

Strategic Planning Board

Agenda

Date:	Wednesday, 2nd December, 2009
Time:	2.00 pm
Venue:	Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ

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 any apologies for absence.

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have made a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 1 - 6)

To approve the minutes as a correct record.

4. **Public Speaking**

For any apologies or requests for further information, or to arrange to speak at the meeting

Contact: Sarah Baxter
Tel: 01270 529786
E-Mail: Sarah.Baxter@cheshireeast.gov.uk

A total period of 5 minutes is allocated for the planning application for Ward Councillors who are not members of the Strategic Planning Board.

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

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- The relevant Town/Parish Council
- Local Representative Group/Civic Society
- Objectors
- Applicants/Supporters

5. **09/3066C - Proposed B1 Office Building, Henry Alty, Knutsford Road, Cranage, Holmes Chapel for Cheshire Prop (Cranage) 1LTD & 2LTD (Pages 7 - 22)**

To consider the above application.

6. **09/3030N - New Agricultural Building and Slurry Lagoon, Whitehall Farm, Alsager Road, Haslington, Crewe, Cheshire, CW11 4RQ for C E and G S Whitter and Sons (Pages 23 - 30)**

To consider the above application.

7. **Hankelow Hall, Hankelow, Crewe (Pages 31 - 34)**

To consider a proposed amendment to the resolution passed by Crewe and Nantwich Borough Council in respect of applications P08/0869 and P09/0007.

8. **Consultation by adjoining Authority on 09/02047/WAS-Waste Treatment Plant, Lostock Gralam, Northwich (Pages 35 - 38)**

To consider the above report.

9. **Appeal Summaries (Pages 39 - 46)**

To note the Appeal Summaries.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 11th November, 2009 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor H Gaddum (Chairman)
Councillor J Hammond (Vice-Chairman)

Councillors Rachel Bailey, A Arnold, M Hollins, D Hough, J Macrae, C Thorley,
S Wilkinson and J Wray

OFFICERS IN ATTENDANCE

Miss A Aspinall (Planning Officer), Mr A Buckley (Design & Construction
Operational Manager), Mr N Curtis (Principal Development Officer), Ms S
Dillon (Planning Solicitor), Mr S Fleet (Principal Planning Officer), Mr J
Gomulski (Principal Regeneration Officer, Landscape), Ms P Lowe
(Development Control Manager) and Mr J Knight (Head of Planning & Policy)

Apologies

Councillors D Brown, P Edwards, B Moran and G M Walton

126 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Brown, P Edwards, B
Moran and G Walton.

127 DECLARATIONS OF INTEREST

Councillor W J Macrae declared a pre-determination in respect of application
09/1582W-Planning Permission for A34 Alderley Edge and Nether Alderley
Bypass (Application No 5/03/1846P) on the basis of him being a promoter of the
scheme due to the fact that he was a former Cabinet Member for Macclesfield
Borough Council and now as a current Cabinet Member for Cheshire East
Borough Council and in accordance with the Code of Conduct he moved away
from the table and did not speak or vote upon the application.

Visiting Councillor A Moran declared a personal interest in application P09/0126-
Erection of Replacement Store with Associated Café, Servicing Arrangements
and Plant Following Demolition of Existing Store and Industrial Unit; Formation of
New and Upgraded Car Parking Facilities with Alterations to Pedestrian Access
and Upgrading of Landscaping to Site; Sainsbury's Store/Fairway Suithouse,
Middlewich Road, Nantwich, Cheshire, CW5 6PH for Sainsbury's Supermarkets
Ltd by virtue of the fact that he was a member of Nantwich Town Council. He
exercised his right to speak under the public speaking procedure as a Ward
Councillor for the area.

128 **MINUTES OF THE PREVIOUS MEETING**

RESOLVED

That the minutes be approved as a correct record and signed by the Chairman subject to the inclusion of Councillor C Thorley in the list of apologies subject to the first resolution under application 09/1300M being amended to include the words 'in consultation with the Chairman of the Board and Ward Councillor A Arnold' after the words 'Head of Planning & Policy' and subject to the second resolution under the same application being amended to include the words 'and the connected suite of Agreements for Applications 09/1613M, 09/1577M, 09/1296M, 09/1295M after the words 'with regard to the S106 Agreement'.

129 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

130 **09/1582W - THE FOLLOWING PROPOSALS ARE IN ADDITION TO THE PRESENT PLANNING PERMISSION FOR THE A34 ALDERLEY EDGE AND NETHER ALDERLEY BYPASS (5/03/1846P) (1) MITIGATION EARTHWORKS MOUNDING (2) RE-PROFILING FIELDS ADJACENT TO THE BYPASS IN THE VICINITY OF WILTON CRESCENT (3) AMENDMENTS TO BRIDGE DETAILS (4) DRAINAGE PUMPING STATIONS (5) RELOCATION OF PONDS (6) AMENDMENTS TO CARRIAGEWAY LEVELS (7) FOOTBRIDGE OVER BYPASS TO CONNECT FOOTPATH 33 (NETHER ALDERLEY); LAND TO THE WEST OF ALDERLEY EDGE**

Consideration was given to the above application.

(The Ward Councillor Miss C M Andrew, Parish Councillor Mrs Claire a representative from Nether Alderley Parish Council, Mr Stammers a representative of Nether Alderley Rural Protection Association (NARPA) and Mr Saunders, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That the application be approved subject to the following conditions:-

1. Commencement of development
2. In accordance with approved plans
3. Protection for breeding birds
4. Enhancement features for roosting bats
5. Conservation ponds - details
6. Landscape and ecological management plan
7. Landscape - Planting Compartments CE29 and CE31
8. Landscape aftercare

9. Tree protection
10. Hours of operation - construction, engineering and earthmoving operations
11. Hours of operation - pile driving or use of percussion equipment
12. Noise – to comply with guidance
13. Dust
14. Highways - protection of highway from mud and debris
15. Highways – transport of loose materials
16. Bridge detail
17. Details of fencing

And subject to the following additional conditions:-

- 1) Ordinary fencing (at the discretion of the Head of Planning and Policy)
 - (i) Between Chainages 3850 - 3910 (East) (in proximity to Gately Green complex as road comes out of Welsh Row cutting)
 - (ii) Along the top of the mounding in front of Heawood Hall (West)
- 2) Fencing and/or mounding (at the discretion of the Head of Planning & Policy), on the approach to Frog Lane roundabout to provide mitigation for Heawood Hall properties (West)
- 3) Mix E to replace the proposed planting/approved mixes in the following areas:
 - (i) Planting compartment CE30 (conservation ponds) to mitigate Sand Lane properties
 - (ii) Proximity to Heawood Hall - Planting compartment CE32 (East) and CW27 (West) to mitigate Heawood Hall complex and Church
 - (iii) For any planting in the off-site woodland belt at Sand Lane/Gately Green which had died to be replaced with a greater percentage of evergreen

131 **P09/0126 - ERECTION OF REPLACEMENT STORE WITH ASSOCIATED CAFÉ, SERVICING ARRANGEMENTS AND PLANT FOLLOWING DEMOLITION OF EXISTING STORE AND INDUSTRIAL UNIT; FORMATION OF NEW AND UPGRADED CAR PARKING FACILITIES WITH ALTERATIONS TO PEDESTRIAN ACCESS AND UPGRADING OF LANDSCAPING TO SITE; SAINSBURY'S STORE/FAIRWAY SUITHOUSE, MIDDLEWICH ROAD, NANTWICH, CHESHIRE, CW5 6PH FOR SAINSBURY'S SUPERMARKETS LTD.**

(It was noted that Members of the Board had received a package of correspondence from the Applicant).

(During consideration of the application Councillor Mrs R Bailey declared a personal interest by virtue of the fact that she was the owner of a farm that sold milk to Joseph Heler, who ran a business supported by Sainsburys).

Consideration was given to the above application.

(The Ward Councillor A Moran, Sarah Jones, Turley Associates, Agent for the Applicant, Jo Try, a representative from Sainsburys and Mrs Evans, a Supporter attended the meeting and spoke in respect of the application).

RESOLVED

That the application be approved subject to the completion of a S106 Agreement to provide for the following:

Prior to any development commencing on site the applicant is to pay the sum of £150,000 towards the costs of implementation of:

- Toucan crossing on Middlewich Road.
- Toucan crossing on A500 Nantwich Bypass.
- A pedestrian refuge island between Sainsbury's entrance and the Barony traffic signals along Middlewich Road, with a footway link to tie in with Cheshire East Council's Connect 2 route at this location.
- A Traffic Management Scheme at Beam Heath Way to control the queuing of delivery vehicles.
- The widening of the existing footway along Middlewich Road to the side of the petrol filling station, to allow both pedestrians and cyclists to share this space and access Middlewich Road from the Connect 2 route and surrounding area.
- Pedestrian Crossing Improvements.

Prior to any development commencing on site:

- A scheme of Public Art to be located in the area identified on Site Plan ARCH / 2004-030/P12/C to be prepared and agreed by the Local Planning Authority.
- The agreement of the scheme is to take into account the views of Stakeholders through a consultation exercise, the scope of which is to be agreed with the Local Planning Authority.
- Dedication by the applicant of the necessary land within their ownership to facilitate the above footway along Middlewich Road

Prior to the first occupation of the site

- The agreed scheme of Public Art is to be commissioned and a delivery programme agreed with the Local Planning.

In addition the following conditions were also agreed:-

1. Standard 3 years
2. Approved plans
3. Materials
4. Landscape scheme to include public art feature at roundabout
5. Implementation of landscaping
6. Tree protection measures
7. No works within protected area

8. Surface water regulation system (to incorporate SUDS)
9. Maximum discharge
10. Surface water attenuation measures
11. Scheme for management of overland flow
12. Provision of parking
13. Provision of cycle parking - 20 secured and covered stands
14. Travel Plan
15. Incorporation of sustainable features to BREAM very good rating.
16. Waste Management Plan
17. CCTV and speed humps to car park
18. Maximum net sales area of the replacement store
19. Restriction of the level of sales area given over to the sale of convenience or comparison goods
20. Noise attenuation measures
21. Scheme of external lighting
22. Survey of the existing public sewer passing beneath the site and scheme of diversion to be prepared if necessary
23. Construction Management Plan to include wheel washing, site compounds, hours of construction and no pile driving

132 **09/3066C - PROPOSED B1 OFFICE BUILDING, HENRY ALTY, KNUTSFORD ROAD, CRANAGE, HOLMES CHAPEL FOR CHESHIRE PROP (CRANAGE) 1LTD & 2LTD**

Consideration was given to the above application.

(The Ward Councillor L Gilbert, Parish Councillor John Halstead representing Cranage Parish Council and Mr Thomas, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred for a site visit in order to assess the impact of the development on residential amenity and the surrounding countryside.

133 **APPEAL SUMMARIES**

Consideration was given to the report as submitted.

RESOLVED

That the Planning Appeals be noted.

The meeting commenced at 2.00 pm and concluded at 4.20 pm

Councillor H Gaddum (Chairman)

Planning Reference No:	09/3066C
Application Address:	Henry Alty, Knutsford Road, Cranage, Holmes Chapel
Proposal:	Proposed B1 Office Building
Applicant:	Cheshire Prop (Cranage) 1LTD & 2LTD
Application Type:	Full Planning Permission
Grid Reference:	374585 370066
Ward:	Congleton Rural
Earliest Determination Date:	12 November 2009
Expiry Dated:	12 November 2009
Date of Officer's Site Visit:	10 May 2009
Date Report Prepared:	28 October 2009 – Updated 20 November 2009
Constraints:	Control of Adverts Infill Boundary Line Jodrell Bank TPO 107

SUMMARY RECOMMENDATION:

APPROVE subject to conditions.

MAIN ISSUES:

- Principle of development,
- Trees and wildlife,
- Access and parking,
- Layout, design and impact of the character of the area,
- Sustainability,
- Impact on neighbour amenity.

1. UPDATE

Introduction

Following the preparation of the initial officer's report, additional information and comments have been submitted in respect of this application, these are detailed below. Following the update section at the front of this report, the original officers report is repeated which provides the main element of the report.

The Transport Statement that originally accompanied the application has been reviewed and updated to take on board the comments received during the public consultation period. This was prepared in following discussion with the Strategic Highways Officer and submitted just prior to the preparation of this report. The Strategic Highways Manager has received a copy of the updated report and their final comments will be provided on an update sheet prior to committee.

In summary, it is felt that based on the proposed conditions and the supplementary paper from the applicants in respect of the matters raised it is recommended that this application be approved subject to conditions as set out at the end of the report.

Additional Comments

Parish Councils

Cranage Parish Council has objected to the scheme on the grounds of poor design inappropriate to the character of the area and impact on neighbouring properties. Concerns also raised over the issue of highway safety and the volume of traffic that may emerge onto the Knutsford Road.

Additional points commented upon relate to impact on trees and the harm that excessive lighting could cause to the surrounding countryside.

An objection has also been received from Goostrey Parish Council. Goostrey Parish Council considers the proposed scale and design of the building to be totally inappropriate for the location and that the construction of an office building on this site is likely to substantially increase traffic through Goostrey village at peak times.

Goostrey Parish Council have gone on to comment that this section of the A50 is already a 'red route' and extra traffic turning off and onto the road at the site and at nearby junctions can only add to the dangers.

Officers Response

In respect of the design, this is felt to be an improvement over that already approved and based on the earlier comments of the Highways Officer, impact on the A50 is felt to be within acceptable limits. The other matters are ones that are considered through the main report below and it is felt that these can either be addressed through conditions or could not be sustained if the application were to be taken to appeal.

Strategic Highways Officer

The Officer has previously appraised the application and has not raised objection to the application although a number of conditions have been recommended. Further comments will be provided in respect of further additional information which has included 85th percentile trip rates and other minor amendments as requested by the Strategic Highways Officer.

An analysis of the applicants earlier submission was undertaken and whilst there were some concerns over the format of the methodology used and the comparison sites used in the TRICs database, it was felt that the overall impact of the development would be acceptable.

As the applicants have undertaken a review of comparison sites in the TRICs database, the Strategic Highways Officer has provided an initial comment to indicate that they will review this in light of the capacity of the A50 to accept additional traffic generation. The Highways officer has advised that this relationship between the generation of traffic from the site and the existing capacity of the surrounding highway network to accommodate any traffic generated will be fundamental their review of the scheme.

Based on their earlier comments, the Highways Officer has acknowledged that the provided Travel Plan Framework would be acceptable as a basis for an umbrella travel plan for the site, but would need to be negotiated in detail with the Strategic Highways Manager's Travel Plan Officer. It is requested that this be achieved through a s106 agreement. The Travel Plan Framework does not however identify the point at which a full Travel Plan for the site will be developed and put in place and the Strategic Highways Manager recommends that the production of a formal Travel Plan be conditioned to an appropriate timescale beyond first occupation of the development

As the site is outside the settlement of Cranage, the Highways Officer has also requested a condition requiring the provision of cycle parking facilities.

Officers Response

On the basis of the earlier comments and the additional information submitted, it is felt that the development in principle is acceptable in highways terms. The conditions suggested are deemed to be appropriate and can be accepted. It is noted though that a s106 agreement has been requested in respect of the provision of the Travel Plan but as this is not dependant on a financial contribution being made, this can be addressed through a condition.

In respect of the request for cycle parking facilities, this is felt to be appropriate in providing alternatives to the use of the car for users of the site and is supported.

It is noted that the initial detail of the access ramp is such that the turning points into and out of the car park would be tight for entering or emerging vehicles. This is a factor of the design of the garage and a widening of the access ramp would create sufficient space for vehicles to safely pass. This can be addressed through condition.

Neighbours

Objections have been received from four neighbours. These raise comment in relation to the following points:

Character of the building form

Lighting impacting on the open countryside

Impact on the highway network

Detrimental harm to the open countryside

The Owner of the site is not the applicant

The drawings are of the incorrect format

The development would result in a deep excavation for the car park which could destabilise neighbouring properties.

In addition a detailed report has been produced on behalf of five of the neighbours surrounding the site some of whom have written separate letters. The report covers five key points, these being:

Planning guidance for the Rudheath Woods Area

Planning history

Highways appraisal

Need for the development

Impact on the local community

At the end of the report, the neighbour had provided a comparison of the differences between this application and that previously approved for Cheshire Cookers in 2006.

Officers Response

In respect of these comments, many of these matters have been addressed through the main officers report to committee.

On the matter of ownership, the application had been submitted through a holding company which is not an uncommon practice but it understood that the owner and applicant despite the differences in name are one and the same.

The initial drawing submitted with the application was incorrect but these have subsequently been revised and considered by the consultees.

In respect of the depth of the excavation, such work is common place in respect of many developments and would not be sufficient reason to refuse the application as this is a private matter between occupiers and any structural damage would be the responsibility of the applicant and their builder to ensure safe working practices. However, it is felt that the condition in respect of the access arrangements should be widened to include construction arrangements for the basement.

On the points raised in the objectors report, the site lies within the open countryside in the infill boundary line for Rudheath Woods. As noted in the main report, Policy E5 of the Local Plan sets out criteria for employment development in the Open Countryside and whilst the main part of the policy is not fully in support of the scale of development proposed, the presence of the Cheshire Cookers application is a material matter that needs to be considered. It is your Officers opinion that the proposed scheme is comparable to that previously approved and on this basis the scheme is felt to be acceptable.

The objector has, on page 6 of their report, set out a series of reasons why this development should be refused. It is accepted that these policy matters have to be considered but as already noted this scheme follows on from an extant approval which has substantially more weight in your Officers Opinion than that attributed to it by the objector. It is accepted that are some noticeable differences between the two schemes but the overall height, scale, mass and location of the two buildings are broadly similar.

In terms of the planning history, there was a scheme for residential development of three dwellings on the site (ref 05/0895/FUL) which was refused. Whilst this included highway matters as one of the reasons for refusal (as highlighted by the objector) the key reason for refusal was one of policy on housing in the open countryside. It is accepted that the design of the access arrangements on the housing scheme were poor, hence the reason for refusal, but if this had been the only grounds for refusing the scheme then it is felt, following discussion with the Strategic Highways Officer, that the layout of the site could have been amended to a suitable single access point design.

Moving on to the issue of highways and access, the objector has already raised concerns with the Council on this point during the consultation period and these

matters have been appraised by the Strategic Highways Officer. Whilst it is recognised that there are some areas where the applicants Transport assessment is weak, the overall findings of the report are robust and the impact on the highways is deemed acceptable.

In respect of the question of need for the development, the applicants have already pre-let some of the office space. It is acknowledged that there is additional office space in neighbouring centres but this scheme is to provide modern serviced officer accommodation which is sought by occupiers.

In terms of the impact on the local area, the objector has undertaken a point by point critique of the differences between the two schemes for Cheshire Cookers and that currently being considered.

It has already been accepted that the new scheme is not a replica of the Cheshire Cookers proposal but of a comparable nature. Whilst the objector had highlighted that the new building is two storey with a basement compared to the single storey scheme from 2006, the external heights and mass of the buildings are similar and it is this issue, how will the building impact on neighbours, that is of key note, not the internal arrangements.

In terms of the appearance, the objector has claimed that the approved industrial building is more attractive than that currently under consideration. This is a point of view that is robustly resisted by your Officers. The approved scheme is poorly fenestrated with blank elevations to the west and south whilst the roadside frontage is interspersed with a roller shutter door in the centre of the main façade. Extensive use is also proposed to be made of composite sheeting for the walls whilst the roof comprises of a combination of flat roof sections, pitched elements and a small gable perched over the main entrance.

The glazed front elevation of the building which is the main design feature of the building is felt by officers to be a positive feature of the buildings and provides some character to the structure that is missing from the more industrial design for the Cheshire Cookers scheme.

In comparison, the new scheme has a less complicated roof line which is aesthetically simpler and more appropriate solution. Use is also made of overhangs at the eaves which helps define the change between the roof and wall elements of the building as opposed to the basic box form of the approved scheme.

The use of the underground car park should have minimal impact on the character of the area and whilst it may cause some concern to neighbours about its construction, this has already been noted in this report and a condition has been proposed to address this point.

There are also a number of additional points which have been raised including drainage and electricity supply. A condition has been proposed in the main officers report recommending a sustainable drainage scheme and in terms of electricity supply, this is a matter for the developer to address with the utility company and would not necessitate a condition.

Manchester Metropolitan University

The University has objected to the proposal on the basis that the development would harm the operation of the Jodrell Bank Telescopes.

In respect of the earlier application in 2006, the University was consulted on the proposal for the Cheshire Cooker scheme. No response was raised at that time, nor was any conditions attached to the approval to reduce the impact of the scheme on the telescopes.

Officers Response

Discussions have been held with the University into the impact that this scheme will have on the operation of the telescopes. The key concern the University has is the location of the building to the dish with the potential for radio frequency interference.

The impact of the building can be mitigated against through the use of Pilkington K glass to reflect internal radio signals back away from the direct of the telescopes and back into the building which combined with foil lined plasterboard can have a valuable role in shielding the building from observers using the Jodrell Bank facility.

Given that the previous development is a material consideration, this needs to be taken into account, however, it is recognised that the operation of the telescope is an important matter. To address this conflict, it is recommended that the site management condition is amended to ensure that prior to the commencement of development the construction management plan includes details of operating methods that may affect the telescope and a schedule of materials is submitted to ensure a degree of radio-frequency shielding is provided.

Summary

Whilst there are a number of matters that need to be addressed through this proposal; these can be addressed through the use of appropriate conditions. As a result, it is felt that the refusal of the development could not be sustained at appeal.

ORIGINAL REPORT PRESENTED TO 11 NOVEMBER COMMITTEE

2. REASON FOR REFERRAL

This application would normally be referred to the Southern Planning Committee by virtue of its scale as a major planning application. However, due to the timing for the end of public consultation and the expiry date for the determination of the application, the scheme has been brought to the Strategic Planning Board to enable a decision to be issued to the applicants within the prescribed time period.

3. DESCRIPTION OF SITE AND CONTEXT

The site lies to the north of Holmes Chapel on the A50. It forms part of a chain of ribbon development leading out of the town and into the open countryside.

The main part of the site is given over to the existing Henry Alty commercial premises which have been used for the retail sale of gardening products and the associated car park to the front. The business has since closed.

In addition, the northern and western (rear) parts of the site are characterised by a large number of trees which define the nature of the area. A tree preservation order (Cranage TPO 1988) covers the site but some of the trees are self set and of poor amenity value.

The site lies in the open countryside to the north of Holmes Chapel.

The existing building on the site had been developed over a series of stages comprising of the former two storey dwelling house which was more recently used for office accommodation and a newer single storey element at the front which was used for the sale of horticultural goods.

The property is characterised by three gable elements that project forward and are interlinked with short interlinking sections.

The property is brick built with rendered walls and a tiled roof and dates from the 1930's

Surrounding the site to the south and west particularly are a number of other properties including a number of residential dwellings some of which directly back onto the site.

The site already benefits for planning permission to redevelop to an industrial/retail premises specifically for the sale and repair of AGA cookers. This was granted in 2007.

4. DETAILS OF PROPOSAL

The proposal is for the development of a serviced B1 office block with associated parking and landscaping. The gross internal office floorspace to be provided amounts to 2,100m².

The proposed building closely follows the footprint of the earlier approved scheme detailed below for the sale and servicing of cookers however, as there is no proposed industrial activity on the site, the environmental impacts in terms of noise and fumes will be reduced.

To provide sufficient off street parking, the applicants are proposing 45 ground level parking spaces and the provision of an underground parking facility for a further 51 spaces to accompany the surface level parking.

The proposal seeks to retain many of the trees that characterise the site although some poorer specimens and a moderate value tree as identified

through the accompanying tree survey are to be removed. There will also be some pruning of the remaining trees.

5. RELEVANT HISTORY

Although there are a number of applications appertaining the historic use of the site, there are two key applications for consideration as detailed below.

In January 2007, approval (ref. 06/1173/FUL) was granted for the change of use of the site to an industrial/ retail premises which was specifically designed for the sale and repair of AGA cookers. More recently a second application was submitted and subsequently withdrawn (ref. 09/0951C). This was broadly similar to the current scheme and also sought approval for the development of a similar amount of serviced office accommodation on the site. This was different from the current proposal in terms of the parking on site which is discussed further in the report.

6. POLICIES

North West of England Plan - Regional Spatial Strategy to 2011

DP 4 Making the Best Use of Existing Resources and Infrastructure
DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
DP 7 Promote Environmental Quality
DP 9 Reduce Emissions and Adapt to Climate Change
RDF 1 Spatial Priorities
RDF 2 Rural Areas
W 1 Strengthening the Regional Economy
W 3 Supply of Employment Land
RT 2 Managing Travel Demand
RT 3 Public Transport Framework
RT 9 Walking and Cycling
EM 1(D)Trees, Woodlands and Forests
EM 5 Integrated Water Management
EM 16 Energy Conservation & Efficiency
EM 17 Renewable Energy
MCR 3 Southern Part of the Manchester City Region

Cheshire Replacement Waste Local Plan

Policy 11 (Development and Waste Recycling)

Other Plans and Policies

PPS1 Delivering Sustainable Development
PPG4 Industrial and Commercial Development and Small Firms
PPS7 Sustainable Development in Rural Areas

Congleton Borough Council Local Plan First Review

GR1 General Criteria for Development
GR2 Design
GR6 Amenity and Health

GR8 Amenity and Health
GR9 Accessibility, Servicing and Parking Provision; New Development
GR17 Car Parking
GR18 Traffic Generation
PS6 Settlements in the Open Countryside and the Green Belt
E5 Employment Development in the Open Countryside
NR1 Trees and Woodlands
PS10 Jodrell Bank Radio Telescope Consultation Zone

7. CONSULTATIONS (External to Planning)

Highways

At the time of the preparation of the report formal comments are awaited. However, following withdrawal of the earlier scheme, this proposal has been designed in consultation with the Highways Officer at the pre-application stage.

Spatial Planning

Comments are awaited.

Environmental Health

At the time of the preparation of the report, comments are awaited.

Senior Landscape and Tree Officer

The Officer has acknowledged that the principle of redevelopment on this site has been accepted by virtue of the earlier 2007 approved scheme. Despite this, they would wish to see the submitted arboricultural method statement more closely reflect the layout. It is felt that this can be addressed through appropriate conditions in respect of a tree management plan arboricultural statement and identification of root protection zones.

8. VIEWS OF THE PARISH / TOWN COUNCIL:

At the time of preparation of the report, no comments have been received.

9. OTHER REPRESENTATIONS:

No comments had been received from neighbours at the time of the preparation of the report although it should be noted that objections were submitted to the earlier, withdrawn, scheme in respect of the following:
impact on neighbouring properties in terms of scale and mass,
harm on the character of the countryside and
highway safety on the A50.

10. APPLICANT'S SUPPORTING INFORMATION:

Trees: Cheshire Woodland Arboricultural Consultancy

This document has considered the existing tree coverage on site in the context of a survey undertaken in accordance with the guidance of BS 5837 (2005).

The report finds that subject to a suitable landscaping scheme, the impact of the development would be broadly neutral on the trees on the site when considered against the extant scheme approved in 2007.

Framework Travel Plan: WYG

This report sets out a draft travel plan framework to consider the accessibility of the development to sustainable modes of travel and reduce demand on the car.

The document sets out targets to be monitored against which the development can be appraised a year after the development is being brought into use.

Transport Statement: WYG

The transport statement has looked at the impact the development will have on the surrounding highways network, in particular the A50 Knutsford Road.

In summary, the report found that the northern access would provide a suitable access point with a visibility splay of 2.4m by 214m.

Design & Access Plan: Garry Usherwood Associates

The Design and Access Statement addresses the suitability of the development in respect of its surroundings. The document also goes on to consider the proposal against current policies in the Local Plan.

Ecological Report: Julie Drage, Ecologist

The protected species report has appraised the impact of the development of certain wildlife.

The report has found that the scheme will not have a detrimental impact on wildlife.

11. OFFICER APPRAISAL

Principle of Development

From an initial appraisal of the policies surrounding this site, notably Policy E5, the scale of development being proposed on this site would not normally be acceptable. In this instance however, weight has to be given to the extant approval for the redevelopment of the site for the cooker refurbishment/ sale and the differences between the two schemes.

The earlier 2007 approval was for a specific scheme comprising of some intensive engineering operations and also class A1 retail use. As a result the building generated some unneighbourly impacts and acted as an attractor to visitors as well as staff. The built form of the approved building is also broadly similar to that currently under consideration in terms of location, scale and mass although the design has been substantially altered.

In looking at Policy E5, part 1 of the policy seeks to only allow employment development in the countryside which is for the expansion or redevelopment of an existing business. In reviewing this, material weight is given to the approved scheme and its character and form in comparison to the proposal. It is felt that the two schemes are comparable and accordingly, the development under consideration is compliant with the policy.

Highways

The earlier office scheme (ref. 09/0951C) was withdrawn after consideration of the comments of the Highways Officer. The concern raised related the capacity of the site to accommodate the anticipated level of parking demand that may be generated to ensure that there would be no on street parking on the A50 Knutsford Road.

It has not been possible for the applicants to expand the parking area at surface level as this would not only have a far greater impact on the protected trees surrounding the site but also result in the front of the site becoming dominated by cars.

Rather than reduce the available rental floorspace inside the premises which would impact on the commercial viability of the scheme, the applicants have instead sought to provide some of the parking underneath the building. Whilst this may be an expensive solution compared to traditional surface level parking, it is a consideration for the applicants and could not be seen as a reason for refusal as it would have no long term impact on neighbours or ecology.

The development of the underground car park will however increase the amount of materials being moved around on the site and for this reason, it is recommended that a site management plan including details for the displacement of soil excavated from the site be sought as a condition.

A framework travel plan has been submitted with the application and this document sets out targets against which the sustainability of the development can be judged. The document also sets out a framework against which further measures can be taken to promote sustainable travel if the development does not meet prescribed targets after the first annual monitor and review period.

Due to the relatively isolated location of the site, it is recommended that a detailed staff travel plan be submitted to minimise usage of the car as much as possible and to promote car sharing and other sustainable means of travel. A draft strategy has already been submitted in respect of this point.

Design

In terms of the approach to bringing forward the redevelopment of this site which is currently in an unsightly condition, the developers have looked at the constraints imposed by the location of neighbouring buildings, trees and the access arrangements off the main road. They have also given consideration to the approved extant scheme, in terms of the general scale and mass of development previously accepted.

The building itself is of a modern form with predominantly glazed elevations forming the main frontages to the property whilst the rear elevations facing back to the neighbouring dwellings having more cladding and limited window details. Some use has also been made of brick sections to break up the elevation details.

To minimise the impact on the neighbouring properties, the roof section has been chamfered back to reduce the overall height of the building by nearly 1.5m from 7.0m to 5.5m. This results in the rear of the building being of a scale comparable to a normal domestic dwelling thereby minimising any impact on residential amenity.

Some concern has been expressed on the earlier withdrawn scheme about the suitability of the design in this rural fringe location and the impact of lighting on the open countryside on the opposite side of the Knutsford Road to the east.

In terms of design, there are no clear design cues from the neighbouring properties and hence the site has to generate its own form and character rather than rely on integrating with neighbouring forms of architecture. In this respect, the design is felt to be successful and results in the site having its own identity which is suitable to the area especially as the building is set to the back of the site and not prominently exposed at the road frontage.

In terms of lighting, this could be a concern if levels are too high and for too protracted a period. During early evenings however, it is felt some lighting from the property will help define its character and appearance as an architectural feature but this should not continue through the night. To address this matter in detail, it is recommended that a condition be attached to the decision for the submission of a lighting scheme if the scheme is approved.

Amenity

The main concern is the impact that the development will have on the neighbours surrounding the site. It is acknowledged that the extant 2007 scheme would have had some impact on the neighbours already, the question is whether this scheme would have similar or greater levels of impact.

Having considered the matter, it is felt that this proposal will result in less harm to the neighbours not only in terms of the scale of the development being proposed but also in respect of the activity being generated at the site. The earlier proposal with its retail element would have resulted in activity on the site during the day and weekends. Some of this could have been noisy due to the commercial activity associated with the site although conditions were proposed to minimise this.

Having appraised the proposal, it is felt that this scheme is more acceptable than that already approved and cannot therefore be refused on this basis. To address any impact on neighbours during the construction period, conditions are recommended.

Trees

As noted earlier, the site is protected by a TPO. It is felt that whilst there may be some partial impact on the trees surrounding the site this will be limited and subject to appropriate protection measures it should be possible to retain the highest quality trees in the vicinity. Whilst the site does not offer extensive opportunities for landscaping, some new planting can be provided and this can be addressed through conditions.

The character of the site will alter but it is felt that this is acceptable and will be an improvement over the earlier approval.

Sustainable Development

Consideration is given to the requirements of the Regional Spatial Strategy in respect of sustainable development. The site itself is relatively small at 0.3Ha with limited opportunity significant sustainable energy sources e.g. wind turbines to be provided. However, it is felt that a condition be attached to the permission seeking the implementation of more viable measures to be introduced to reduce the environmental impact of the building in line with RSS policy EM17.

Drainage

Given the nature of the site and its rural location together with the area put over to car parking, it is felt that a sustainable drainage scheme should be incorporated into the development to address surface water drainage and minimise impact on the mains drainage system or the chance of run-off onto the main highway.

Protected Species

The applicants have undertaken an ecological survey of the site and it is noted that there are no protected species that may be affected by the development. Therefore no further action required in this instance.

REVISED CONCLUSION AND RECOMMENDATION

12. CONCLUSIONS

It is felt that whilst this proposal represents a change over the existing character of the site, the extant approval granted in 2007 is a significant material consideration and is given greater weight than the existing character and form of development on site.

When looking at the approved 2007 scheme and the development proposed, it is felt that the new application provides a number of improvements in terms of less impact on neighbours, less impact on the character of the area, a well designed building and suitable highway safety and is accordingly supported by officers.

13. RECOMMENDATION

APPROVE subject to the following conditions:

1. Commence within 3 years
2. Development in accordance with submitted plans
3. Use of the development to be restrict to Use Class B1
4. Details of materials to be submitted
5. Landscaping scheme to be submitted
6. Landscaping scheme to be implemented
7. Site management plan to be submitted including details of construction of underground car park
8. Wheel washing facilities to be provided.
9. Lighting plan to be submitted and implemented
10. Review of implemented lighting after 3 months
11. Detailed Travel Plan to be submitted and implemented

12. Details of the parapet wall surrounding the entrance to the underground car park to be submitted prior to development.
13. Time limit on the hours of construction (M-F 9.00 to 18.00 & Saturday 9.00 to 13.00; 14. No working Sunday or Bank Holiday)
15. Limits on use of piling foundations (M-F 10.00 to 16.00; No working Saturday, Sunday or Bank Holiday)
16. Submission of a revised tree protection plan and arboricultural method statement.
17. Submission, approval and implementation of a revised schedule of all proposed tree works.
18. Submission of details, approval and implementation of special construction for areas of hard surfacing within tree root protection zones.
19. Drainage scheme including sustainable drainage and water attenuation (SUDS) to be provided and implemented

Additional conditions recommended following receipt of additional comments and supporting information

A formal Travel Plan for the development to be produced to the satisfaction of the LPA prior to the first occupation of the site. The conditions for its production will be agreed with the applicant and in writing prior to the commencement of development. Within six months of the first operation of the premises, a written report will be submitted to the LPA detailing progress against identified targets to promote sustainable means of travel. Thereafter, an annual monitoring report shall be submitted to the LPA

Prior to the commencement of development the applicant will provide detailed design drawings for: the reconstruction of the existing northern access, the full closure of the existing southern access and its reinstatement to footway/verge, resurfacing of the frontage footpath and renewal of the ghost island right turn lane which serves the site, for the approval of the LPA. This will form part of the off-site highway works. The development shall be undertaken in accordance with the agreed details.

Prior to the commencement of development the applicant will provide detailed design drawings for the design and detail of the underground car park including construction details and width of the access ramp for the approval of the LPA.

The applicant will provide visibility splays in accordance with those offered on Dwg No. SK003 Rev P2 received 18th September 2009 - to include for verge cutting within the extent of the provisional splays. This will form part of the off-site highway works.

Prior to first occupation, the developer will provide 10 No. secure and covered cycle racks for the site together with shower and changing facilities. This will be shown on a revised plan and provided for the approval of the LPA.

Prior to the commencement of development details of the main construction elements shall be submitted to an approved in writing of the materials to be used in the construction of the building hereby approved to meet the requirements of Jodrell Bank Telescope.

LOCATION PLAN: Cheshire East Council Licence No. 100018515



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Planning Reference No:	09/3030N
Application Address:	Whitehall Farm, Alsager Road, Haslington, Crewe, Cheshire, CW11 4RQ
Proposal:	New Agricultural Building and Slurry Lagoon
Applicant:	C E and G S Whitter and Sons
Application Type:	Agricultural Buildings and Operations
Grid Reference:	375249 357911
Ward:	Doddington
Earliest Determination Date:	25 th November 2009
Expiry Dated:	9 th December 2009
Date of Officer's Site Visit:	10 th November 2009
Date Report Prepared:	18 th November 2009
Constraints:	Wind Turbine Development Consultation Area

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Principle of Development
- Design
- Amenity
- Impact on Listed Buildings
- Landscaping
- Highways and
- Ecology

1. REASON FOR REFERRAL

This application would normally be referred to the Southern Planning Committee by virtue of its scale. However, due to the timing for the end of public consultation and the expiry date for the determination of the application, the scheme has been brought to the Strategic Planning Board to enable a decision to be issued to the applicants within the prescribed time period.

2. DESCRIPTION OF SITE AND CONTEXT

Whitehall Farm is a working dairy farm and is set back from the main road by a distance in excess of 10m. The farmhouse is a traditional 2 storey property constructed out of facing brick under a grey slate roof, which is located adjacent to a number of traditionally constructed barns. The farm has a number of more modern utilitarian buildings which are located towards the rear of the complex, which comprise of silage clamps, livestock and storage buildings. There are a few residential properties which are located along this stretch of Alsager Road. The applicants property is located wholly within the open countryside.

3. DETAILS OF PROPOSAL

This is a full application for a new agricultural building and slurry lagoon. The proposed agricultural building will be located adjacent to existing farm buildings. The proposed

agricultural building will measure approximately 67.1m long by 22.8m wide which equates to a floor area of approximately 1530msq. Around the periphery of the building is a concrete apron, which measures approximately 5.5m wide. The stock building will measure 3.7m high to the eaves and 7.6m high to the ridge. The building will be erected wholly on grassland. The slurry lagoon will be sited immediately adjacent to the existing farm complex and will be located to the west of the proposed cattle shed and to the east of a track, which is bounded by post and wire fence. The slurry lagoon will measure 39.9m long by 21m wide and will have a depth of 2.5m.

4. RELEVANT HISTORY

P93/0530 – Sileage Clamp (GDO Determination). Details Not Required – 8th July 1993
P01/0720 – Construction of Sileage Clamp. Approved 13th September 2001
P05/0891 – Erection of Agricultural Building. Approved 19th August 2005

5. POLICIES

National Policy

The application should be determined in accordance with national guidance set out in:

PPS1: Delivering Sustainable Development (2005)
PPS7: Sustainable Development in Rural Areas (2004)
PPS9: Biodiversity and Geological Conservation
PPG15: Planning and the Historic Environment

Local Plan Policy

NE.2 (Open Countryside)
NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
NE.14 (Agricultural Buildings Requiring Planning Permission)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage and Infrastructure)
BE.9 (Listed Buildings: Alterations and Extensions)

6. CONSULTATIONS (External to Planning)

Highways: No objections

Environmental Health: No objections

Ecologist: No objections

Conservation Officer: No objections

7. VIEWS OF THE PARISH COUNCIL

The Parish Council support the application to facilitate the investment in improved cattle facilities at Whitehall Farm, but request the removal of the existing "industrial style" slurry tower once the new slurry pit is commissioned.

8. OTHER REPRESENTATIONS

No representations received at the time of writing this report

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

- The proposed cubicle shed is to be sited adjacent to the existing farm buildings to lessen environmental impact and will not be seen over a short distance by neighbours or from public roads and footpaths. The squat design and traditional materials utilised will help in regard to this. The slurry lagoon is also sited away from neighbours and public areas;
- The proposal is for one building of 1533 square metres which is considered optimum for the economic benefits;
- For housing cattle (184+ cubicles provided);
- The building is positioned adjacent to the existing hardstanding area surrounding the existing farm buildings. this will allow suitable access to the building for cattle and servicing tractors/machinery;
- The size of the building 67.1m x 22.85m x 7.6m ridge height is required to provide an economical unit for housing cattle;
- The siting of the proposed building/slurry lagoon is provided with existing middle distance tree screening;
- The new unit walls will be clad in timber space boarding above 1600mm. high precast concrete walls. the roof will be clad in profile 6 anthracite (grey/brown) fibre cement roofing sheets with 12 no. lights per bay; and
- The existing vehicular access to the site from the public road will be retained, this has been a proven access to the farm and is considered adequate. Emergency services will be served by this arrangement and emergency evacuation should be effected easily.

10. OFFICER APPRAISAL

Principle of Development

The site is an operational farm, characterised by traditional farm buildings within the open countryside. The principle of an agricultural building that is essential to the agricultural practice is acceptable in the open countryside and accords with Policy NE.2 (Open Countryside). There is general policy support for agricultural development within the open countryside and paragraph 16 of PPS.7 states that local planning authorities should '*support development that delivers diverse and sustainable farming enterprises*'. The Replacement Local Plan outlines the need to strike a balance between development which will sustain the rural economy and the need to protect the countryside for its own sake. It is also necessary to recognise the changing needs of agriculture.

The key issues, therefore, are whether the proposed siting of the cubicle shed and slurry lagoon is appropriate in terms of safeguarding neighbouring amenities and safeguarding the appearance of the open countryside and impact on the local highway network.

Design

Cubicle Stock Building

The proposed building is appropriately scaled and designed for its purpose, and would be in keeping with the adjacent agricultural buildings and the rural setting. The building is of typical construction and comprises a steel portal frame clad on the roof with anthracite fibre cement roofing sheets. The gable and side elevations will be constructed out of concrete block work to a height of 1.6m and timber space boarding located directly above. In addition, there will be three large apertures (on either end of the building) in order to give access to feed and muck passages. According to the submitted plans the building is split up into a number of bays and each bay will have 12 no. roof lights (6 on each roof plane). The ridge height of the proposed building is similar in height to other buildings located within the immediate locality. The development is located at the rear of a silage clamp and other existing buildings, which will help to screen the proposal. There is a distance in excess of 85m separating Alsager Road from the application site. The boundary treatment comprises hedgerow and sporadic tree cover, a landscaping condition could be added to help to mitigate any negative externalities caused by the proposal.

Given the location and the surrounding nature and use of the land the proposal would not appear divorced from the existing complex of buildings nor would it appear as an alien feature. There is sufficient space within the site to accommodate this development, and the proposed building would relate well to its surroundings. There are, therefore, no objections to the proposal on design grounds.

Slurry Lagoon

Policy NE.17 (Pollution Control) states that all development proposals should ensure that appropriate measures are taken to prevent, reduce or minimise pollution. Policy NE.2 (Open Countryside) states that within the open countryside only development which is essential for the purposes of agriculture is permitted. There is also a need to ensure that development in the open countryside does not detract from the amenity of the surroundings.

According to the submitted plans the slurry lagoon will measure 39.9m long by 21m wide and will have a depth of 2.5m. According to the plans the lagoon will be excavated and then concrete lined and will incorporate a loading ramp. This is an underground lagoon and therefore is an unobtrusive feature which would not have an adverse impact upon the character of the open countryside.

According to the submitted plans the applicant is proposing to install a 2m high wire mesh fence around the periphery of the lagoon for safety purposes. It is considered that the boundary treatment (which could be constructed under the applicants permitted development rights) will have a lower impact upon the character and appearance of the open countryside than other forms of fencing. Nevertheless, a condition will be attached to the decision notice stipulating that the fence shall be finished green, in order to help to assimilate the proposal into the environment.

Overall this underground lagoon is an unobtrusive feature which would have a minimal impact upon its surroundings. The wire mesh fencing would be visible, however, this would be against the backdrop of existing farm buildings.

Amenity

The impact of the development upon the amenity of nearby residential properties is a key consideration with this application and the nearest residential property which may be affected by the proposals is Whitehall Cottage.

Whitehall Cottage is located to the south of the application site and there is a distance in excess of 85m separating this property from the application site. Located in between the application site and Whitehall Cottage are a number of outbuildings. It is considered the intervening buildings and the separation distances will help to mitigate any negative externalities caused by the proposal and the proposal would not have a detrimental impact on the amenities of the occupiers of this property. Furthermore, the Councils Health Environment Department has been consulted and they have raised no objection to the proposal.

Impact on Listed Buildings

Located to the south of the application site are Whitehall and Whitehall Cottage both of which are Grade II listed buildings. There is a distance in excess of 85m separating the listed buildings from the application site and located in between are a number of modern utilitarian farm buildings. It is considered, given the separation distances and intervening buildings, the proposed development will not have an impact on the setting of the listed building. The Conservation Officer has been consulted and she has no objections to the proposal.

Landscaping

Located to the north of the proposed cattle shed is a large mature oak tree. The applicant has submitted a plan showing that the proposed extension will stop approximately 12m short of the tree. However, it is considered to be prudent to attach a condition relating to tree protection measures. Furthermore, the application site currently backs onto open fields and to help to assimilate the proposal into the natural environment and make it appear less stark, a condition relating to landscaping will be attached to the decision notice.

Highways

The site will be accessed via the existing farm drive and the applicant has stated that there will be no increase in the amount of vehicle movements as a result of this application. It is also noted that the highway authority has raised no objection and therefore it is not considered that a refusal on highway grounds could be sustained.

Ecology

The Cheshire East Ecologist has viewed the submitted plans and accompanying supporting information and concludes that he does not anticipate the proposal having any adverse ecological impacts associated with the proposed development. Consequently, the proposed development accords with policy NE.9 (Protected Species).

11. CONCLUSIONS

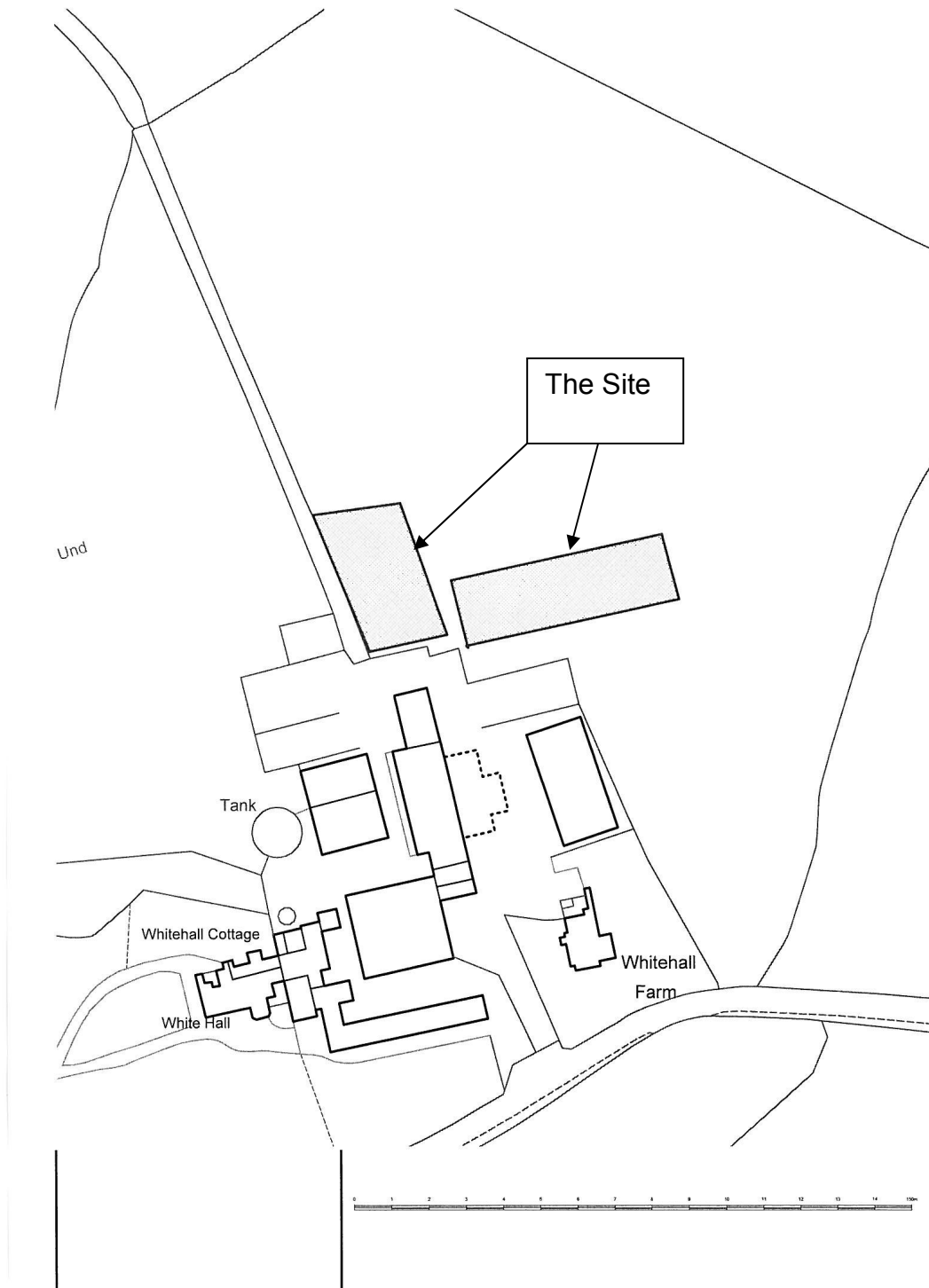
The proposed agricultural building and slurry lagoon are appropriate in terms of scale, form, character and appearance for the purpose they will serve. The impact on residential amenity will be marginal given the separation distances involved and the existing agricultural buildings on the site and the development will not have any adverse impact on protected species in the area. Furthermore, the proposal will not have a detrimental impact on the setting of the adjacent listed buildings. Therefore the proposal is in accordance with policies NE.2 (Open Countryside), NE.9 (Protected Species), NE.14 (Agricultural Buildings Requiring Planning Permission), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking) and BE.9 (Listed Buildings: Alterations and Extensions) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

12. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard**
- 2. Plans**
- 3. Materials**
- 4. Landscaping submitted**
- 5. Landscaping implemented**
- 6. No external lights**
- 7. Drainage**
- 8. Colour of Fencing**
- 9. Tree Protection Measures**

Location Plan: Cheshire East Council Licence No. 100018515



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CHESHIRE EAST COUNCIL

STRATEGIC PLANNING COMMITTEE

Date of meeting: 2nd December 2009
Report of: John Knight, Head of Planning and Policy
Title: Hankelow Hall, Hankelow, Crewe

1.0 Purpose of Report

- 1.1 To consider proposed amendments to the resolution passed by Crewe and Nantwich Borough Council in respect of applications P08/0869 and P09/0007.

2.0 Decision Required

- 2.1 To agree to the amendments to the previous resolutions as stated in this report.

3.0 Background

- 3.1 Hankelow Hall is a Grade II* listed country house, dating from the early 18th century with alterations by William Baker in 1755. In the 1960's the Hall was divided into 8 flats, but this failed to raise sufficient funds for its proper repair and a Closing Order, confirmed in January 1982, terminated its residential occupation. The Hall had suffered from severe neglect by previous owners over several decades before the applicant acquired the property in 1988. In the early 1980's the Hall was nearly totally destroyed by a fire started by trespassers.
- 3.2 Listed Building Consent was granted in February 1996 for the reinstatement and reconstruction of the existing hall, and works have commenced on a single storey element to the rear and on vital but limited essential repairs to the fabric of the building. The property is now in a much better state of repair than it was in 1988 but urgent extensive repairs and restoration work are needed to preserve the historic structure to ensure that the Hall survives. A substantial section of the roof is missing and major structural repairs and rebuilding are needed to restore the roof and a complete rebuild of the whole parapet walling that has failed beyond repair.
- 3.3 A grant of £100,000 has been secured from English Heritage towards the cost of restoration. However, this only goes a short way towards meeting the total cost of over £3,000,000. As a result of this extremely high development / repair cost, last year, Crewe and Nantwich Borough Council resolved to grant planning permission for an Enabling

Development of four new dwellings at the entrance to the Hall on land at the terminus of Hall Lane. (P08/0869 refers)

- 3.4 Enabling Development is that which would normally be rejected as clearly contrary to other objectives of national, regional or local planning policy, but is permitted on the grounds that it would achieve a significant benefit to a heritage asset. Such proposals are put forward on the basis that the benefit to the community of conserving the heritage asset would outweigh the harm to other material interests. Therefore the essence of a scheme of enabling development is that the public accepts some disbenefit as a result of planning permission being granted for development which would not otherwise gain consent, in return for a benefit funded from the value added to the land by that consent.
- 3.5 The supporting documentation submitted with the application indicated that the "Conservation Deficit" (the negative amount of money remaining after deducting the value of the undeveloped site and the development cost from the value of the site after development) would be increased if the Inland Revenue decided that Capital Gains Tax (CGT) should apply to the up lift in value of the land resulting from the proposals. At that stage the applicants were advised that the complex CGT issues could not be resolved until a planning permission for the enabling development had been granted.
- 3.6 The applicant's financial advisors subsequently confirmed that this tax will apply to the development proposals and therefore planning permission was sought for the development of a further dwelling on the site to off-set this cost. (P09/0007refers) Crewe & Nantwich Borough Council also resolved to approve this application.
- 3.7 Both applications were subject to a legal agreement (including a performance bond) to ensure the delivery of the heritage benefits of the scheme, and a number of conditions.

4.0 Proposals

- 4.1 Since those resolutions were made discussions have been on-going with the applicants and their agents in respect of the detail of the agreement and a matter has arisen which requires consideration by the Board, namely, the issue of the Performance Bond.
- 4.2 The Performance Bond would enable the Council to secure the benefits not only through enforceable restrictions in the legal agreement but it would also provide a surety to meet some of the costs should the Council need to take remedial action in circumstances of default. The Performance Bond secures the cost of urgent remedial action in the event of default.
- 4.3 The applicant has provided a Schedule of Repairs to the Hall which shows the phasing of the repairs in five stages. The legal agreement, if a Bond is not required, will secure that all the repairs listed as

Phases 1 to 4 are completed prior to the enabling development being commenced. The remaining Phase 5 relates to final remedials and the enabling development itself. Without relying on money from the enabling development, the applicants' Bank has agreed to loan money in phases to complete the restoration. Once the restoration is complete as per the requirements of the legal agreement, the enabling development can take place which will release money to repay the bank.

- 4.4 The applicant has argued that this will have a number of advantages. The restoration programme begins immediately once the planning permission is in place and the restoration of Hankelow Hall and its setting does not depend upon the sale of either land or property from the enabling development site. The legal agreement will ensure that the applicant is unable to start the new development prior to the restoration of the Hall i.e. Schedule of Repairs and gives the Hall precedence and total security, against any eventuality which may occur.
- 4.5 The applicant has also drawn attention to two of his previous developments at Madeley Mill, Staffordshire and Newton Hall, Cheshire which were governed by a Section 106, preventing any new build prior to the restoration of the historic buildings and both have been successfully completed.
- 4.6 The cost of a Bond would be between 12K and 20K which would increase the overall costs of the project and it would also mean the enabling development plots must be sold immediately, when property values are at their lowest. This would result in an increase in the Conservation Deficit and may result in the project becoming unviable and more enabling development being required. Whilst interest rates are low, it makes sense to do the restoration first and to realize the enabling development in 2 years time when market recovery may have begun.
- 4.7 English Heritage have been consulted and have agreed that they have no objection to the removal of the necessity for a Bond, on the understanding that the restoration of the Hall is completed prior to the enabling development being commenced. The change in circumstances that they believe justifies this is that the owners have presented them with a financially viable solution that will enable repairs to the listed building to be completed without even starting the enabling development. The hall would however have to be fully externally and internally repaired before any works could start in respect of any enabling development. This would have to be agreed through a very strict wording within the Section 106.

5.0 Conclusion

- 5.1 On the basis of the above, and subject to the proviso that the wording in the Section 106 ensures that the hall is fully externally and internally

repaired before any works, apart from utilities and ground works start in respect of any enabling development, it is considered to be appropriate to remove the requirement for the Performance Bond.

6.0 Recommendation

- 6.1 That the Committee resolve to delete the requirement for the applicant to enter into a Performance Bond from the resolution of Crewe & Nantwich Borough Council in respect of applications P08/0869 and P09/0007.

7.0 Financial Implications

- 7.1 There are no financial implications.

8.0 Legal Implications

- 8.1 The Borough Solicitor has been consulted on the proposals and raised no objections

9.0 Risk Assessment

- 9.1 There are no risks associated with this decision.

10.0 Reasons for Recommendation

- 10.1 To allow negotiations in respect of the Section 106 to progress to signing, to enable the planning permission to be issued and Hankelow Hall to be restored.

For further information:

Portfolio Holder: Councillor Jamie Macrae
Officer: Ben Haywood – Principal Planning Officer
Tel No: 01270 537089
Email: ben.haywood@cheshireeast.gov.uk

Background Documents:

- *Applications P08/0869 and P09/0007*
- *PPG15 Planning and the Historic Environment*
- *English Heritage: Enabling Development and the Conservation of Significant Places - Policy and Guidance.*
- *Draft s.106 Agreement and Schedule of Repairs*

CONSULTATION BY ADJOINING AUTHORITY

CHESHIRE WEST AND CHESTER COUNCIL – PLANNING APPLICATION

Ref: 09/02047/WAS

Waste Treatment Plant, Lostock Gralam, Northwich.

Background

The proposed site consists of 3.66ha of disused industrial land formerly containing a chlorine chemical works and is located off Griffiths Road, Lostock Gralam, Northwich, within the District of Cheshire West and Chester. The application, supported by an Environmental Impact Assessment, has been received by Cheshire West and Chester Council who will determine it and have now consulted this Council as a neighbouring Authority.

Viridor are one of two remaining companies bidding for the Cheshire Household Waste PFI Contract. The contract to be let by Cheshire West and Chester and Cheshire East Council's, will address the treatment and disposal of residual waste from all kerbside and household waste reception centres (HWRC's), i.e., the waste collected by both Council's, over the next 25 years. The contract will assist both Councils in meeting the EU Landfill Directive and National Targets to reduce the amount of biodegradable municipal waste going to landfill.

The successful bidder for the contract is expected to provide a waste treatment facility, ideally located centrally within Cheshire. Whilst waste collected locally to the facility would be delivered directly, a series, probably three, of waste bulking stations would be needed to serve more peripheral parts of the two Council areas. Separate applications for these facilities are expected. The other remaining bidder for the contract is likely to also submit planning applications within the near future.

Site Location

The site is located within an industrial area off Griffiths Road, Lostock that is also presently occupied by the Solvay Industrial Plant and the Brunner Mond Works. Recent planning approvals have also been given on adjoining land for a bio-energy plant and a rare metal recovery plant. Vacant parts of the industrial area are identified for waste uses within the Cheshire Replacement Waste Local Plan. The site is 2km east of Northwich Town Centre and approximately 2km west of the Cheshire East boundary near to Plumley and Pickmere.

Proposed Development

It is proposed to construct a mechanical and biological treatment (MBT) plant capable of handling 250,000 tonnes of waste a year made up of 225,000 tonnes of municipal waste and 25,000 tonnes of commercial and industrial wastes.

The main element of the MBT plant is contained within a large building (159m x 131m x 18.6m high) incorporating waste reception hall and mechanical separation hall where waste is initially sorted and shredded by a variety of processes and recycle is removed for reuse. The remaining wet organic element is then transferred to one of thirteen sealed bio-drying tunnels where it is kept for 8 days at a temperature 35°C. Air forced through the tunnels is passed through dust and bio-filters prior to discharge from a 27m high stack. The resulting bio-dried material is then further refined to remove any further recycle. The end product is a Solid Recovered Fuel which would be transferred by rail to the Ineos Energy from Waste Plant now under construction at Weston Point, Runcorn.

Waste from HWRC's would initially be separately handled to remove bulky material and recycle prior to be fed into the MBT plant.

An office and education facility building, car park and weighbridge are also proposed.

Reception of waste would be limited to the hours of 0700 to 1930 every day of the year, whilst waste processing would be a continuous process. All deliveries would be by road as would be the removal of recyclable material from the site. Residual waste would need to be taken by road to landfill sites; it is estimated that this would comprise 6% of imports. Total vehicles movements (HGV's) are expected to be a maximum of 62 incoming (62 outgoing) each day, plus staff car movements from the 45 permanent jobs anticipated. The Solid Recovered Fuel would be removed from site by utilising the adjoining rail link with one train anticipated daily.

Impact on Cheshire East

Should Viridor become the successful bidder for the Council's Waste PFI Contract and should this proposal be granted permission and built, all of Cheshire East's collected municipal waste and waste delivered to HWRC's would be treated at this facility. It is possible therefore that in the region of 20 HGV's a day would access the site from the Macclesfield area and similar number from Crewe. It is not considered that such numbers are likely to have a significant impact on the local road network.

The scale of the proposed buildings are in keeping with the surrounding uses and lower than the existing Brunner Mond plant, it is therefore considered that the proposal is unlikely to have any visual or landscape impact on the Borough.

The proposed buildings are designed to work under negative pressure so air is drawn into the buildings and passed through purposefully designed dust and bio-filters before being discharged through a stack. The air discharge will need to meet

the requirements of an Environmental Permit, issued, monitored and enforced by the Environmental Agency. The Council's Environmental Protection Officer has no objection to the proposal.

The more local environmental impacts would be considered by Cheshire West and Chester Council.

This application has been specifically submitted to serve the identified need to treat the waste collected by Cheshire West and Chester, and Cheshire East Councils. A second application to treat this waste source will also be submitted by the other bidder for the PFI Contract. It is considered important that any permissions that may be granted, limits the use of those facilities to this sole purpose. This would thereby ensure the unsuccessful bidder is unable to implement a permission that could otherwise seek to attract other waste contracts in an area that is already over provided with planning permissions for waste facilities. Existing planning permissions for the Bedminster Plant immediately next to this proposal and the very large Energy from Waste Plants and facilities at Ince Marshes and Weston Point, Runcorn will result in those and any further facilities having to unsustainably source the waste to operate those facilities from considerable distance, contrary to the principle of treating and disposing of waste close to source.

Recommendation

It is recommended that the Council indicates to Cheshire West and Chester Council that it wishes to raise no objection to the proposed application, subject to conditions and or legal agreement restricting the use of the facility to that solely to serve the municipal waste needs of the two Councils.

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Application Number:	09/0917N
Appellant:	Mitchell Homes Limited
Site Address:	1 Southbank Avenue, Shavington cum Gresty, Crewe, Cheshire, CW2 5BP
Proposal:	Two Detached Residences
Level of Decision:	Delegated
Recommendation:	Refuse
Decision:	Refused 12 th June 2009
Appeal Decision:	Dismissed 5 th November 2009

MAIN ISSUES:

The Inspector considered that the main issues of the appeal were the effect of the development on the character and appearance of the area and the living conditions of the occupiers of the neighbouring properties.

INSPECTOR'S REASONS:

The appeal site lies adjacent to the junction of Southbank Avenue and Woodnoth Drive, which is in a residential area of predominantly detached and semi-detached two storey dwellings. The proposed development was to site two dwellings in the garden between the side of the existing dwelling and its boundary with the adjoining property, No.38 Woodnoth Drive.

The Inspector considered that the density of the proposed two dwellings would fall within the 30 and 50 dwellings per hectare stated in RES.3. The Inspector states that the density of the surrounding area is lower. However, it is noted by the Inspector that PPS3 states that density of existing development should not dictate that of new housing by stifling change or requiring the replication of existing style and form. PPS3 also recognises that more intensive development is not always appropriate. The Inspector states that it is important to ensure the efficient use of land without compromising the quality of the local environment as recognised both in PPS3 and the policies of the Local Plan.

The Inspector notes that the existing dwellings in the area, follow an established building line and apart from the appeal site, all have regular separation distances between the side elevations. The Inspector states that although the front elevations of both the proposed dwellings would generally reflect those of the existing dwellings to either side, unit 1 would project forward of the front elevation of unit 2 and therefore would be in front of the established build line. The Inspector also notes that although the separation distance between the two new dwellings would reflect that of other dwellings within the area, the distance between unit 1 and the side elevation of the existing dwelling would be significantly less, approximately 1.5m which is well below the 13.5m separation distance stated in the Development on Backlands and Gardens SPD. However, the Inspector considers that as the windows in the side elevation of the existing dwelling do not serve habitable rooms, this standard is not

applicable. Nevertheless, the Inspector expresses concerns that the siting of the dwellings within the plot and their relationship with neighbouring dwellings would interrupt the rhythm of the street scene and result in the development having a cramped appearance to the detriment of the character and appearance of the area.

The Inspector then considered that although the two properties will have a private garden area, the amount of private space remaining with the existing dwelling would fall below the Council's required standards. Although the area of private garden allocated to unit 1 would comply with the Council's standards its shape would restrict its usefulness to future occupiers and it would be overshadowed to a degree by unit 2. The Inspector therefore considered that the orientation of the proposed properties and the size and location of the private garden space would be insufficient to meet the needs of the occupants of the existing dwelling and future occupants of the proposed dwellings which would be detrimental to their living conditions.

The Inspector therefore concludes that the development would have a detrimental effect on the character and appearance of the area and the living conditions of the occupiers of neighbouring properties and future occupants of the proposed dwellings which would be contrary to policies RES.4, BE.2 and BE.1 of the Crewe and Nantwich Replacement Local Plan 2011 and the guidance contained in the SPD.

The Inspector also notes that other evidence relating to similar developments within the area raised by the appellant and highways issues raised by local residents. However, it was considered that these issues do not outweigh those noted above and therefore dismissed the appeal.

IMPLICATIONS FOR THE COUNCIL:

This is a good decision for the Council as it supports the Council's position regarding town cramming on infill plots. It is also good that the Inspector agreed with the Council's position regarding garden sizes for the proposed new dwellings as support from Inspectors has not always been given when similar applications have been refused for new dwellings which do not have adequate amenity space. The Council will be able to use this appeal decision to support its position in the future.

Application Number:	P08/0509 (Full Planning) and P08/1317 (Enforcement Notice)
Appellant:	Miss Julie Finney
Site Address:	Land at Wybunbury Lane, Stapeley, Cheshire, CW5 7JP
Proposal:	Change of Use of Land to Use as a Residential Caravan Site for 6 Caravans, Including Construction of Hardstanding, Erection of Fencing and Provision of Foul Drainage
Level of Decision:	Development Control Committee (Crewe and Nantwich Borough Council)
Recommendation:	Refuse
Decision:	Planning Application Refused 29 th July 2009 – Enforcement Notice issued on the 24 th October 2009
Appeal Decision:	Enforcement Notice Upheld but varied to refer to storage of caravans only. Appeal on Planning application Upheld - 11 th November 2009

MAIN ISSUES:

The Inspector stated that the main issues of the appeal were the need for and provision for gypsy sites, whether the development would be a sustainable form of development and its impact on the countryside.

INSPECTOR'S REASONS:

The appeal site is within open countryside and accessed via a rural lane but does not fall within green belt or any other designated area. There are some residential properties in the vicinity, although the site is predominately adjoined by open fields. The development was retrospective as a substantial amount of work had already been completed at the time of the Inquiry.

The Inspector had regard to advice in Government circular 01/06: Planning for Gypsy and Traveller Caravan sites, as well as the need for sites as reported in the Gypsy and Traveller Accommodation Assessment (GTAA) for Cheshire and also the partial review of the Regional Spatial Strategy. The Inspector also considered the current timetable for the delivery on new sites through the Local Development Framework and in particular the site allocations DPD. Regard was also had to the availability of pitches at existing sites within Cheshire East including sites at Betchton, Middlewich and Wrenbury. The Inspector concludes that there is an immediate need for further pitch provision in Cheshire East Borough and Regionally.

The evidence from the appellants in regard to the personal need for the site was considered although was not found to either add to or detract from the acceptability of the site when considered against National and Local policies.

The Inspector considered the likely availability of alternatives to the private car in accessing local shops and other services. The Inspector found that the proximity of the site to public transport and other facilities would accord with guidance contained within Circular 01/06. Furthermore the Inspector referred to guidance in the circular which identifies that the provision of a settled base for gypsies and travellers can reduce the need for long distance travelling.

In considering the impact on the countryside the Inspector resolved that as the principle of Gypsy caravan sites are accepted in open countryside then some degree of encroachment and visual impact must also be accepted. It is concluded that the development in its present form has an unacceptable impact on the character and appearance of the surrounding countryside. However, the Inspector considered that a combination of appropriate boundary treatments and planting within the site would help to integrate the development with its surroundings. Conditions have been duly attached to secure these works.

The Inspector also considered the impact of the development upon the amenity of the adjacent properties, potential impact for flooding, highway safety matters, race relations, and also the fact that the development is retrospective. However, it is concluded that the development should not be refused on any of these grounds or that at temporary planning permission would be justified. Accordingly the Inspector grants full planning permission.

Finally, the Inspector varies the enforcement notice to prevent the storage of caravans on the site rather than residential occupation of caravans for Gypsies and Travellers as originally drafted by the Council. The Inspector has upheld the notice as varied.

Costs Application

An application for an award of costs against the Council was submitted by the appellant at the Inquiry. It was argued that the Council had wrongly applied the provisions of Circular 01/06 in regard to transitional provisions for gypsy sites and also its reasoning for not approving a temporary permission.

The Inspector concluded that the Council did provide adequate evidence to substantiate its reason for refusal and although it did not properly take into account Circular advice in regard to the deliverability of other sites accepts that the reason for not granting a temporary planning permission was substantiated. The Inspector did not consider that the Council had behaved unreasonably or that the appellant incurred unnecessary expense and therefore refused to award costs.

IMPLICATIONS FOR THE COUNCIL:

The Council will need to consider this decision as part of future applications for Gypsy and Traveller sites.

Application No: 09/0603M

Appellant: Mr R Gleave

Site Address: 1 Gough's Lane, Knutsford

Proposals: Amendments to approved application 07/2929P
replacement dwelling and detached garage

Level of decision: Delegated

Recommendation: Refusal

Decision: Refused 03.06.09

Appeal Decision: Dismissed 03.11.09

MAIN ISSUES:

The application site is in the Legh Road Conservation Area and the Green Belt. The proposal was considered to preserve the character and appearance of the Conservation Area.

Permission was refused as the proposed dwelling and detached garage were both considered to be materially larger than both of the existing buildings on site, as well as the replacement dwelling and garage approved under the extant permissions 07/2929P and 08/1833P.

The proposed dwelling was deemed to be materially larger in terms of massing and volume, due to the change in design which incorporated two prominent gables at either end of the house. It was noted that the previously approved dwelling was considered to be at the upper limits in terms of size of what was considered acceptable in this Green Belt location.

Additionally the larger proposed garage was considered to be materially larger than the previously approved and hence further reduce openness.

As such the proposals were considered to be inappropriate development in the Green Belt for which no very special circumstances had been put forward.

INSPECTOR'S REASONS:

The Inspector concurred that the proposals would preserve the character and appearance of the Conservation Area. The main issue was whether they would constitute inappropriate development in the Green Belt and, if so, whether the harm by reason of inappropriateness was clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify development in the Green Belt.

The proposals were considered to constitute inappropriate development in the Green Belt because the proposed house and garage would be materially

larger than those to be replaced. Against this, the previous extant permissions were given weight and the replacement dwelling was not deemed to be materially larger than the dwelling approved under 07/2929P. However the replacement garage was deemed to be materially larger than the previously approved garage, adversely impacting on the openness of the countryside and overall the very special circumstances needed to justify the development were not considered to exist.

IMPLICATIONS FOR THE COUNCIL:

Materially larger replacement dwellings and other buildings that adversely affect the character and appearance of the Green Belt constitute inappropriate development and the applicant needs to demonstrate very special circumstances to justify the inappropriate development in planning terms.

Application Number: 08/1205P

Appellant: Mrs Olivia Ryder

Site Address: 3 Chestergate, Macclesfield, Cheshire, SK11 6BX

Proposal: Change of use of A1 Retail premises to A2 Employment Agency

Level of Decision: Delegated

Recommendation: Refuse

Decision: Refuse – 23 July 2008

Appeal Decision: Dismissed – 13 May 2009

MAIN ISSUES:

The key issue is the impact of the proposed on the vitality and viability of the Chestergate Prime Shopping Area.

INSPECTOR'S REASONS:

The Inspector noted that the appeal site is vacant and although bringing the building into use would increase the visual attractiveness of the town centre, the proposal would result in the loss of a retail unit and ground-floor street frontage.

Policy MTC3 allows for change of use to non retail, provided this does not result in a concentration of non-retail uses that reduce the dominant shopping characteristics of a street or part of a street. The supporting text to policy MTC3 indicates that there are already a significant number of non-retail uses present in the Chestergate Prime Shopping Area. MTC3 does not include a percentage figure to define dominant shopping characteristics, the focus is rather on maintaining and enhancing the retail function in all parts of the Prime Shopping Area.

PPS6 refers to number, type and floor-space of different uses as useful indicators to measure the diversity of such uses in town centres and footfall is highlighted as a key indicator of the vitality of shopping streets.

Neither party submitted any footfall data. Both parties submitted survey data for the length of retail and non-retail frontages in the Chestergate Prime Shopping Area. The appellant also submitted data on the number of retail and non-retail units. However, although policy MTC3 refers to the “amount” of non-retail uses, the policy wording refers to dominant shopping characteristics.

In this case the Inspector considered the comparative frontage length of retail to non-retail uses was the most suitable indicator of dominant shopping character.

The Inspector noted that there is a considerable proportion of non-retail street frontage along the section of Chestergate near to the junction with Market Place (where the application site is located). The Inspector considered that, although the proposed would a) retain a commercial frontage, b) generate some activity and c) would be complementary to nearby shopping, the reduction in the retail presence within this part of the street would significantly reduce the attraction of the Chestergate Prime Shopping Area. Consequently, the proposed would reduce the dominant shopping characteristics towards the eastern end of the street. This would be unacceptably harmful to the vitality and viability of the Chestergate Prime Shopping Area, which would conflict with policies MTC3 and MTC1.

The Inspector noted a) that the proposed would not harm the character or appearance of the Conservation Area, b) that the use as an Employment Agency would contribute to the local economy and c) the proposed would enable the business to relocate to a building within close proximity to the existing premises. However, these matters were deemed not to outweigh the harm identified.

IMPLICATIONS FOR THE COUNCIL:

Local Plan policies MTC1 and MTC3 were supported within the decision.