal); and

- 7/2009/CCC/1; Subsequent variation of Condition 14 of permission 7/P04/0124 to increase the number of vehicle movements; including seasonal variations in maximum average vehicle movements, but less than the refused application, with restricted hours of delivery and alternative route (approved).

## **5. POLICIES**

The Development Plan comprises the North West of England Regional Spatial Strategy 2021 (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The relevant Development Plan Policies are:

### ***Local Plan Policy***

BE.1 Amenity

NE.2 Open Countryside

NE.5 Nature Conservation and Habitats

NE.9 Protected Species

NE.12 Agricultural Land Quality

### ***Other Material Considerations***

PPS1: Delivering Sustainable Development

PPS7: Sustainable Development in Rural Areas

PPS 9: Biodiversity and Geological Conservation

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

**The Strategic Highways and Transport Manager** does not object to this development.

**The Public Right of Way Unit** do not object to the proposal. The agricultural track is adjacent to Public Footpath No.4 Hunsterson as recorded on the Definitive Map. As the track already exists, it appears unlikely that the proposal would affect the public right of way. However, should planning permission be granted, the Public Right of Way Unit requests an informative to be attached to any decision notice, listing the developers' obligations with regards to the right of way.

**The Borough Council's Nature Conservation Officer** does not object to this development. He has reviewed the results of the latest ecological survey that was undertaken in connection with a previous planning application on the site for the infilling of hollows (ecological report dated March 2009), and contains useful information on the wider ecological context of the farm.

### Impacts on Habitats

The majority of the site where the track now lies has previously been used for cereal crops which would be of no nature conservation value. However, approximately 50m of the track passes through an area surrounded by scattered scrub and rough grassland. Whilst it is considered that this area has more nature conservation value than the intensively farmed fields, this habitat type is not uncommon in Cheshire, and is not a priority for conservation. It is therefore considered that the loss of a small area of this habitat to accommodate the constructed track is likely to have had a negligible impact on the nature conservation assets of the Borough.

### Impacts on Protected Species

The submitted ecological survey did not highlight any significant issues for protected species. The most sensitive area is possibly the bridge crossing over the brook at the southern end of the track. This habitat could support a number of protected species including: water vole, otter and white-clawed crayfish. The bridge crossing the stream is however a very minor development and there does not appear to have been any excessive damage to the stream banks or river bed.

There is a number of water bodies scattered throughout the farm land surrounding the track. These water bodies could support breeding great crested newts. The ponds that are within the ownership of Whittakers Green Farm were assessed as part of the submitted ecological survey and were found to have below average or poor potential to support great crested newts.

From viewing the OS maps, the nearest pond that could have potential to support great crested newts is over 180m from the track. Considering the distances from the ponds, and the low level of potential impact associated with this development, it is considered that the potential impact of the development upon great crested newts was likely to be negligible.

Badgers are known to be active on the site. The submitted ecological survey did identify an active sett on the farm, but this is a considerable distance away from the track, and therefore it is considered that the construction of the track is likely to have no impact upon this protected species.

**Natural England** are not aware of any nationally designated landscapes or any statutorily designated areas of nature conservation importance that would be significantly affected by the development that has taken place. Natural England raised concerns in relation to the retrospective application as; at the time of consultation, the ecological survey had not been submitted despite having been undertaken in March 2009. Therefore, it would appear that the application had not assessed the possible impacts on protected species. The completed survey has since been forwarded to Natural England but no further comments have been received.

**Environment Agency** have no objections; but have requested the following informative to be included on the decision notice should planning permission be granted: *If any controlled waste is to be used on the site the operator will need to obtain the appropriate authorisation from the Environment Agency.*



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

Doddington and District Parish Council have been consulted. At the time of writing the report no comments have been received.

## **8. OTHER REPRESENTATIONS**

Three letters of objection have been received from local residents. The relevant planning grounds of objection include issues relating to:

- The application states within the description of the development that track is required in association with the agricultural activity at Foxes Bank Farm. This is an error as the farm is called Foxes Bank;
- That the necessary wildlife and ecology studies had not been carried out prior to the construction of the track to ensure due consideration was made for presence of protected species in neighbouring watercourses;
- The wildlife studies that were carried out were not adequate or comprehensive;
- Visual impact and the impact on residential amenity; and
- Inadequate construction of the track

Councillor Walker has called this application in for committee approval to ensure that due consideration is made to the potential ecological harm, and to consider the impact of the character and appearance of the countryside and potential harm caused by the development that has been already constructed.

## **9. APPLICANT'S SUPPORTING INFORMATION**

The applicant's agent (Civitas Planning Limited) has submitted the planning application documents with Supporting Planning Statement dated June 2009 and accompanying Design and Access Statement. A Great Crested New Survey Assessment dated March 2009 was also submitted and undertaken by Worcestershire Wildlife Consultancy.

## **10. OFFICER APPRAISAL**

### ***Principle of Development***

The principle of the development in terms of the provision of an access track from Bridgemere Lane (Route A-A), through these fields to join existing tracks (Routes B-B and D-D) at Whittakers Green Farm has already been approved by virtue of planning permission 7/2008/CCC/7 as outlined above.

### ***Policy***

On careful consideration of the application against the relevant policies set out above, it is considered that the proposal is in accordance with the Development Plan. Relevant policy compliance will be examined in further detail within the text below.

### ***Highways***

As the track does not egress onto highway, there are no highways issues in relation to this application; therefore there are no objections from the Strategic Highways and Transport Manager. Should planning permission be granted a condition would be imposed to ensure that any deposit of mud or debris on the adjacent highway resulting from the access track, shall be moved immediately from the highway.

### ***Design and Construction of the Road***

The road has been designed with passing bays and apparently constructed by excavating a depth of 1 metre, and the use of a hardcore sub-base and fine material as a binding course, providing a road capable of use by not only vehicles associated with the farm enterprise, but also the green waste composting facility. Should planning permission be granted, a condition would be attached to request the details of the construction of the track to ensure that it has been constructed as stated within the planning application and to an appropriate and adequate standard. If it is considered that it is not of an appropriate standard, a condition would require the submission of alternative construction specification, and where necessary the road would be reconstructed in accordance with the approved construction specification.

To ensure that the construction of the track is subsequently maintained to an adequate standard, should planning permission be granted, a condition would be imposed to ensure that the track is maintained throughout the life of the composting operation at Whittakers Green Farm to ensure that an even and level surface across the width of the entire length of the approved track is maintained, and also constructed to ensure no rutting/pot-holing occurs to the surface of the track, and to ensure no ponding water occurs.

Furthermore, a condition would also be imposed to ensure the passing bays are constructed in accordance with the approved plans and retained and kept clear of debris to ensure the safe passage of on coming vehicles.

### ***Amenity and visual impact***

As stated previously, the principle of an access track from Bridgemere Lane to Whittakers Green Compost Facility, (via existing farm tracks) has already been approved by virtue of planning permission 7/2008/CCC/7. It is considered that there are no significant differences between the visual impact and impact on amenity with regards to the track taking the route around the field boundary, compared to that of the direct route across the field. Furthermore, the provision of this new access track removes the need for heavy goods vehicles using Pewit Lane, thus improving the amenity of the local area.

As such, it is considered that the application is in accordance with Policy BE.1 Amenity of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

### ***Ecology***

Concerns have been raised in relation to the potential ecological harm caused by the construction of the track, and that due consideration has not been taken into account in relation to protected species. The Council's Nature Conservation Officer has considered the submitted Great Crested Newt Survey Assessment and is satisfied that there would have been no significant impact on local ecology, nature conservation interests or protected species during the construction of the track. The Nature Conservation Officer commented on the bridge crossing at the southern end of the track, as the brook could support a number of protected species. However, this bridge was constructed prior to the construction of the track subject to this application.

As such it is considered that this development is in accordance with policy NE.5 and NE.9 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

### ***Open Countryside***

As previously stated, the principle of an access track at this site has been approved by virtue of planning permission 7/2008/CCC/7. It is considered that the character and appearance of the open countryside has not been harmed by the construction of this track, as it is an extension of an existing track. As such, it is considered that this development is in accordance with policy NE.2 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

### ***Restoration***

As the primary purpose of the track is to facilitate access to Whittakers Green Farm green waste composting site, in the event that the operations cease at the composting site for six months or longer, should planning permission be granted, a condition would be attached to ensure that the site is fully restored back to agricultural use to the satisfaction of the Waste Planning Authority, within 12 months of the cessation of waste activities on site.

### ***Errors within the description of the development***

The application documents have been amended to ensure that the application description states that the track is for use in association with agriculture at 'Foxes Bank' rather than 'Foxes Bank Farm'. This was an error on the Applicant's Agent's part and has now been rectified.

## **11. CONCLUSIONS AND REASON(S) FOR THE DECISION**

This application seeks retrospective permission for an extension of an approved access track (Route C-C; 240m long and 3.1m wide) for use in association with agricultural and green waste operations at Foxes Bank and Whittakers Green Farm, Hunsterson, near Nantwich.

Planning permission was granted in March 2009 for the creation of a new access track from Bridgemere Lane (route A-A) to join existing tracks (Routes B-B and D-D) to provide an alternative vehicular access to Whittakers Green Farm Waste composting site. When the applicant began constructing the approved vehicular access track, it was constructed in the course of the most direct route across the field; (Route C-C) as opposed to improving the *existing* farm track that followed the perimeter of the field boundary (Route B-B). This retrospective application seeks to regularise this.

It is considered that due consideration was made in the construction of this track in relation to nature conservation and protected species, and it does not have a detrimental impact on the character of the open countryside. Furthermore, it would not have a significant impact on the surrounding highway network, local amenity or visual impact of the surrounding area and, as such, there would be no valid reason for refusal and therefore planning permission should be granted.

## **12. RECOMMENDATION**

**Planning permission should be granted subject to the following conditions and informatives:**

- 1. Approved plans**
- 2 Construction details provided and where necessary reconstructed**
- 3. Maintenance to ensure level surface and no rutting, potholing or ponding water**
- 4. Passing bays to be constructed in accordance with approved plans and retained and kept clear throughout the life of the development**
- 5. Restoration in the event of cessation of waste operations at Whittakers Green Farm**
- 6. Any deposit of mud or debris on the adjacent highway resulting from the access track, shall be moved immediately from the highway**

### **Informatives:**

- 1. Obligations towards the Public Rights of Way; and**
- 2. If any controlled waste is to be used on the site the operator will need to obtain the appropriate authorisation from the Environment Agency.**

## Location Plan

Appendix 1 – Plan Illustrating Access Tracks: consented, existing, and retrospective leading to Whittakers Green Farm Green Waste Compost Site



**A—A=** Consented Access Track from Bridgemere Lane (7/2008/CCC/T)

**B—B=** Existing farm track following the field boundary

**C—C=** Track subject to the retrospective application (09/1624W)

**D—D=** Existing farm track leading to the Green Compost site

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