

Northern Planning Committee

Updates

Date: Wednesday 5th June 2019
Time: 10.00 am
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

The information on the following pages was received following publication of the committee agenda.

6. **18/3938M-Erection of 34 dwellings with associated works to include open space, play area and a flood mitigation area, Land opposite, Lowerhouse Mill, Albert Road, Bollington for Hillcrest Homes (Est. 1985) Ltd and Aval**
(Pages 3 - 4)
7. **19/0739C-Outline application for an agricultural workers dwelling (permanent), Land to the West of, Pexall Road, Bramhall Hill, Congleton for Mr & Mrs David and Julie Platt** (Pages 5 - 8)
10. **18/6374C-Proposed site clearance and construction of a four/five storey building for 44 apartments (Use Class C3) with under croft car parking, access, surface car parking, retaining walls, landscaping and associated infrastructure, Former Dane Bridge Mill Site, Mill street, Congleton for Susan Alexander, Selyor Properties Ltd** (Pages 9 - 10)

Please contact Julie Zientek on 01270 686466
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NORTHERN PLANNING COMMITTEE – 5 June 2019

UPDATE TO AGENDA

APPLICATION NO.

18/3938M

LOCATION

Land Opposite, Lowerhouse Mill, Albert Road, Bollington, Cheshire

UPDATE PREPARED

3 June 2019

KEY ISSUES

Flood risk

The Environment agency advises that they may have had concerns if the proposed development meant that the current design specification of the reservoir no longer was fit for purpose i.e the original reservoir dam was not designed to factor in potential risk to life and the new development created this risk resulting in the needs for dam improvement works.

The planning practice guidance (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, therefore they recommend consultation with the emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the PPG.

The Emergency Planning Team have advised that Lamaload reservoir is not a high priority reservoir as defined by DEFRA so there is no site specific emergency plan. In the event of a major incident the Generic Reservoir Emergency Plan together with our normal Multi-agency and Local Authority generic response plans would be activated.

Additional consultation response

Further concerns have been raised by one resident regarding whether the sequential test has been fully addressed by the applicant. They refer to the Inspectors comments in the appeal - APP/R3560/W/15/3136799, referring

specifically to paras 24 onwards. (Located in Farnham). They state that the applicants *approach is without support in Government policy or guidance and undermines the overarching objective of steering developments to locations at lower probability of flooding.*

35. In other words, the evidence shows that 30 new dwellings could be accommodated on reasonably available sites with a lower probability of flooding than the appeal site. In these circumstances, the NPPF says development should not be permitted. The proposal fails on that basis, even though the appellant's FRA has demonstrated to the Council's satisfaction that the flood risk from all sources has been adequately assessed and can be appropriately mitigated for.

36... The lack of technical objections to the scheme, however, does not override the primacy of steering developments to areas of lower probability of flooding, in this case to sites located within Flood Zone 1.

They submit information regarding alternative sites in Rainow and Henbury which they consider to be reasonable site examples and state they would form part of information to be submitted as part of a Judicial review application, should planning permission be granted.

They disagree with conclusions within the officer report re; odour and noise from Slater Harrison.

RECOMMENDATION

Approve as per the recommendation on page 35 of the agenda reports pack.

NORTHERN PLANNING COMMITTEE – 5 June 2019

UPDATE TO AGENDA

APPLICATION REFERENCE

19/0739C

LOCATION

Land to the west of Pexall Road, Bramhall Hill, Congleton

UPDATE PREPARED

3 June 2019

APPLICANTS SUBMISSION

Further to the publication of the Report, the applicant has submitted further evidence in support of their case. These are summarised and responded to below:

1. Tenure of the land:

Applicant's case

New tenancies for farmland can only be entered into as farm business tenancies under the agricultural tenancy act 1995. The majority are now 5 – 10 years fixed terms and then annual rolling agreements.

The land rented by the applicants is split between four different landlords; this provides some mitigation to the risk of losing land. The farm has grown over the last 50 years with different land holdings coming and going, as is common practice. There is nothing to indicate that this will change or that the current arrangements do not provide a long term need.

Each of the four landlords has stated that they are willing to offer the applicants 10 year farm business tenancies to provide additional security.

Officer Comments:

The applicants own 26 acres of land; the remaining 173 acres are rented from different landlords on annual tenancies. Multiple landlords reduce the risk of the applicants losing all their rented farmland. However, the annual tenancies offer little in the way of security. It would not be inconceivable for multiple tenancies to finish within a short time frame of one another.

Whilst each of the landlords has confirmed to the applicants that they would be willing to offer 10 year farm business tenancies, no evidence has been provided to confirm this. Likewise, even if this intention were confirmed, this could not be enforced by way of a planning condition or legal agreement.

2. Functional need:

Applicant's case

A comparable appeal for lambing ewes and Christmas turkeys was allowed, as the Inspector held that the enterprises generated a functional need. The appeal enterprise was smaller in scale than the proposal.

In a recent appeal for a second dwelling on an established dairy farm was allowed, which considered the use of CCTV and shift patterns to manage the livestock. The Inspector found that shift workers and technology would not adequately replace an on-site worker.

Furthermore, whilst the business is viable, it could not afford to pay shift workers to be on stand-by. Whilst the use of technology is a useful aid, it cannot replace the presence of an experienced stockperson who is attuned to the behaviour of the animals. It is unthinkable for a conscientious farmer to leave thousands of animals in a locked building without proper supervision and care.

Officer Comments:

The first appeal decision relating to lambs and turkeys dates from 2007. There have been significant changes to national planning policies since this time. In the appeal case, the granting of a permanent dwelling on the site, followed on from a previous approval for a temporary dwelling.

A 2013 appeal for a sheep, turkey and beef farm was also allowed. However, in this case, the number of turkeys was substantially more than proposed at Pexall Road (13 500).

Both lambing and turkey rearing are seasonal. Given the seasonal nature of the business, there is not considered to be a year round need for a permanent on-site presence. It is still considered that the business could be adequately managed by shift workers and the use of technology.

3. Construction of the buildings:

Applicant's Case

The applicants have secured funding to construct the buildings at the new site. However they cannot commence building until they know they can provide the appropriate supervision of the livestock.

The applicants have confirmed that they are willing to enter into a legal agreement. Such an agreement could require the agricultural buildings to be completed before starting works on the house. It could also prevent the occupation of the house until the applicants have taken ownership of a specified number of turkeys at the new site.

Officer Comments:

Whilst a legal agreement could be used to tie the construction of the dwelling to the agricultural buildings, it is considered that on its own this would not provide sufficient long term security. Potentially, if works commence but are not completed on the agricultural buildings, the permission for the dwelling could be extant in perpetuity.

Likewise, preventing the occupation of the house until the turkeys have been purchased, could potentially result in the construction of a house, which cannot be occupied, particularly if there is a change in circumstances and the applicants are not able to take ownership of the turkeys.

In the absence of any existing built infrastructure on the site, it is not considered that a legal agreement would offer the necessary assurances in terms of the long term security and viability of the relocated enterprise.

4. Other matters:

Applicant's Case

A similar planning application was approved (18/6016M), where the applicant had been given notice to vacate their farmstead. The application had similar areas of owned and rented land. In approving the application, the officer stated the following:

'It weighs heavily in favour of the proposal that it is a well established agricultural business and the applicant has no accommodation beyond February 2020 because of reasons beyond their control.'

Officer Comments:

The above referenced planning permission is materially different to the current application, despite the similarities in terms of land tenure. Firstly it related to a dairy farm. Secondly, the agricultural buildings relating to the holding were already in situ.

5. Temporary Dwelling:

Applicant's Case:

The applicants have confirmed that a temporary dwelling would not provide them with the stability and continuity required for their business and family.

A temporary dwelling would not be suitable for the applicant's family (2 adults and 3 children). It would result in the family being split up.

Officer Comments:

Officers had suggested to the applicant that a temporary permission may have more potential to be supported given the concerns relating to functional need and long term viability of the enterprise. However, the applicant's concerns are noted and a temporary permission is not being suggested.

CONCLUSION

The supporting information does not overcome the concerns regarding the long term viability of the holding or the functional need. The recommendation for refusal is unchanged.

NORTHERN PLANNING COMMITTEE – 5 June 2019

UPDATE TO AGENDA

APPLICATION NO.

18/6374C

LOCATION

Former Dane Bridge Mill Site, MILL STREET, CONGLETON

UPDATE PREPARED

3 June 2019

CONSULTATIONS

NHS Eastern Cheshire Clinical Commissioning Group – Request a financial contribution of £24,552 to support to support premises development of Readesmoor Medical Centre.

OFFICER COMMENT

Healthcare

Since publication of the agenda, the NHS Eastern Cheshire Clinical Commissioning Group (CCG) has commented that the development will impact on local healthcare provision.

Congleton is serviced by three GP practices with a combined patient population of 32,043. These are Meadowside Medical Centre, Lawton House Surgery and Readesmoor Medical Centre. As a Key Service Centre, there are a number of areas identified for housing development already within Congleton and with currently approved planning. Congleton will have 4,150 new residential dwellings, up to 2030. This growth in housing will see an additional increase to the population of the area (9,545 based on an average household of 2.3 people) which will impact on the Primary Care service provision within the area.

The planned increase in population within Congleton will significantly increase pressure on the existing GP practices. Over the next ten years it is anticipated that General Practice services will continue to be provided from the three current Congleton sites. There are currently no plans for a single site solution for the three Congleton GP practices. Readesmoor Medical Group expanded its current building over five years ago to facilitate future growth, however is now at capacity, although has plans to redevelop some of its existing estate. Meadowside Medical Centre has space within the current premises although the existing layout is not optimal and the practice operates out of leased

premises. Lawton House Surgery has just completed an extension and refurbishment of the existing premises, to help address some of the future demand.

This proposal will add further demand on this existing provision and therefore will need to mitigate its impact. The CCG has commented that this impact could be offset by the expansion or redevelopment of the Readesmoor and Meadowside sites. Readesmoor Medical Centre has plans in place to reconfigure their current estate, by potentially creating four additional clinic rooms and some accompanying administration space.

To facilitate this, a financial contribution will be required as part of this application, which is a calculation based on occupancy and number of units in the development. This is based on guidance provided to other CCG areas by NHS Property Services.

For this planning application, the CCG requests a contribution to health infrastructure via Section 106 of £24,552 based on the 46 dwellings proposed (33 x 1 bed units, 11 x 2 bed units). This would be secured by a s106 agreement is found to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

Ecology

As per page 91 of the agenda reports pack, three of the trees on the site have been identified as having moderate bat roost potential. The applicant has since submitted an updated Bat Report which has provided confirmation that the three trees identified for removal do not support roosting bats. This has been confirmed by the Council's Nature Conservation Officer and accordingly, the proposal would not directly affect species protected by law. The proposal complies with policies NR3 and SE 3.

RECOMMENDATION

Approve as per the recommendation on page 95 of the Agenda Reports Pack subject to the insertion of a Health (NHS) s106 contribution of £24,552.