

Southern Planning Committee

Supplementary Agenda

Date: Wednesday, 28th October, 2020

Time: 10.00 am

Venue: Virtual Meeting

7. **20/1554N Removal of condition 3 and Variation of condition 4 on approval 19/1532N for Change of Use from welfare facilities for members to domestic for maintenance/security staff family (Pages 3 - 12)**

To consider the above application.

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SUMMARY

The application site is a former ancillary building associated with Border Fisheries and located within the Green Belt. Application 19/1532N was approved for the change of use of the building to a residential dwelling.

This application seeks approval for the removal of condition 3 which requires the occupant of the approved dwelling to be employed by the Border Fisheries business, and the variation of condition 4 which required the submission of details of proposed boundary treatments, attached to permission 19/1532N.

With regard to condition 3 it is considered that it does not meet the tests as described in Paragraph 55 f the NPPF, therefore its removal is recommended for approval.

In terms of condition 4, a scheme to show the proposed boundary treatments has been submitted with this application. It is considered that these details are acceptable and the condition can be varied to reflect this.

In terms of the potential impact on the openness of the Green Belt, the proposed development will not lead to any further built form; as such there will not be any visual harm to the openness of the Green Belt.

Overall, the proposal development meets the criteria of Policies PG3 and PG6 of the Cheshire East Local Plan Strategy and H.1 of the Wybunbury Combined Parishes Neighbourhood Plan. It will not lead to any visual harm to the openness of the Green Belt. Furthermore, the proposal will facilitate the retention of the existing business on the site.

SUMMARY RECOMMENDATION

Approve with conditions

REASON FOR REFERRAL

This application had been referred to the Southern Planning Committee at the request of Cllr Clowes which is summarised as follows:

- To date, the applicant has failed to submit appropriate evidence of the alleged decline of the Fisheries Business although 19/1532N was specifically labelled as an Application for the Change of Use from Welfare Facilities for Members of Boarder Fisheries to Domestic (use) for maintenance/security staff (and) Family. The change of use was identified as part of cost efficiencies to support the Business Model. Consequently any substantive changes to 19/1532N, just 9 months after determination are premature.
- This is contrary to Policy NE16 (Retained Policy of the Crewe & Nantwich Borough Council Local Plan 2005 (2011))
- The Application, (by removing Condition 3) effectively seeks to utilise an amenities block to create a single open-market dwelling in an isolated location in the Greenbelt /Open Countryside.
- This is an unsustainable location that is car-dependent and outside all acceptable distances for social amenities and services.
- A single open-market dwelling with no linkage (by condition) to the Business in whose curtilage it has been built makes no economic contribution to the local or wider economy.
- A single open-market dwelling with no linkage to the Business in whose curtilage it is built, may actually damage the viability of the current business.
- This is contrary to the sustainability principles of the NPPF (Para 8) and CELPS (MP1) and (SD1)
- This is contrary to Policy EG2 (i, ii, v, vii)
- This is contrary to WCP Neighbourhood Plan Policies: LE1 and LE3
- This is contrary to Policy NE.11: Fisheries (C&NBC Local Plan Retained Policies)
- This is contrary to Policy NE16: (Retained Policy of the Crewe & Nantwich Borough Council Local Plan 2005 (2011))
- Removal of Condition 3 introduces non-compliance with Policy PG3: 1(iii)
- Removal of Condition 3 introduces non-compliance with Policy PG6: (5)
- Removal of Condition 3 introduces a significant change to the determined application 19/1532N and is thus contrary to PPG (Paragraph: 012 Reference ID: 21a-012-20140306 (Revision date: 06 03 2014))
- It is therefore requested that this Application for the Removal of Condition 3 is REFUSED.

The full text and call-in reasons can be found on the Councils website.

DESCRIPTION OF SITE AND CONTEXT

The application site is a single storey 'L' shaped building situated to the edge of a large car park adjacent to the Meridian Canal which forms part of the wider Border Fisheries.

The building was initially approved and operated as a welfare building for the patrons and members of the fisheries. In July of 2019 approval (19/1532N) was granted for the conversion of the building to a dwelling to be occupied by a person in association with the operation of the fisheries business.

DETAILS OF PROPOSAL

This application seeks approval for the removal of condition 3 (occupancy) and the variation of condition 4 (submission of boundary treatments) of permission 19/1532N.

Condition 3 states that;

The occupation of the dwelling, hereby approved, shall be limited to a person solely or mainly employed by Border Fisheries or a widow or widower or surviving civil partner of such a person, and to any resident dependants.

Reason: Having regard to the location of the site within the Green Belt where there is a presumption against development except where justified for long term business need.

The applicant seeks approval for the removal of this condition

Condition 4 states that:

'Within three months of the date of this permission details of the positions, design, materials and type of boundary treatment to be erected will be submitted to and approved in writing by the Local Planning Authority. The approved details will then be retained thereafter unless approved in writing by the LPA'.

The applicant has submitted a scheme of boundary treatments with this application and suggests that the condition be revised to read as:

'All planting, seeding or turfing, including boundary treatments within the approved landscaping plan dwg no.541.01 shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

RELEVANT HISTORY

19/1532N - Change of use of welfare building to domestic dwelling - Approved 5th July 2019

14/2004N - Extension to welfare facilities building - Approved 18th June 2014

P02/1153 - Ancillary Building for Angling Facility (Resubmission) - Approved 5th December 2002

P02/0523 - Toilet Block - Withdrawn 17th October 2002

P02/0204 - Additional Angling Pools - Approved 11th July 2006

P02/0193 - Extension To Car Park - Approved 11th July 2006

P97/0851 - Excavation of channel to create island, improve drainage and form alternative fishing area - Approved 11th December 1997

POLICIES

Development Plan

Cheshire East Local Plan Strategy (CELPs)

MP1 - Presumption in Favour of Sustainable Development

PG3 – Green Belt

PG.6 - Open Countryside

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

EG.1 - Economic Prosperity

EG.2 - Rural Economy

EG.4 - Tourism

SE1 – Design

SE2 – Efficient Use of Land

SE4 – The Landscape

Crewe & Nantwich Borough Council Local Plan Policy

NE.1 – Green Belt

NE.13 - Rural Diversification

NE.16 - Re-use and Adaptation of a Rural Building for Residential Use

BE.1 – Amenity

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

RES.11 – Extensions and Alterations to Existing Dwellings

Wybunbury Combined Neighbourhood Plan (WCNP)

The WCNP was made on 6th April 2020.

H1: Location of new houses

H4: Design

LE1: New and Existing Businesses

LE3: Use of Rural Buildings

Other material policy considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

CONSULTATIONS (External to Planning)

Environmental Health: No objection

PARISH COUNCIL

Hough and Chorlton Parish Council: The Parish Council would like to OBJECT to this application. It fully support the comments submitted by the ward councillor in requesting a call-in for this application. The reasons for objection are as follows;

- The Application, (by removing Condition 3) effectively seeks to utilise an amenities block to create a single open-market dwelling in an isolated location in the Greenbelt / Open Countryside.
- This is an unsustainable location that is car-dependent and outside all acceptable distances for social amenities and services.
- A single open-market dwelling with no linkage (by condition) to the Business in whose curtilage it has been built makes no economic contribution to the local or wider economy.
- A single open-market dwelling with no linkage to the Business in whose curtilage it is built, may actually damage the viability of the current business.
- This is contrary to the sustainability principles of the NPPF (Para 8) and CELPS (MP1) and (SD1)
- This is contrary to Policy EG2 (i, ii, v, vii)
- This is contrary to WCP Neighbourhood Plan Policies: LE1 and LE3
- This is contrary to Policy NE.11: Fisheries (C&NBC Local Plan Retained Policies)
- This is contrary to Policy NE16: (Retained Policy of the Crewe & Nantwich Borough Council Local Plan 2005 (2011)
- Removal of Condition 3 introduces non-compliance with Policy PG3: 1(iii)
- Removal of Condition 3 introduces non-compliance with Policy PG6: (5)
- Removal of Condition 3 introduces a significant change to the determined application 19/1532N and is thus contrary to PPG (Paragraph: 012 Reference ID: 21a-012-20140306 (Revision date: 06 03 2014)

Therefore, the Parish Council urges the planning authority to refuse this application.

OTHER REPRESENTATIONS:

None received

OFFICER APPRAISAL

Principle of Development

In terms of condition 3, the consideration is whether or not it complies with the six tests as described in paragraph 55 of the NPPF which states that planning conditions should be kept to a minimum and only imposed where they are:

- Necessary

- Relevant to planning
- Relevant to the development being permitted
- Enforceable
- Precise
- Reasonable in all other aspects

Policy PG3 of the CELPS refers to development within the Green Belt and states at paragraph 4 that certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. At point IV this includes *'the re-use of buildings provided that the buildings are of permanent and substantial construction'*. Policy PG3 is consistent with the NPPF at paragraph 146d.

The application building is an existing building that is of a permanent and substantial construction; therefore the development complies with Policy PG3 and the NPPF paragraph 146. Furthermore, the building also has permission to be used as a residential dwelling, albeit with an occupancy condition relating to the fisheries business. The dwelling is currently occupied by persons associated with the operation of the business and this will continue to be the case.

Policy NE.1 of the C&NLP also allows for the conversion of buildings that are permanent and substantial construction and are capable for conversion without major or complete reconstruction. Policy NE.1 also refers to compliance with Policy NE.16 which includes requirements to demonstrate that business use is not viable. However this part of the policy is only given limited weight as it is not consistent with the requirements of the NPPF or the later Policies contained within the CELPS and WCNP.

In terms of the potential impact on the openness of the Green Belt, the proposed removal of condition 3 will not lead to any further built form; as such there will not be any visual harm to the openness of the Green Belt.

Policy PG6 (which lies below PG3) allows at paragraph 3ii for *'the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension'*.

However, any development has to be well designed to preserve and possibly enhance the character and quality of the land scape and built form. Further to this, there should not be any conflict with other relevant Local Plan Policies.

The development would also comply with Policy H1 of the WCNP which states that across the designated area small-scale development will be supported where *'they are conversions of an existing, permanent building which does not require extensive alteration, rebuilding or extension'*.

The application building was originally approved (subsequently extended in 2014) and is of a sound and permanent construction. It was initially used as an ancillary welfare building which provided toilets, office, secure equipment store and a match shelter, tackle sales and meeting room. This previous use has not required any extensive, rebuilding or alteration.

None of the policies within the Development Plan or NPPF referred to above require that any change of use of a rural building be associated with any existing business use.

Policy LE1 of the WCNP is a policy which supports or promotes new rural employment and tourism. It does not preclude the conversion of a rural building as supported by Policy H1. The proposed removal of condition 3 does not relate to any of the criteria of Policy LE1, as such this Policy is not a material consideration.

Policy LE3 of the WCNP relates to rural buildings and their conversion to a use associated with business and/or tourism, it does not preclude the conversion of a rural building for residential use. Furthermore, Policy H.1 allows for the re-use of a rural building as a residential dwelling without any need for it to be connected to a business use. As such there is no conflict with Policy LE3.

With the above in mind, it is considered that the previously approved change of use could have been carried out without the need for condition 3. Therefore, this condition can be considered to be not necessary or reasonable and fails some of the six tests as set out in paragraph 55 of the NPPF. On this basis the refusal of the proposal will not be justifiable or sustainable at appeal.

In general terms of the overall effect on the openness of the Green Belt the application building has approval for a residential use. The proposed removal of condition 3 will not lead to any greater visual harm than the existing use.

Overall, it is considered that the proposed removal of condition 3 is in accordance with Policies PG3 and PG6 of the CELPS, and Policy H.1 of the WCNP, as well as the NPPF.

Condition 4 of permission 19/1532N reads as follows:

'Within three months of the date of this permission details of the positions, design, materials and type of boundary treatment to be erected will be submitted to and approved in writing by the Local Planning Authority. The approved details will then be retained thereafter unless approved in writing by the LPA'.

The applicant has submitted a plan to show the proposed and existing boundary treatments as part of this application. These details are considered to be acceptable for the purpose that they will serve. Therefore, the following varied condition is considered to be appropriate:

'All planting, seeding or turfing, including boundary treatments within the approved landscaping plan dwg no.541.01 shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Design

Policy PG3 (Green Belt) allows for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

In terms of design minor changes were approved under the previous permission. These involved a window in place of a doorway in the east elevation, the removal of a window to the south elevation, an additional pedestrian door to the west elevation and a smaller replacement window and pedestrian door to the north elevation.

The proposed removal of condition 3 will not involve changes to the existing building that could be considered disproportionate to the original building. As a result, the proposed removal of condition 3 and variation of condition 4 will not lead to any greater visual impact on the openness of the Green Belt, the open countryside or the streetscene.

Amenity

There are no nearby residential properties which could be affected by the proposal.

Highways and Parking

There will be no change to the existing highways access or parking arrangements.

The concerns relating to whether the site is a sustainable location are noted. However there are other aspects to sustainability other than whether services and facilities can be accessed other than private car. The re-use of an existing building itself is supported at all levels of planning policy and is considered to represent sustainable development.

CONCLUSION:

The application proposals are considered to be acceptable in land use planning principle terms. The scheme is of an acceptable design and would not result in any further built form; therefore there will not be any greater impact on the openness of the Green Belt or the character and appearance of the open countryside. There will be no impact on residential amenity or highway safety.

RECOMMENDATION:

Approve subject to the following conditions;

- 1.Approved Plans**
- 2.Materials as per application**
- 3.Removal of PD (extensions/alterations, gates, walls, fences, enclosures)**
- 4.Boundary treatments as submitted**

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice

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