

Southern Planning Committee

Agenda

Date:	Wednesday, 26th August, 2009
Time:	2.00 pm
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

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

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

1. **Apologies for Absence**

To receive apologies for absence.

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

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

3. **Minutes** (Pages 1 - 4)

To approve the minutes of the meeting held on 5 August 2009.

4. **Public Speaking**

Please contact Julie Zientek on 01270 529641

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

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

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

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

5. **09/1255N New Single Dwelling, Land adjacent to 87 Crewe Road, Nantwich, Cheshire for Mr J. Stuart** (Pages 5 - 14)

To consider the above planning application.

6. **09/0509C Construction of 90 bed nursing home (C2), Vale Mill, Priestly Fields, Congleton, for Britannia Developments Cheshire Limited** (Pages 15 - 24)

To consider the above planning application.

7. **09/0589N Proposed Change of Use of Existing Retail Showroom to Mosque with Associated Community Facilities, 47A Electricity Street, Crewe, Cheshire, for The Shahjalal Mosque, 145 Walthall Street, Crewe** (Pages 25 - 34)

To consider the above planning application.

8. **09/0819N Change of use from Agriculture to Fish Rearing and Angling Centre and Formation of Ponds and Lakes, Erection of Buildings (including temporary dwelling) and Provision of Access and Parking, Land adjacent Pinnacle Farm, Coole Lane, Newhall, Nantwich, Cheshire for The Reilly & Seipp Partnership** (Pages 35 - 54)

To consider the above planning application.

9. **09/1127C The demolition of existing property and the redevelopment of the land, including 43 No. 1, 2 and 3 bed use class C2 residential accommodation with care, car parking, landscaping and associated works, Mossley House, Biddulph Road, Congleton, CW12 3LQ, for Mr Dean Fisher Gladman Care Homes Ltd** (Pages 55 - 66)

To consider the above planning application.

10. **09/1586N Erection of an Exercise Sports Science Facility, a Synthetic All Weather Pitch, Associated Car Parking and Access Works, MMU Crewe Campus, Crewe Green Road, Crewe, for MMU** (Pages 67 - 86)

To consider the above planning application.

11. **09/1664C Retention of existing annexe building. Change of use to form integral garage, games room, toilet facilities and loft storage. Associated car parking and landscaping, Brownlow Farm, Brownlow Heath Lane, Newbold Astbury, Congleton, for J. Ekin Construction** (Pages 87 - 94)

To consider the above planning application.

12. **09/1665C Conversion of redundant barns to form 2no. dwellings. Associated detached garage and landscaping, Brownlow Farm, Brownlow Heath Lane, Newbold Astbury, Congleton for J. Ekin Construction** (Pages 95 - 102)

To consider the above planning application.

13. **09/1853N Erection of an Agricultural Building to Increase the Capacity of the Approved Free Range Egg Unit from 3500 to 7000 Birds (Resubmission of P08/1113), Land North West of The Beeches, Audlem Road, Hatherton, Nantwich, CW5 7QT for Mr D Donlan** (Pages 103 - 112)

To consider the above planning application.

14. **09/2035N Demolition of Existing Industrial Workshop and Erection of 6 Affordable Dwellings for Rent including Associated Access, Parking and Amenity Areas, Land off Bunbury Lane, Bunbury, Cheshire, for Equity Housing Group** (Pages 113 - 122)

To consider the above planning application.

15. **09/2043C Single Storey Side Extension, 46, Fairfield Avenue, Sandbach, Cheshire, CW11 4BP, for Mr. S. Mogridge** (Pages 123 - 126)

To consider the above planning application.

16. **09/2053N Replacement Bedroom over existing Utility Room to Enable Creation of Home Office Space and Shower Area, Lane End Cottage, Marsh Lane, Edleston, Nantwich, CW5 8PA, for Mr K Burton** (Pages 127 - 132)

To consider the above planning application.

17. **Variation of Section 106 Agreement for affordable housing units provided under planning permissions P05/0703 and P06/1125 for residential units with shops at former Canalside Yard, now known as Moseley House, Kingbur Place, Audlem for Wulvern Housing.** (Pages 133 - 136)

To consider alterations to the Section 106 Agreement for the provision of four shared ownership flats as affordable housing at the site formerly known as Canalside Yard, Audlem and now known as Moseley House, Kingbur Place, Audlem.

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 5th August, 2009 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors T Beard, M Davies, S McGrory, A Richardson, R Walker and
J Weatherill

OFFICERS PRESENT

Rachel Goddard (Senior Lawyer), David Malcolm (Development Control
Manager – Sandbach Office) and Ben Haywood (Principal Planning Officer –
Crewe Office)

Apologies

Councillors D Bebbington, S Furlong, L Gilbert, B Howell, J Jones, S Jones
and A Kolker

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

Councillor B Dykes declared that he had been approached by two
representatives of the rugby club prior to the commencement of the
Committee site inspection with respect to application number P09/0095.
Although Councillor Dykes and the rugby club representatives had not
discussed this application, Councillor Dykes withdrew from the meeting
during consideration of the application.

Councillor A Moran, who was in attendance at the meeting, declared a
personal interest in respect of application number 09/1255N on the
grounds that he was a member of Nantwich Town Council, which had
been consulted on the proposed development. In accordance with the
code of conduct, he remained in the meeting during consideration of this
item.

Councillor B Dykes declared that he had called in application number
09/1646N at the request of Bunbury Parish Council, but that he had not
expressed an opinion and had not fettered his discretion. Councillor
Dykes also declared a personal interest in respect of the application on the
grounds that he was a member of Bunbury Parish Council, which had
been consulted on the proposed development.

46 **MINUTES**

RESOLVED – That the minutes of the meeting held on 15 July 2009 be approved as a correct record and signed by the Chairman, subject to the deletion of the second and third paragraphs under ‘Code of Conduct - Declarations of Interest/Pre-Determination’ and the insertion of those paragraphs at Minute Number 40, to indicate that the declarations had been made at the commencement of discussion on this matter.

47 **P09/0095 USE OF AGRICULTURAL LAND AS RUGBY PITCHES, LAND OFF WYBUNBURY LANE STAPELEY FOR CREWE & NANTWICH RUFC**

Note: At this point in the proceedings, the Chairman vacated the Chair in favour of the Vice-Chairman, Councillor G Merry, and withdrew from the meeting during consideration of this item.

The Committee considered a report regarding the above planning application.

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

- 1 Standard
- 2 Layout of pitches to be agreed, including junior pitches to be closest to Wybunbury Lane
- 3 No floodlights
- 4 Details of access/bridge link to be agreed
- 5 Landscaping to be submitted
- 6 Landscaping to be completed
- 7 Hours of operation
- 8 Works to be carried outside the bird breeding season unless the site is first checked by a suitably qualified ecologist
- 9 Works to stop if protected species found
- 10 Retention of trees and all pruning to be agreed in writing with the Local Planning Authority
- 11 No vehicular access or pedestrian access to be gained from Wybunbury Lane
- 12 Reasonable Avoidance Measures - Great Crested Newts
- 13 The use of the site to be restricted to sport and recreation

48 **09/1252N OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT, 55-57 REMER STREET CREWE CW1 4LU FOR MR R HARRISON**

The Chairman reported that the above planning application had been withdrawn by the applicant.

49 09/1255N NEW SINGLE DWELLING, LAND ADJACENT TO 87 CREWE ROAD, NANTWICH, CHESHIRE FOR MR J. STUART

Note: Councillor A Moran (the Ward Councillor) and Mr A Nash (an objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED for a Committee site inspection so that Members can assess the impact of the proposed development on neighbouring residential properties.

50 09/1285C PROPOSED MANUFACTURING BUILDING ON THE FORMER B BLOCK SITE, INCLUDING ANCILLARY INFRASTRUCTURE COMPRISING SITE ACCESS ROAD, SECURITY GATEHOUSE, CAR PARKING AND AN INTERNAL FIRING RANGE, BAE SYSTEMS, LAND SYSTEMS MUNITIONS, RADWAY GREEN, ALSAGER, NEAR CREWE, CW2 5PJ FOR MR K MELLIS, BAE SYSTEMS PROPERTIES LTD

The Chairman reported that the inclusion of the above planning application on the agenda had been an error, as the committee's terms of reference did not provide for it to make a decision on an application of this size. The application would be considered by the Strategic Planning Board at its meeting on 19 August 2009.

51 09/1304N DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF NEW FOODSTORE WITH ASSOCIATED PARKING, EARL OF CREWE HOTEL, NANTWICH ROAD, CREWE FOR ALDI STORES LTD

The Chairman reported that the above planning application had been withdrawn by the applicant.

52 09/1646N SIDE AND REAR EXTENSIONS, HEATH LEA SCHOOL LANE BUNBURY CW6 9NR FOR MR A TAYLOR

Note: Mrs L Taylor (the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

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

1. Standard
2. Materials

3. Approved Plans
4. Obscure Glazing
5. Scheme for Replacement Car Parking

**53 09/1817N PROPOSED DWELLING ADJACENT 51 ROPE LANE,
WISTASTON. RE-SUBMISSION OF P09/0193 AT 51 ROPE LANE,
WISTASTON, CREWE, CW2 6RH FOR MR N. WINDSOR**

Note: Mr B Deuble (an objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

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

- 1 Standard
- 2 Materials to be submitted and approved
- 3 Details of balcony to be submitted and approved
- 4 Obscure glazing and remove PD for additional windows in northern and western elevations
- 5 Tree retention and protection

The meeting commenced at 2.00 pm and concluded at 3.27 pm

Councillor B Dykes (Chairman)

Planning Reference No:	09/1255N
Application Address:	Land adjacent to 87 Crewe Road, Nantwich, Cheshire
Proposal:	New Single Dwelling
Applicant:	Mr J. Stuart
Application Type:	Full Planning
Grid Reference:	365961 352317
Ward:	Nantwich
Earliest Determination Date:	21 st July 2009
Expiry Dated:	12 th August 2009
Date of Officer's Site Visit:	22 nd July 2009
Date Report Prepared:	23 rd July 2009
Constraints:	None

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

Impact of the development on:-

The living conditions of neighbouring properties

Design and Impact upon the street scene

Parking/Highway Safety

1. REASON FOR REFERRAL

This application was to be dealt with under the Council's delegation scheme. However Cllr Moran has requested it be referred to Committee due to concerns over the proximity and overbearing impact of the proposal upon neighbouring residential properties. This application was deferred from the last meeting for a Committee site visit.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is a small parcel of land which is located to the east of 87 Crewe Road within the Nantwich Settlement Boundary. The site was formerly part of the residential curtilage of No 87 Crewe Road which was separated from this property by a small pedestrian route which runs between 87 Crewe Road and the application site. To the north-east of the site is Woodland Avenue which is a residential cul-de-sac which is set at a higher level than the application site. To the east of the site is a strip of public open space which includes a number of large trees.

3. DETAILS OF PROPOSAL

This is a full planning application for 1 three-storey dwelling. The property would have three bedrooms and an integral garage with a parking turntable to the front driveway to allow vehicles to leave the site in forward gear.

4. RELEVANT HISTORY

P04/0927 - Outline Application for One Dwelling – Refused 19th October 2004. Appeal Lodged – Appeal Allowed 21st June 2005
P04/0737 - One Dwelling with 2 Parking Spaces. Refused 10th August 2004
P03/0627 - Outline Application for One Dwelling. Refused 11th August 2003
P03/0208 - Outline Application for One Dwelling. Refused 14th April 2003

5. POLICIES

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP). The relevant development plan policies are:

Regional Spatial Strategy

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP4 – Make the Best Use of Existing Resources and Infrastructure

L4 – Regional Housing Provision

Local Plan Policy

RES.2 – Unallocated Housing Sites

RES.3 – Housing Densities

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

Other Material Considerations

PPS1 – Delivering Sustainable Development

PPS3 – Housing

Supplementary Planning Document – Development on Backland & Gardens

6. CONSULTATIONS (External to Planning)

Highways: Nantwich Road is busy primary route with a speed limit of 30mph. The proposed access has poor visibility, but has been in use for some time serving a single garage only. In principle the highways authority has no objections to this proposal as 2 off street parking spaces are provided with a turn table for assistance. However the highways authority would not recommend the use of a turn table as shown on plan at this location due to the close proximity of a communal entrance / alley way between N87 and the proposed dwelling. Two off street parking spaces with on site turning facilities would be better suited at this location.

7. VIEWS OF THE PARISH COUNCIL

The Town Council object to this application on the following grounds:-

- The proposed dwelling is 3 storey and out of scale and character with surrounding buildings;
- The site is small and restricted and the proposed development is too big for the land available. The development is 'cramming';

- The effect will be to create a narrow, dark, passageway between the new dwelling and its neighbour, which will be detrimental to the amenity of the neighbour and the new occupier;
- There have been previous refusals on the site of similar applications and the Council consider those should be given due weight;
- Notwithstanding the 'turntable' proposed, the Council feel that highway safety will be compromised by vehicles coming to, and stationed at, the site. This is a very busy road and the difficulties of vehicles not being able to enter and leave the site in forward gear, allied to vehicles stopping for deliveries, visiting and parking briefly, will add to traffic hazards at this location.

8. OTHER REPRESENTATIONS

A petition signed by 150 local residents and letters of objection have been received from the occupiers of 55 Highfield Drive, 17 & 25 Mount Drive, 70, 85 87, 90, 92 & 94 Crewe Road, 17 Broadleigh Way, 20 Hornby Drive, 8 Gingerbread Lane, 3 & 10 Woodland Avenue and Ludlam Town Planning Associates on behalf of 10 Woodland Avenue raising the following points;

- Proposed dwelling is unsightly and out of character;
- The Plot is not large enough to accommodate a dwelling;
- The three storey dwelling would not sit comfortably with the two-storey dwellings;
- Loss of amenity land and parking to 87 Crewe Road;
- Lack of parking;
- Turntable will be difficult to operate;
- Sufficient new housing in the area;
- Highway safety;
- Detriment to the local environment;
- Size scale and style is inappropriate;
- Over supply of housing in Nantwich;
- The new dwelling would be out of keeping;
- New dwelling would be detriment to the street scene;
- Turntable would need to be in use at all times;
- Loss of outlook;
- Impact upon the trees;
- The site should be landscaped;
- Over development of the site 100 dwellings per hectare is in excess of 20 dwellings per hectare;
- Inadequate amenity space for the proposed dwelling;
- Lack of refuse storage for the proposed dwelling;
- Blockage of the right of way will result in a lack of refuse storage for 81-87 Crewe Road;
- The land has swapped back into the ownership of the applicant after the time period to challenge the planning appeal had expired;
- A restrictive covenant on the land means that a dwelling of the size approved could not have been constructed on the site;
- The dwelling is larger than that allowed at appeal;
- The appeal decision does not set a precedent for approval of this scheme;
- The site is domestic curtilage to No 87 and provides parking and bin storage;
- The turntable takes up the area in front of the dwelling leaving no separate gated pedestrian or footpath access to the main entrance which is dangerous;
- The turntable would encroach onto the adjacent right of way;
- The proposal will result in vehicles reversing onto a classified road which is dangerous;
- Insufficient rear garden 17sq.m is inadequate for a 3 bed property;

- The proposal is closer to the trees and the applicant will need to cut these back or remove these and if not they will not survive the construction phase;
- No refuse/recycling storage and blocking of the access to the adjacent properties;
- Contrary to Policies BE.1, BE.2 and BE.3.

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

- This full planning application and the design of the dwelling has been influenced and follows as closely as possible the previous outline plan for siting and access of a new dwelling
- The inspectors decision notice refers to the wide variety of house type surrounding the site and that a tall thin virtue of the sites limitations would not be inappropriate or have an unacceptable harmful effect on the street scene
- The pedestrian right of way which provides access to the rear of the adjacent properties is maintained.
- The inspector concluded that the proposal would not prejudice residential amenity
- The Inspector also considered that the only trees on the site are located on the rear boundary would not be affected by the proposal
- The ridge and eaves of the proposed dwelling align with the elevation of the adjacent property
- The bay window feature reflects the pattern and style of the adjacent single storey bays
- A garage and space to the front of the dwelling provides parking for two vehicles. It is proposed to incorporate a turntable to ensure vehicles will be able to always enter the building in forward gear

10. OFFICER APPRAISAL

Principle of Development

The site has a history of planning refusals for residential development for smaller dwellings. However outline planning permission was granted at appeal following the refusal of planning application P04/0927. This application was refused under the previous local plan but the Inspectors decision was made with reference to the current local plan. The principle has now been accepted but consideration now needs to be given to this full planning application for a larger dwelling than that originally approved.

Although the planning permission under application P04/0927 has now expired considerable weight needs to be given to this decision given that it was made at appeal under the current Local Plan. There have been changes in other legislation at all levels such as PPS3 (Housing), the Regional Spatial Strategy and the Council's SPD on Housing Development on Backland and Gardens and it is accepted that the proposed dwelling is larger than that allowed at appeal. However it is not considered that this new planning guidance and policy or other material planning considerations provide significant support to outweigh the decision which was made by the Planning Inspector at appeal. As a result it is considered that as the site is located within the Nantwich Settlement Boundary that principle of one dwelling on this site is acceptable.

It is accepted that residential development on the site would result in a high density form of development. However it should be noted that PPS1 and PPS3 encourage efficient use of land and planning permission has been previously granted at appeal on this site and the density is therefore considered to be acceptable.

Design

The proposed dwelling would be three stories in height at eaves and ridge level and this has raised a number of concerns locally to the impact upon the street scene. However the dwelling would align with that of the adjacent terrace and as a result it is considered that the height of the property is acceptable. The proposal also includes the provision of a three-storey bay to the front elevation and although this would be taller than the existing single storey bays to the adjacent terrace it is considered that given its location on the end of a row of terraced properties that this bay would act as a bookend to this group of buildings.

The proposed dwelling would have a staggered front elevation and its siting is similar to that approved at appeal. The staggered front elevation is a result of the requirement to provide parking/turning area within the curtilage of the property. The front elevation of the projecting bay would run flush with the existing terrace to the west whilst the garage door would be stepped back to reduce its prominence in the street scene. It is therefore considered that the siting of the dwelling is appropriate.

The design of the proposed dwelling has been subject of pre-application discussions. The design of the front elevation includes a projecting two-storey bay with gable, a small pitched dormer, Juliette balcony and sills and headers to the windows which help to add interest and create a dwelling that sits comfortably alongside No 87 Crewe Road.

Amenity

The proposed dwelling would be sited alongside the gable elevation of No 87 Crewe Road which includes just one clear glazed ground floor window facing the application site. This window is a secondary window to the room it serves and as a result it is not considered that the proposal would have a detrimental impact upon the amenities of the occupants of No 87 Crewe Road through loss of light, over-bearing impact or loss of privacy.

To the rear the proposed dwelling would have a separation distance of approximately 16 metres to No 10 Woodland Avenue. The application site is set at a lower level to No 10 Woodland Avenue and it is considered that the proposal would have minimal impact through loss of light or over-bearing impact upon this property. The openings to the rear at first floor level would be a living room and a bathroom with a rooflight serving a bathroom. The boundary hedgerow, change in land level and orientation of the properties would result in the living room window having minimal impact upon No 10 Woodland Avenue through loss of privacy. Whilst the openings which serve bathrooms could result in a loss of privacy this can be mitigated with an obscure glazing condition.

The properties on the opposite side of Crewe Road have large front gardens and the proposed dwelling would not impact upon the amenities of these properties.

The loss of amenity space to No 87 Crewe Road was a reason for refusal on planning applications P03/0208 & P03/0627. To address this issue the applicant transferred the land into different ownership so that it was no longer owned in connection with 87 Crewe Road, this reason for refusal was therefore not applied to application P04/0737 and P04/0927 which was allowed at appeal.

In order to clarify the ownership position a Land Registry search has been carried out by the Council and it shows that the application site has been transferred back and now falls under the same ownership as 87 Crewe Road. As a result the proposed development would result in the loss of the amenity space to 87 Crewe Road. However the applicant has by-passed this reason for refusal in the past by transferring the land into different ownership and this could be done again prior to any appeal which may follow for a refusal of this application for this reason. It is therefore considered that given that the site history which includes a previous planning permission and the applicant has addressed this issue by transferring land that the issues of loss of amenity space to 87 Crewe Road should not form a reason for refusal.

Letters of objection have referred to the lack of private amenity space for the proposed dwelling. The dwelling which was allowed at appeal had a private amenity space of approximately 34sq.m and the dwelling proposed as part of this application would have an amenity space of approximately 24sq.m. Both of these figures are below the guidance contained within the Councils SPD which states that *'Each dwelling should have adequate open space provided; as a general indication/guideline this should be no less than 50sq.m per dwelling'*. This is guidance only and given the relatively small size of the dwelling and the fact that the previous permission granted by the Inspectorate left No 87 Crewe Road with approximately 23sq.m of private amenity space it is not considered that this issue would warrant the refusal of this planning application.

Highways

The proposal would result in 2 parking spaces for the proposed dwelling one within the garage and one on the driveway. A turntable would be installed on the driveway which would allow vehicles to leave and enter the site in forward gear. This level of parking provision is considered to be appropriate for the proposed dwelling which is within close proximity to Nantwich Town Centre.

The Highway Authority has stated that it would not recommend the use of a turntable due to its proximity to the communal entrance/alleyway. The turntable itself will not encroach onto the alleyway which runs between the application site and 87 Crewe Road. However vehicles using the turntable will overhang the alleyway when the turntable is in motion. It is not considered that this issue would restrict access of the alleyway by local residents as the overhang would be restricted to a short period in time when the turntable is in motion. Furthermore the applicant could use the existing driveway for turning which would have the same impact upon the alleyway as the proposed turning circle. Therefore it is not considered that the obstruction of the alleyway whilst the turntable is in motion could be justified as a reason to refuse this application.

Representations from local residents have questioned whether a manual turntable could be operated by the future occupants and what will happen if the turntable brakes down. It is considered that an electric turntable will be required and a condition will be attached to ensure that this is retained and in working order, although a geared manual over-ride is available for emergencies. Turntables have been successfully installed at other sites in Cheshire East.

The use of the turntable will allow the occupants of the dwelling to exit the site in forward gear and given that the Highway Authority has no objection it is not considered that the proposal would be detrimental to highway safety.

Concern has been raised over the loss of car parking to No 87 Crewe Road. As stated in the amenity section of this report a Land Registry search has been carried out by the Council and it shows that the application site has been transferred back and now falls under the same ownership as 87 Crewe Road. As a result the proposed development would result in the loss of car-parking to 87 Crewe Road. However the applicant has by-passed this issue in the past by transferring the land into different ownership and this could be done again prior to any appeal which may follow for a refusal of this application for this reason. It is therefore considered that given that the site history which includes a previous planning permission and the applicant has addressed this issue by transferring land that the issues of loss of parking space to 87 Crewe Road is not considered sufficient to refuse the application.

Footpath

The turntable itself will not encroach onto the alleyway which runs between the application site and 87 Crewe Road. However vehicles using the turntable will overhang the alleyway when the turn table is in motion. It is not considered that this issue would restrict access of the alleyway by local residents as the overhang would be restricted to a short period in time when the turntable is in motion. Furthermore the applicant could use the existing driveway for turning which would have the same impact upon the alleyway as the proposed turning circle. Therefore it is not considered that the obstruction of the alleyway whilst the turntable is in motion could be justified as a reason to refuse this application.

The proposed dwelling would be positioned onto the boundary with the alleyway and concern has been raised that this could cause a dark alley way impacting upon the amenities of the users of the alleyway. This is noted but it is not considered to be a significant issue as the alleyway does not form part of a residential curtilage.

Trees

The letters of objection refer to the impact upon the trees on and surrounding the site none of which are covered by a Tree Preservation Order. The trees which are located on the site and along the site boundary are relatively young and are of limited value and it is therefore considered that the loss of some of these trees would be acceptable. The larger tree which is located on the area of open space to the east of the site would not overhang the site and the proposal would have limited impact upon this tree.

Other Issues

One letter of objection refers to an over-supply of housing within Nantwich. This issue is not accepted and the site lies within the Nantwich Settlement Boundary where new residential development is considered to be acceptable.

One letter of objection refers to a covenant on the application site which meant the approved application could never have been constructed. Restrictive covenants are not a material planning consideration and the Inspector determined that the site was

acceptable for residential development and was in accordance with Planning Policy and all other material considerations. The point that the restrictive covenant on the site meant that the approved dwelling could never have been constructed can therefore be given very little weight.

The letters of representation refer to bin storage issues for the proposed dwelling and terrace of 4 dwellings to the west. The proposed dwelling would have access to the alleyway and storage of bins would be provided to the rear of this property. The adjacent dwellings would retain access via the footpath as discussed above and bin storage to these properties would remain to the rear.

11. CONCLUSIONS

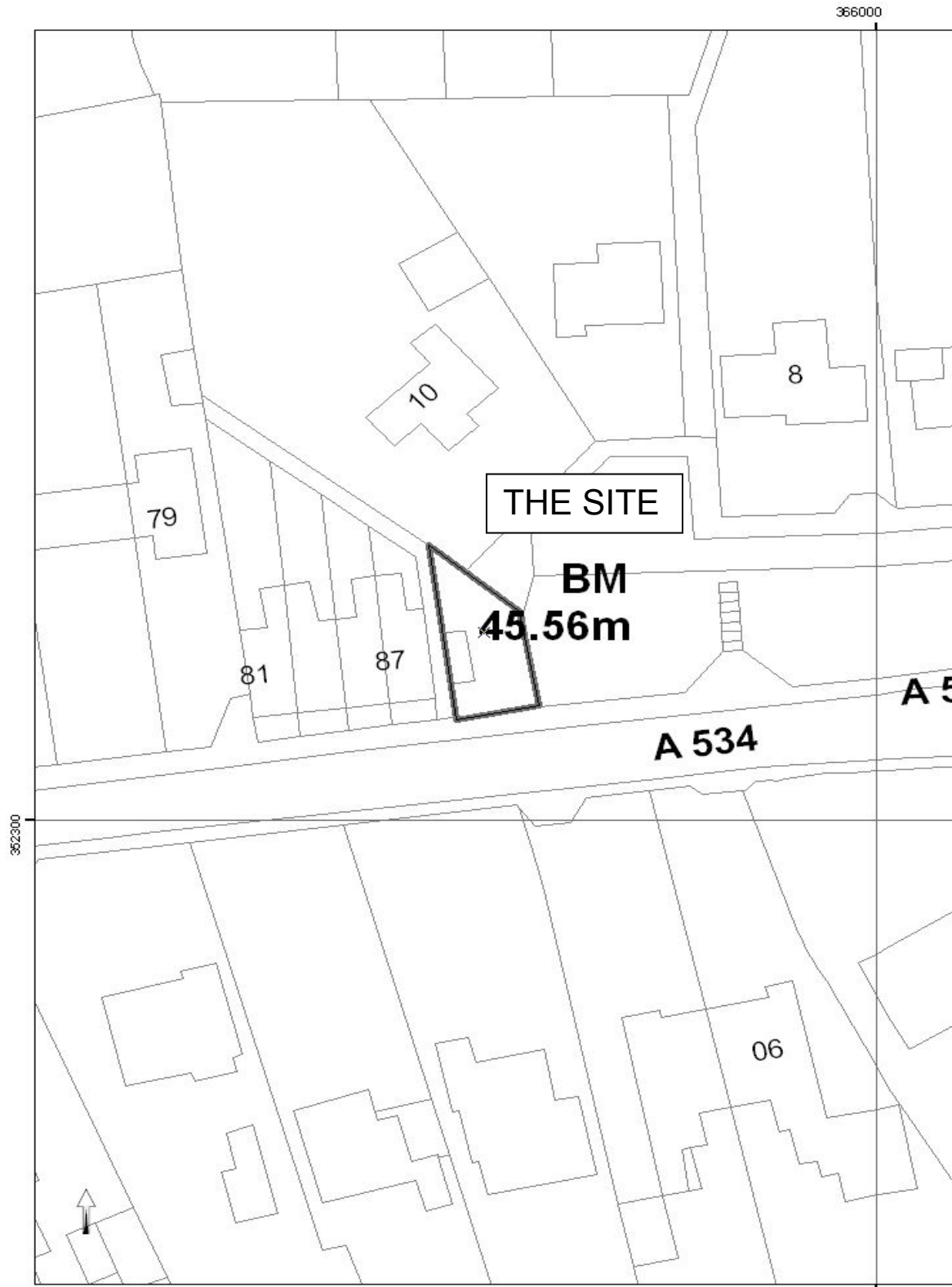
The application site is located within the settlement boundary of Nantwich and given the past approval by the Inspector using the current local plan the principle of residential development is considered to be acceptable. The proposed development would have minimal impact upon the amenities of surrounding residential properties and would not raise any highway issues. It is considered that the design and siting of the proposed dwelling would not appear out of character in this location as to warrant the refusal of this planning application.

12. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1 Standard**
- 2 Materials to be submitted and approved**
- 3 Retention of garage space**
- 4 Obscure glazing to rear bathroom window and bathroom roof light**
- 5 Tree retention and protection**
- 6 Drainage to be submitted and approved**
- 7 Landscaping to be submitted and approved**
- 8 Landscaping to be implemented**
- 9 Removal of PD Rights**
- 10 No obstruction of side alleyway during construction**
- 11 Boundary treatment**
- 12 Electric turn table to be provided and retained**
- 13 No removal of trees/vegetation within the bird breeding season**

Location Plan



09/1255N – Land adjacent to 87 Crewe Road Nantwich

N.G.R; - 365.962 352.318

Reproduced from the Ordnance Survey Map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings.
Cheshire East Council licence no. 100049045.

Not to Scale

This page is intentionally left blank

Planning Reference No:	09/0509C
Application Address:	Vale Mill, Priesty Fields, Congleton
Proposal:	Construction of 90 bed nursing home (C2)
Applicant:	Britannia Developments Cheshire Limited
Application Type:	Outline
Grid Reference:	385741 362655
Ward:	Congleton Town West
Earliest Determination Date:	11 June 2009
Expiry Date:	13 July 2009
Date of Officer's Site Visit:	
Date Report Prepared:	10 August 2009

SUMMARY RECOMMENDATION

Approve Subject to Conditions

MAIN ISSUES:

Impact of the street scene, flooding, impact on trees and wildlife, archaeology, access and parking.

1. REASON FOR REFERRAL

This application has been referred to the Southern Area Planning Committee by virtue of its scale as a major application.

2. DESCRIPTION OF SITE AND CONTEXT

The site is located in a predominantly residential area just to the south the Congleton town centre. The main accesses reached off Priesty Fields to the east, Vale Walk footpath to the north which links through to Swan Street on the western side of the site and to the south, a number of residential properties further along Priesty Fields.

To the west of the site lies the watercourse known as The Howty, which lies in a cutting. The watercourse is partly culverted to the northern end of the site before re-emerging just before the footpath to the northern boundary of the site where it then again passes underground.

The properties in the vicinity of the site are mixed in character with some traditional terraced properties to the west and south with more modern apartment blocks to the east. The properties towards the north are more diverse in character, although predominantly pre-war in terms of construction.

The site slopes down from the front facing Priesty Fields towards a flat area which is currently used for parking before dropping to a cutting for the brook. The site then rises again through a belt of trees before levelling off behind the properties that front Swan Street. The modern properties on the eastern side of Priesty Field are situated on a higher level than those on the application site due to a change in levels in the locality.

At present, the site is occupied by a manufacturing business, which is currently operational. This business benefits from frequent deliveries and collections from commercial vehicles which access the site from Priesty Fields. The existing buildings have a significant presence in the street scene.

3. DETAILS OF PROPOSAL

The proposed development is for Outline planning permission for a 90-bed care home. Due to the changing levels across the site, the frontage facing Priesty Fields will appear to be a two-storey property with additional accommodation in the roof space serviced by dormer windows and roof lights. The falling ground level, at the rear of the site, will facilitate the introduction of a lower ground floor.

In reality, the lower ground floor will have the same footprint as the rest of the property with the rooms facing the street being set slightly lower than the existing ground level and the main access leading in to the first floor. The principal access point will be at the lower ground floor at the rear off the parking courtyard.

The building is to be brick built with a tiled roof and is in a traditional design style with bay windows to the front and chimneys along the ridge line.

The principal pedestrian access to the property will be off Priesty Fields and a vehicular access will be gained close to the position of the existing access point to the northern edge of the site. The secondary access point to the southern end of the site which serves the neighbouring residential properties is also to be retained for third party use and to provide some parking for staff to the same level that currently exists for the industrial use on site.

The applicants have designed the layout of the site in conjunction with the Environment Agency. An 8.0m easement alongside The Howty has been allowed for to allow ongoing maintenance and clearance of the brook if necessary.

4. RELEVANT HISTORY

A previous application (reference number 08/0658OUT) was withdrawn by the applicants after discussion with the previous case officer. This scheme takes on board those comments.

5. POLICIES

National Planning Guidance

PPS1 Delivering Sustainable Development

PPS25 Development and Flood Risk

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP5 Manage Travel Demand, Reduce the Need to Travel & Increase Accessibility

DP7 Promote Environmental Quality

EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

EM2 Remediating Contaminated Land

Congleton Local Plan First Review

GR1 General Criteria For Development

GR2 Design

GR4-5 Landscape

GR6-8 Amenity and Health

GR9-10 Accessibility, Servicing and Parking Provision

GR15 Pedestrian Measures

GR21 Flood Prevention

NR1 Trees and Woodlands

NR3 Wildlife and Nature Conservation - Habitats

NR4 Non-statutory Sites

E10 Re-use of Redevelopment of Existing Employment Sites

6. CONSULTATIONS (External to Planning)

Environment Agency

No objection has been raised to the principle of development, following consultation with the developers at the pre-application stage. A number of conditions have been proposed to protect and enhance the ecological value of the site including the watercourse.

These conditions relate to the implementation of a landscape management plan, the protection and management of a buffer zone alongside The Howty brook and the opening up of the culverted section of The Howty. In addition an informative has been proposed to advise the applicants of their obligations under the Water Resources Act 1991 and Land Drainage Bylaws.

Natural England

In their comments of 8th June, Natural England have highlighted the need for detailed wildlife surveys of the site, especially along The Howty especially with regard to bats, water voles, badgers, barn owls and breeding birds.

In respect of this point, the applicants have submitted an ecological assessment undertaken by Ecology Solutions Ltd, to look at the protected species on site and identify appropriate methodologies, where necessary for ensuring there is no detrimental impact on the protected species.

In response to this report, Natural England has acknowledged the findings of the report. Due to the presence of a bat roost on site, they have recommended that further work be undertaken to establish the full extent of their presence on the site. They also advised that if the application were to be approved, a licence would be required from Natural England prior to the commencement of work on site.

7. VIEWS OF THE PARISH / TOWN COUNCIL

At the time of preparation of the report, no comments had been received from the town council

8. OTHER REPRESENTATIONS

Development Control Archaeologist

In response to a desk-based study produced on behalf of the applicant by a professional architectural historian, and submitted in support of the application, the Development Control Archaeologist has commented that the redevelopment of the site will lead to the loss of the historical evidence of the previous uses of the site.

To address this, the officer has recommended that a programme of archaeological mitigation should be carried out if planning permission is granted. This work should consist of the recording of the 19th-century mill building to Level II (as defined in the 2008 English Heritage guidance on building recording) together with a programme of targeted investigation where below-ground evidence for the features noted above may survive. This work can be secured by the following condition:

Senior Landscape and Tree Officer

In their comments of 4th June, the Senior Landscape and Tree Officer identified the need for a Phase 1 ecological survey together with a bat survey to ascertain the extent of wildlife on the site and the impact that the development may have. This information was submitted by the applicant in response to these comments in the above-mentioned report

Highways

The Highways officer has considered the application in respect of the immediate access arrangements into and from the site and also the impact on parking in the vicinity of the site. In principal there is no objection to the scheme although additional details have been requested in respect of a staff Travel Plan.

Environmental Health

No objection in principle, although conditions have been suggested in respect of addressing contamination, air quality, noise, odour, lighting and the time of construction.

Neighbours

Six neighbours in the vicinity of the application have commented on the application. These raise concerns about the following

- insufficient level of car parking
- impact on the landscape and wildlife
- potential flooding
- loss of trees
- potential to cause instability to the surrounding area
- fumes from the vehicles in the area and extraction units from the care home
- impact on neighbouring properties in terms of loss of light.

9. OFFICER APPRAISAL

Principle of Development

Prior to the consideration of the detailed aspects of this application, attention has to be given to the principle of development. The main aspect is whether the form of development is actually 'Use Class C2' development as opposed to generic C3 housing. This is important as C3 housing is subject to a wider range of planning policies in respect of matters such as the provision of public open space, education contributions and the provision of affordable housing.

A number of flatted communal living developments are presented as being 'Use Class C2' developments on the basis that they cater for people over a certain age band, often 55 or 60. These developments however often only provide scant regard to care facilities, primarily on site 24-hour nursing coverage and will offer instead larger self-contained two or three bedroom units.

This development however does provide the necessary facilities including onsite nursing, GP consultation rooms, shared lounges for residents and separate facilities for visitors.

On this basis, it can be concluded that the building will be orientated to the provision of ongoing extra-care to residents in need of such services and is a Class C2 development.

Design

The proposed building when viewed from Priestly Lane will have a strong street frontage with a central entrance door and four projecting bay sections, two on either side above. Along the roof line will be a series of gables. Whilst the property will be taller than the existing building and the neighbouring residential properties, it will be set back from the street frontage. This will have the effect of diminishing the scale of the building when viewed from the public highway and its impact on the skyline will be comparable to that of the neighbouring properties which sit much closer to the kerb line.

Although the building will appear to be two-storey at the street frontage, the lower ground floor will extend to the full depth of the property. The front rooms will be set slightly lower than the existing ground level although the ground in front is to be opened up to provide appropriate amenity levels. The front door, whilst appearing at street level, will actually lead in to the first floor level.

At the rear, the building will appear to be taller because of the fall in the land. This is offset by the fact that the area of land to the rear is open with no immediate overlooking from neighbours. The properties along Swan Street are on an elevated position compared to the site to the extent that even though the proposed building will be approximately twice the height of those properties fronting Swan Street, the ridge level of each building will become parable and the proposed care home will not dominate over the neighbouring properties due to the differences in floor level.

Whilst the building itself is of a significant scale, the presence of the existing building should be taken into account as a material consideration when considering this proposal.

Amenity

Although comment has been made that the proposed development will have a significant impact on the amenity levels of neighbouring residents, it should be borne in mind that the existing building already has a detrimental impact on the neighbour's amenity in respect of noise and disturbance from the industrial processes being undertaken at the premises and the proximity of the building to neighbours.

In essence, the proposed building will occupy a similar footprint of the structure that already exists on site and accordingly there will be little change to the physical character of development on the site. There will however be a change in the activity on site and it is anticipated that this will result in an improvement to existing amenity levels with the cessation of the manufacturing processes that currently exist on site.

In respect of impact on existing privacy levels and overshadowing, the proposed development will not have a significant detrimental impact on exiting properties in the area.

The Environmental Health Officer is of the view that subject to the use of appropriate conditions, any potential harm can be appropriately mitigated against.

Highways

Following consideration, the Highways Officer has commented that this scheme will have benefit in terms of traffic generation over the existing use. There has been some concern expressed by residents about the level and intensity of vehicle movements on site

It should be borne in mind that this proposal was for an extra care residential unit and accordingly, the level of car ownership would be lower than that normally associated with a standard residential establishment. In addition, the site benefits from close access to Congleton town centre which is approximately 300 m.

To ensure the satisfactory operation of the site, a staff Travel Plan has been requested. This work has been undertaken by the applicants and it is understood that this has been resolved. An update will be provided for committee.

Wildlife

The applicants have submitted information in the in respect of the protected species that may be on site. Whilst there is some evidence of bats and water voles, mitigation has been identified.

In principal it is felt that the redevelopment of this site can be undertaken. What is at question is the manner in which the development takes place and the timing of any development.

The applicants ecological study has shown that the cellar and other parts of the site have been inhabited by bats. Although outline mitigation measures have been proposed, the exact extent and nature of usage will need to be clarified through additional survey work prior to the finalisation of the mitigation strategy that will need to be submitted to English Nature in order to secure a licence prior to the commencement of development.

Loss of Employment

Although the site is currently used for employment purposes, the applicants identified that the site is poorly suited to this purpose principally due to the poor access on Priestly Fields, but also the form and configuration of the buildings.

In considering whether there would be a substantial planning benefit from an alternative use of this site consideration is given to the fact that following the completion of the development phase there will be an improvement to the general amenity levels of neighbours in the area subject to the conditions set out by the Environmental Health Officer. In addition, The scheme will also improve the local environment by reducing the number of goods vehicles using Priestly Fields for deliveries.

In addition, whilst the proposed new development will be in the residential use class (Use Class C2), it will generate some employment for both full and part-time staff, which will partially offset the loss of existing employment on the site. For these reasons, it is therefore felt that there is no significant objection in policy terms to the proposed development.

Flooding and The Howty

Following consultation between the Environment Agency and the applicant, work has been undertaken to address concerns about the potential for flooding on the site or harm to the watercourse. As indicated, the Environment Agency have suggested a series of conditions in respect of this matter and is subject to these forming part of any decision notice, it is felt that no objection can be raised on this point.

Archaeology

Whilst there will be some loss of the historical usage of the site, this has been considered by the Development Control Archaeologist in light of the report submitted by the applicants. The proposed use of a condition to ensure a programme of archaeological works is deemed to be appropriate in this instance.

10. CONCLUSIONS AND REASONS FOR THE DECISION

After consideration, it is felt that the design and appearance of the proposed building together with the access arrangements are acceptable subject to the conditions as set out below.

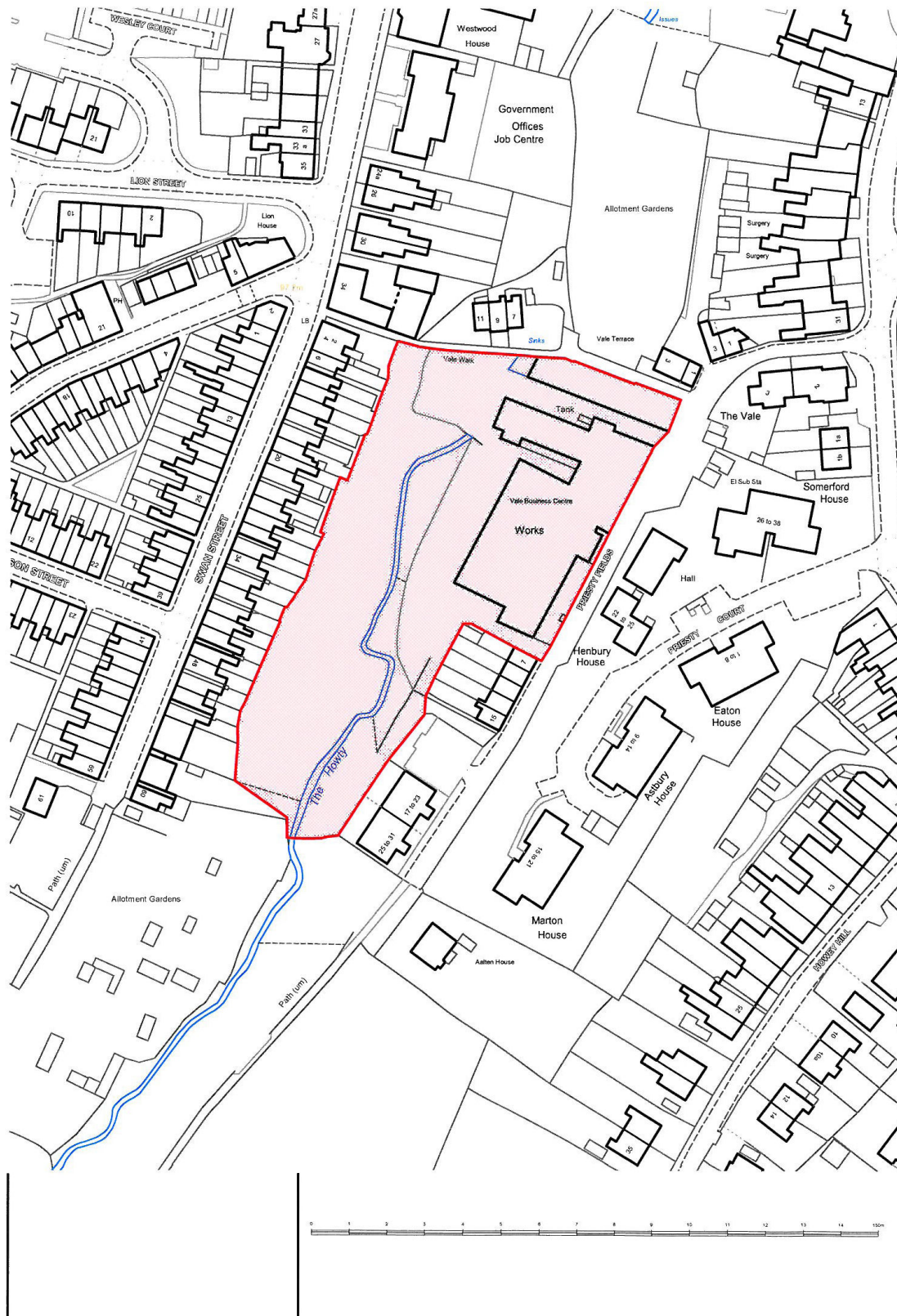
The proposed development is deemed to be in accordance with both local and national planning policies and will not have a detrimental impact on the character of the surrounding area or the Howty brook, which passes through the site. Accordingly, the application is therefore recommended for approval.

11. RECOMMENDATION: APPROVE subject to the following conditions

- 1. Submission of reserved matters**
- 2. Implementation of reserved matters**
- 3. Time limit for submission of reserved matters**
- 4. Development in accordance with submitted plans**

5. Samples of materials to be submitted
6. Construction specification / method statement
7. Noise assessment required
8. Air quality assessment
9. A scheme for the acoustic enclosure of fans and other machinery required
10. Odour extraction system required
11. Dust mitigation during construction
12. External lighting to be agreed prior to development
13. Protection from noise during construction (hours of construction)
14. Time constraints on any pile driving
15. Contaminated land desk-top assessment to be submitted
16. Details of drainage
17. Sustainable urban drainage -scheme to be submitted
18. A scheme for the provision and management of a buffer zone alongside the brook
19. A scheme to ensure finished floor levels of the proposed building are set no lower than 92.91m above Ordnance Datum (mAOD) to be submitted.
20. Tree protection
21. Tree pruning / felling specification
22. Protection of breeding birds
23. Details of landscaping to be submitted
24. Implementation of landscaping
25. Landscape and habitat management plan
26. Bat mitigation/enhancement
27. Woodland management plan
28. All parking, access and traffic areas to be completed and marked out prior to first occupation.
29. Cycle storage facilities for care home
30. Implementation of a programme of archaeological work in accordance with a written scheme of investigation

LOCATION PLAN:



This page is intentionally left blank

Planning Reference No:	09/0589N
Application Address:	47A Electricity Street, Crewe, Cheshire
Proposal:	Proposed Change of Use of Existing Retail Showroom to Mosque with Associated Community Facilities
Applicant:	The Shahjalal Mosque, 145 Walthall Street, Crewe
Application Type:	Full
Grid Reference:	370429 355282
Ward:	Crewe South
Earliest Determination Date:	29 th April 2009
Expiry Dated:	18 th May 2009
Date of Officer's Site Visit:	30 July 2009
Constraints:	None applicable

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES: Impact of the proposal upon:

Adjacent residential amenity through noise and disturbance
Appearance within the locality
Access and car parking

1. REASON FOR REFERRAL

The application was due to be determined under the delegation agreement but has been called in by Cllr Flude due to concerns about the impact of the development on car parking in the locality of the site.

2. DESCRIPTION OF SITE AND CONTEXT

The site lies within the settlement boundary of Crewe and approximately 150m to the south of the town centre. The site comprises a redundant two storey building together with single storey detached outbuilding that was last used as a paint shop. The site fronts onto Electricity Street and to the rear is adjoined to the north and east by existing commercial premises and an electricity sub station building. The site faces a row of Victorian terraced houses and to the west is adjoined by an allotment site. The existing buildings on the site are of brick construction and the two storey building is of some architectural merit with parapet gables, stone cills and headers and windows recessed behind bull-nosed brickwork detailing. The single storey building is of a more simple form although still retains some of the articulation found on the main unit. The two storey building has been extended at the front with a more contemporary flat roof shop front masking the eastern side of the elevation. Further alterations have taken place at the rear with a section of the northern elevation being re-modelled to include factory style windows and doors.

3. DETAILS OF PROPOSAL

The proposal comprises the change of use of the two storey former paint shop building to a mosque and the change of use of the single storey building on the site for community meeting/activity uses. The proposal involves minimal alterations to the external appearance of the buildings and vehicular access into the site would be provided from Electricity Street and into a rear car parking area. Provision is also made for bin and cycle storage within the rear courtyard.

4. RELEVANT HISTORY

P08/0316 - Alterations and Extension to Existing Building to Provide Residential Accommodation in the form of Six Flats. Demolition of Existing Outbuilding, New Construction to Provide Seven Flats, Two Garages, One Bicycle Store and Binstore. Provision of Eleven Car Parking Spaces.(Re-sub P07/1154). Withdrawn 26th February 2009.

P07/1154 - Subdivision of Existing Building to 6 Flats, Demolition of Existing Outbuilding and Erection of 7 Flats, 2 Garages, Cycle and Bin Store. Refused on grounds of lack of noise assessment and insufficient vehicle access arrangements on 16th November 2007.

5. POLICIES

Regional Spatial Strategy

DP.4 (Promoting Sustainable Economic Growth and Competitiveness and Social Inclusion)

Local Plan Policy

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
E.4 (Development on Existing Employment Areas)
TRAN.1 (Public Transport)
TRAN.3 (Pedestrians)
TRAN.4 (Access for the Disabled)
TRAN.5 (Provision for Cyclists)
TRAN.9 (Car Parking Standards)

Other Material Considerations

PPS.1 (Delivering Sustainable Development)
PPG.13 (Transport)

6. CONSULTATIONS (External to Planning)

Highways:

Comments on original plans:

- Parking provision needs to be maximised and bin storage area provided;
- A refuse vehicle will need to be able to enter and exit the site and a drawing to show this should be provided;
- A disabled parking space should also be provided;
- Questioned whether the existing site premises operating in Walthall Street can be prevented from operating as a Mosque if this application is approved?

Comments on amended plans (via telephone discussion)

- No objection given the increased parking spaces and provision of bin storage;
- Also confirmed that they have not had any specific objections from residents in Wlathall Street concerning parking issues for the applicant's existing Mosque.

Cheshire Fire Service:

Recommends the fitting of sprinklers which will reduce damage by fire to both the building and the environment. Also business continuity will be considerably less affected.

Environmental Health:

The Environmental Health officer in discussions has confirmed that they have no objections to the proposal subject to a condition preventing the use of any external speakers. In addition it is confirmed that they have not received any complaints from residents relating to the applicant's existing site in Walthall Street.

7. OTHER REPRESENTATIONS:

Objections received from the occupiers of:

15 Electricity Street, Crewe; 27 Electricity Street, Crewe; 37 Electricity Street, Crewe; 41 Electricity Street, Crewe; 29 Electricity Street, Crewe;
31 Electricity Street, Crewe; 2x Unspecified resident of Electricity Street;

The main areas of concern relate to:

- Impact of additional traffic and congestion;
- Impact of additional on street parking;
- Increased likelihood of a traffic accident on Electricity Street;
- Entrance into the site is inadequate;
- Not possible to guarantee that most of users would arrive on foot;
- People will not walk to the facility in bad weather;
- Lack of opening hours on the application;
- No provision for waste storage;
- Potential loss of trees;
- Lack of community consultation;
- Application form filled in incorrectly;
- Disturbance and noise to local residential properties;
- Moving to a larger site would encourage more people to visit;
- Hours of use will mean disturbance to residents during hours when they are trying to sleep;

- Hours of use are considerably longer than the previous shop use;
- Electricity Street is one of the main routes for emergency vehicles;
- Site will be visited by large numbers of people;
- Can it be guaranteed that there will not be any alterations to the external appearance of the building keeping it in context with the surroundings;
- Property can be seen from the road;
- One of the two fire doors to the proposed building will open onto car parking spaces.

8. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement and Addendum to Design and Access Statement:
Submitted by Bower Edleston Architects dated March 2009 and May 2009 respectively.

The main points are:

- Existing site is 0.08 hectare built during 1930s of substantial brick and slate construction. A single storey ancillary building is located to the west and a hardstanding yard with car parking spaces to the rear;
- The Shajalal mosque is currently located at 145 Walthall Street but do not provide sufficient accommodation for worship. Existing mosque is also flanked by residential properties;
- Pre-application discussions were held between the applicant and Council officers together with other stakeholders;
- Proposal seeks to maintain existing buildings in their current appearance but will be brought up to a reasonable standard;
- Car parking will be provided together with cycle spaces to the rear;
- Majority of those visiting the site will walk as they live in close proximity;
- Existing mosque and Muslim community provide a variety of learning opportunities in the area and opportunities for social cohesion;
- Mosque has strong links with the local strategic partnership;
- New building will offer a variety of facilities;
- Location of the premises is ideal for such uses given its town centre location and that it is a stand alone site;
- Previous application on the site included a noise assessment which concluded that the majority of the site is in NEC (Noise Exposure Category) B and south elevation in NEC C. The proposed use of the building as a mosque and community centre do not raise any undue issues in this respect;
- Only significant alterations to the building involve the refenestration/elevational treatment.

Addendum to Design and Access Statement:

- Hours of operation are detailed. Prayer times vary throughout the calendar year with the earliest morning session at 4:00am in summer and 6:30am in the winter. Latest evening prayer would commence at approximately 8 pm in winter and 11pm in summer;
- Prayer sessions do not involve any external noise impact;
- Numbers of people attending each prayer session are detailed and range from 5 – 15 people during the day. Friday prayer sessions at 1:30pm (known as Jummah) lasts for one hour and are attended by up to 200 people. There are two other occasions during

the year when a significant attendance takes place – these take place during daylight hours;

- Estimated that 90% of the congregation live within a 600m radius of the mosque;
- A small number of worshipers, up to a maximum of 30 would travel to the larger sessions from further afield, mainly Leighton Hospital, Nantwich and Sandbach. Traditionally cars are shared with 3 or 4 (or more) sharing;
- In addition to prayer sessions there are children's education sessions on Tuesday, Wednesday, Thursday and Friday with a maximum of 20 children attending;
- Proposed car parking spaces will provide sufficient capacity for the anticipated maximum of 10-12 cars;
- Further social/educational activities are being considered as future possibilities but currently no plans to implement these;
- It is anticipated that such uses would be low key and carried out during daylight hours and subservient to the primary use of the building;
- It is not anticipated that there will be a significant increase in the congregation.

9. OFFICER APPRAISAL

Principle of Development

This is a brownfield site within the settlement boundary of Crewe and within walking distance of Edleston Road and the town centre which accommodates a number of shops and services and has public transport links. The site is currently derelict and was last used as a paint/decorators shop. To the south of the site and on the opposite side of Electricity Street the area comprises predominantly terraced residential properties. To the north and east of the site there are existing commercial premises including a former electricity sub station building and builders yard. To the west lies an open area used as an allotment site. An earlier application for the site proposed to convert the building to residential use and this was approved subject to the completion of a legal agreement for pedestrian links to the town centre. However, this agreement was never completed and the application was subsequently withdrawn. Given the previous authorised use of the building as a commercial site and also the location within a mixed use area it is considered that the principle of the proposed use is acceptable.

Design

As mentioned earlier the proposal involves minimal alterations to the external appearance of the building. The most significant changes relate to alterations to the earlier shop frontage and it is proposed to include decorative panels to the existing full height glazed units. To the rear the proposal would involve modest alterations to the single storey building in order to create access points and remove two garage style door openings. Overall these changes are minimal and will retain the character and architectural merit of the existing buildings.

Amenity

A key consideration in determining this application is the impact of the proposed use upon the amenity of nearby residential properties. Although the site does not directly adjoin the curtilage of domestic properties and is sited on the northern side of Electricity Street which includes other existing commercial premises, it is within close proximity to

the front elevations of nearby terraced houses. A number of representations have been received from the occupants of these properties expressing concerns in relation to the potential for noise and disturbance arising from increased comings and goings, hours of operation and also from increased levels of traffic activity.

The applicant has specified the intended hours of use of the building and these closely relate to the hours of worship which in turn is dependent on daylight hours. Worship commences earlier in the mornings and ends later in the evening in the summer months than in winter. It is during these times therefore that the use of the building would be the most significant. Overall the applicant states that the site would operate at earliest from 4:00am and up to 11pm in the summer. This raises concerns about potential noise disturbance from comings and goings during hours when nearby residents have a right to expect peace and quiet and there is little background ambient noise. In addition the applicant has also referred to peak times when the number of people attending the site would be up to 200. These include during the weekly Jumma service which takes place every Friday at approximately 1:30pm and lasts for up to one hour. In addition there are two other occasions during the year when a similar number of worshippers would be expected at the site.

Electricity Street is a well used through route linking the busy Edleston Road with residential areas to the west. It is not considered that the proposed use of the site during normal daytime hours would give rise to undue noise or disturbance to nearby residents as it is likely that comings and goings would be dispersed throughout the day and would not be noticeable over and above existing traffic noise and activity. However, the use of the site during the early morning and late evening hours does create the potential for loss of amenity to nearby residents. However, the applicant already operates an existing Mosque from a property in Walthall Street and has provided information in regard to the number of attendees that are expected to visit during the various sessions and in the case of the early morning sessions consists of up to 5 people and during the late evening sessions this is up to 15 people. This is considered to be relatively low key and in itself would not be reasonable grounds to refuse the application as it would be unlikely that such low levels of usage at this time would be unduly noticeable to nearby residents.

Access and Parking

The proposed development would be accessed via an existing vehicular access off Electricity Street which leads into a courtyard to the rear of the buildings. There is a footway along the front of Electricity Street and the applicant proposes to install access gates set back from the carriageway edge by 8 metres which would be sufficient to allow vehicles to enter and exit the site without overhanging the carriageway.

Paragraphs 49-50 of PPG.13 advise that reducing the levels of parking in new development is essential as part of a package of measures to promote sustainable travel choices. It goes on to advise that developers should not be required to provide more spaces than they themselves wish except for certain circumstances such as where there are significant implications for highway safety which cannot be resolved through the introduction or enforcement of on-street parking controls. In this case there are some parking controls in the area although on the south side of Electricity Street there are no controls on car parking. The applicant proposes an area for cycle parking which can be controlled via a planning condition. The proposed development as first submitted

showed a total of 14 car parking spaces within the rear courtyard. However, due to initial comments from the Highway Authority the applicant has amended the layout to increase the number of parking spaces to 22. A number of concerns have been raised in regard to the demand for car parking spaces and potential impacts for nearby residents who currently have to compete for spaces outside their own properties.

When considering the applicant's supporting information it is fair to say that the demand for car parking will generally be dissipated throughout the day. However there will be peak times when considerable numbers of visitors will attend the site. The most significant of these is the weekly Jummah service which takes place every Friday afternoon at 1:00pm and lasts for 1 hour. The applicant states that this service can be attended by up to 200 people. However, this sits outside the normal evening rush hour peak and also outside the hours when nearby residents would be arriving home from work. In addition the applicant states that the majority of their congregation live within a short walking distance of the facility and would therefore not generate significant on street parking problems. As already stated above the applicant is operating from a property on Walthall Street and the Highway Authority have reported no specific complaints in regard to those premises and the demand for car parking. Finally it is worth noting that the site is within close proximity to Edleston Road which is well served by public transport and is also within walking distance of Crewe town centre. Accordingly the site is considered to occupy a sustainable position and offers genuine transport alternatives to the private car.

Concerns have also been expressed in regard to the use of the community room building and the operation of this is not specified in the supporting information. However, it is probable that this building would be used primarily by the local congregation and would be ancillary to the principal use as a mosque. This may generate additional demand for car parking although given the locational factors considered above in regard to the sustainable position of the site this is not considered to warrant a refusal of the application.

The Highway Authority have queried whether it would be possible to require the existing site operated by the applicant on Walthall Street to cease its use as a mosque. Although this proposal is considered acceptable on its own merits it is worth noting that the planning permission for the Walthall Street site is specific to the Shajalal Mosque and when that organisation ceases to occupy the site then the permission expires.

Finally sufficient space exists within the rear courtyard for vehicles to manoeuvre and exit the site in a forward gear and the Highway Authority have no objections to the proposal subject to the provision of bin storage and also subject to the provision of the increased levels of car parking. The Highway Authorities comments in regard to the need for refuse vehicles to turn within the site are noted although in this instance it is not considered sufficient grounds to refuse the application if refuse vehicles are likely to collect bins on the street.

10. CONCLUSIONS

The site is located within a predominantly residential area although is adjacent to other commercial uses. The use of the site as a mosque is not considered to result in sustained adverse impact upon the amenity of adjacent residential properties through

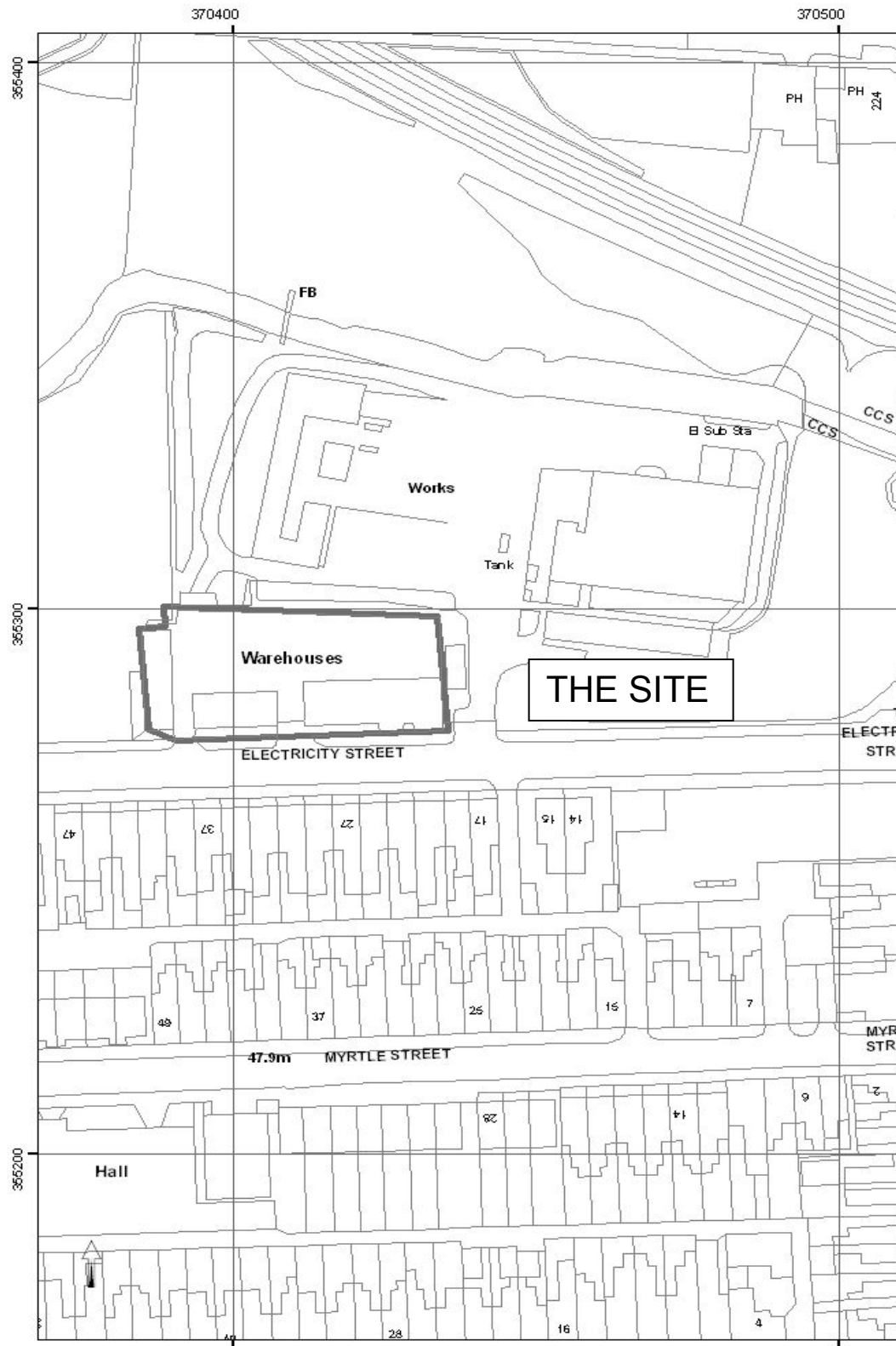
noise or disturbance arising from the operation of the building and associated comings and goings. The site is considered to occupy a sustainable position within walking distance of Crewe town centre and also public transport links on the nearby Eldeston Road. The site will predominantly be accessed by local residents and in combination with the additional car parking spaces proposed and provision of cycle parking is not considered to result in a threat to highway safety arising from increased demand for on street car parking spaces. The proposed development involves modest alterations to the external appearance of the building and accordingly would not result in adverse impact to the street scene.

11. RECOMMENDATIONS

APPROVE subject to the following conditions:-

- 1. Standard**
- 2. Materials**
- 3. Surfacing materials**
- 4. Car parking provision**
- 5. Cycle parking provision**
- 6. Access gates set back**
- 7. Vehicle turning area**
- 8. Boundary treatment**
- 9. No external speakers**
- 10. Approved plans**

Location Plan



09/0589N – Electricity Street Crewe
N.G.R.; - 370.418 355.287

Reproduced from the Ordnance Survey Map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings.
Cheshire East Council licence no. 100049045.

Not to Scale

This page is intentionally left blank

Planning Reference No:	09/0819N
Application Address:	Land adjacent Pinnacle Farm, Coole Lane, Newhall, Nantwich, Cheshire
Proposal:	Change of use from Agriculture to Fish Rearing and Angling Centre and Formation of Ponds and Lakes, Erection of Buildings (including temporary dwelling) and Provision of Access and Parking
Applicant:	The Reilly & Seipp Partnership
Application Type:	Full
Grid Reference:	364791 345473
Ward:	Cholmondeley
Earliest Determination Date:	28 th May 2009
Expiry Dated:	6 th July 2009
Date of Officer's Site Visit:	20 th May 2009
Date Report Prepared:	11 th August 2009
Constraints:	None

SUMMARY RECOMMENDATION: Subject to further assessment of need for temporary workers dwelling either Approve with conditions or refuse on grounds of failure to comply with functional and financial tests set out in PPS.7

MAIN ISSUES:

Impact of the development on
 Principle of the development in open countryside
 Impact on landscape character and appearance of the area
 Sustainability
 The justification for an on-site dwelling
 Impact upon highway safety
 Impact upon amenity of adjacent properties
 Impact upon protected ecology and biodiversity
 Impact upon water environment

1. REASON FOR REFERRAL

The application is included on the agenda of the Southern Planning Committee as the site area exceeds 1 hectare.

2. DESCRIPTION OF SITE AND CONTEXT

The site comprises an overall area of approximately 8 hectares of improved grassland and lies within the open countryside as defined by Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The site is predominantly grassland with a road frontage onto Coole Lane, behind mature hedgerows. A number of trees are scattered within the site and along its boundaries. The north eastern boundary of the site is adjoined by a small stream and is demarcated by a simple post and wire fence. To the south west of the site there is a two storey brick dwelling at Pinnacle Farm which has a large detached timber structure towards the rear of its curtilage. The boundaries with this property also comprise post and rail fencing. To the east the site is

adjoined by a dismantled railway line and is defined by a mature hedgerow boundary. Further to the east is the Shropshire Union canal which is partly within an embankment. The site levels vary and fall roughly into the centre of the site and then rise up again towards the eastern boundary. An existing culvert runs diagonally through the site. Access from the site is taken via a field gate onto Coole Lane.

3. DETAILS OF PROPOSAL

Planning permission is sought for the change of use of the site from agriculture to a fish rearing and angling centre which includes the construction of ponds and lakes together with the erection of buildings. These include four polytunnels which would measure 55m in length by 10m in width and 3.5m in height. In addition the application proposes a hatchery building which would be of portal frame construction and clad in profiled metal sheeting and would measure 30m in length by 15m in width and 4 metres in height to ridge. This building would incorporate hatchery tanks and troughs, an office, small laboratory, feed store and staff facilities and toilets. A temporary timber dwelling is proposed and with the oversailing roof would measure 18m by 12.3m and would have a height to ridge of 7.5m. 6 fish rearing pools would be sunk into the ground towards the western part of the site and these would vary in size with the smallest measuring 10m x 9m and the largest measuring 19m x 29m. Finally a small brick toilet block measuring 2.4m x 5.3m is proposed adjacent to a central car park. An internal access road is proposed to link all of the above and a new watercourse, reed beds and nature conservation ponds would link into the existing stream which passes to the north east of the site. The applicant proposes to carry out woodland planting predominantly adjacent to the south eastern edge of the site together with a wildflower meadow adjacent to the south western edge of the site. Several existing trees would be removed within the site and new tree planting would be carried out.

It is estimated to take up to 5 years for the site to become ready for angling as the applicant wishes to undertake the fish rearing on site initially in order to ensure a bio-secure stock of known parentage, history age and disease status in the lakes. Following this the site would then become operational to anglers and the fish production would reduce to that necessary to replenish fish lost through natural mortality and predators. The applicant states that following an initial period of three years an application would be made for a permanent dwelling on the site.

4. RELEVANT HISTORY

P08/1239 – Construction of Inland Waterways including Marina Facilities Building, Workshop, Footbridge, Associated Footpaths, Landscaping and Car Parking at Fields off Coole Lane, Audlem. Approved with conditions 21.01.09.

5. POLICIES

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

The relevant development plan policies are:

RSS

DP.5 (Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility)

DP.7 (Promote Environmental Quality)

RDF.2 (Rural Areas)
W.7 (Principles for Tourism Development)
RT.2 (Managing Travel Demand)
RT.9 (Walking and Cycling)
MCR.4 (South Cheshire)

Local Plan Policy

NE.2 (Open Countryside)
NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
NE.12 (Agricultural Land Quality)
NE.13 (Rural Diversification)
NE.17 (Pollution Control)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
BE.9 (Listed Buildings: Alterations and Extensions)
E.6 (Employment Development within Open Countryside)
RES.5 (Housing in the Open Countryside)
TRAN.6 (Cycle Routes)
TRAN.9 (Car Parking Standards)
RT.6 (Recreational Uses in the Open Countryside)

Other Material Considerations

PPS.1 (Delivering Sustainable Development)
PPS.7 (Sustainable Development in Rural Areas)
PPS.9 (Biodiversity and Geological Conservation)
PPG.13 (Transport)
PPG.17 (Planning for Open Space, Sport and Recreation)
Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System
Guidance on Local Requirements: Biodiversity and Geodiversity Statements (Crewe and Nantwich Borough Council 2008)
Good Practice Guide on Tourism (2006)

6. CONSULTATIONS (External to Planning)

Highways:

- Coole Lane is derestricted (60mph) and is in a poor state of repair, has low volumes of traffic and several pinch points
- Proposal would require improvement to visibility splays (speed survey requested)
- After receiving the results of the speed survey from the developer, a visibility splay of 2.4m x 120m has been agreed.
- The access will need to be constructed to a width of 5.5m with a radius of 10m and to an adoptable standard for the first 15m
- The access road should be no less than 3m wide with intervisible passing bays along its entire length (total combined width of 5.5m)
- Any gates should be set back at least 10.5m and open inwards
- Subject to the above being carried out under conditions no objections

United Utilities:

- No objection to the proposal
- UU policy is not to adopt SUDS (Sustainable Urban Drainage Systems)
- UU will only consider adoption of surface water sewers draining to a balancing pond providing a series of conditions are met regarding maintenance by the LA, transfer of land, a deed of "Grant of Rights", measures taken to prevent flooding of properties and a legal agreement is in place between all parties
- Section 104 agreement for surface water sewers draining to the balancing pond will not be entered into until all above conditions are met
- Separate metered supply will be required to the dwelling at applicant's expense

British Waterways:

- No objections as there would be minimal impact on the canal corridor due to the distance from the canal, intervening screen hedging and on-site landscaping

Environment Agency:

- No objection in principle
- Requests condition in regard to need for screening to prevent fish from escaping via the overflow channels

Environmental Health:

- No objections
- Requests conditions in regard to details of lighting, acoustic attenuation of ancillary mounted equipment and location of mobile plant

Cheshire Wildlife Trust:

- Supports the creation of fishing lakes on agricultural land in principle if the land is intensively farmed and lacking in diversity
- Welcomes introduction of small fish free ponds, reed beds and native planting
- Proposed tree and woodland planting has little structure or connectivity and does not relate to existing corridors
- Excess of proposed amenity grassland
- Curving form of hedge around hatchery building is out of character
- Proposed tree planting is very spotty and serves to emphasise rather than soften alien features
- Woodland planting will shade the water. Woodland shelter planting would be better located in the southwest corner and western boundaries against prevailing winds
- New hedge lines should incorporate oak and ash
- Location of car park will result in disturbance on all four lakes
- There are no inaccessible, disturbance free areas that would benefit wildlife
- Steep sided slopes should be planted with dense native woodland
- Applicant has not indicated where excavated material would be deposited and shaped
- More extensive areas of farmland could be restored to flower rich damp grassland
- Screen planting should be provided around the car park, hatchery, polytunnels and new buildings
- Views from Coole Lane and canal towpath which are not considered in the D&A statement should be screened as appropriate
- Bird and bat boxes should be provided at suitable locations
- Introduction of more variety would benefit wildlife and increase attractiveness of the site
- Opportunity to increase biodiversity
- Applicant should be asked to provide details of how they intend to control protected species

- Ecological survey does not indicate whether a search for existing species records was carried out
- Applicant does not appear to have considered the overall landscape, visual and ecological impact of the proposal and its cumulative impact with the recently approved marina.

7. VIEWS OF THE PARISH COUNCIL

Newhall Parish Council:

- Objects
- Not convinced that there is a need for residential development of the type and scale proposed

8. OTHER REPRESENTATIONS

Objections received from the occupiers of Hopwood House, School Lane, Bunbury; Smithy House, Coole Pilate; Pinnacle Farm, Coole Lane; 2 Sandown Reach, Coole Lane; Pinnacle House, Coole Lane; 1 Sandown Reach, Coole Lane; Wheelwright Cottage, Woore Road; Manor Cottage, Coole Lane; Hollin Green Farm, Hollin Green Lane;

Main concerns are as follows:

- Recent application for a Marina was approved without due process being followed
- Marina will greatly increase traffic volumes on Coole Lane
- Traffic flows predicted by applicant are inaccurate – why are 38 car parking spaces proposed?
- Why is there a need for a further 6 car parking spaces if only 2-3 staff are expected
- Access is located on a bad bend
- Recent near misses on Coole Lane and an accident last year witnessed
- Lane is prone to fog in winter months
- Lane is used by milk tankers, farm vehicles and cyclists
- Poor state of verges and road along Coole Lane
- Application does not consider cumulative impact of two developments (inc marina) and does not properly consider environmental impact
- Visual impact will be imposing
- Proposed temporary dwelling is a smokescreen for a permanent application later on
- Dwelling stated as necessary to prevent crime – concerns that the development will therefore lure criminals
- There are a number of dwellings nearby that could accommodate the applicants needs (some under £100k)
- Unsafe access arrangements
- Insufficient passing places along Coole Lane which is used by walkers and horse riders
- Impact of combined traffic generated by marina and proposed fishery
- Large heavy goods vehicles will use the site
- Buildings on site will look unsightly
- Development does not lie in or adjacent to a nearby complex
- Insufficient justification for the proposal as required by policy
- Potential smells from waste
- No assessment of noise levels or light pollution
- No evidence that the proposal is viable
- Proposal does not comply with PPS.7, PPS.17, PPG.21, PPS.25, and Policies NE.2, Policy 11 (of waste local plan), Policy RT.6, RT.8, NE.13, BE.1, E.6, TCR.2, TR.2, GEN.3
- Very large industrial scale proposed

- Concerns re impact on Finnaker Brook
- Impact of buildings on nearby dwellings which include a listed building
- Overdevelopment of site
- 24 hour fishing would cause noise disturbance
- Lakes reliant on rainwater and there is no contingency for dry weather
- Loss of privacy to nearby dwellings
- If scheme fails will be left with a brownfield site
- No increase in local employment
- Lighting would be required
- Removal of mature trees
- Storage of waste could pollute
- Agricultural buildings in the area are of brick construction so proposed hatchery will look alien
- Raising the level of the land will result in water levels above nearby housing which could result in flooding
- Access track would be visually intrusive
- No power to the site currently which would require significant outlay not included in the business plan
- Request that if approved screening is put around nearby properties
- Project will add nothing to the local economy
- Project is not a farm diversification project as it is not a working farm
- Fishing pegs could be spread at 10 metre intervals resulting in 110 anglers in total
- Proposed screening is inadequate
- Loss of valuable agricultural land
- Allowing proposals like this will put more pressure on existing farms
- Question regarding bio-security which cannot be enforced as anglers will use their own bait

9. APPLICANT'S SUPPORTING INFORMATION:

Planning Statement (Prepared by Brockway Dunn Ltd dated April 2009)

Main points are:-

- Fish rearing unit is required to enable fish to be reared at sizes suitable for stocking into the fishery, provide excess for sale to other facilities and preserve and propagate rare breeds
- Polytunnels are required to increase water temperatures and extend the growing season, give protection from predators and exclude water and air borne contaminants
- Fishing lakes will take 5 years to be stocked and there will be separate lakes for different species
- Access to the fishing lakes will be open during daylight hours but closed at other times. Night fishing will be by prior arrangement
- Formation of lakes involves cut and fill using on-site materials and no requirement for importation or exportation of fill or spoil
- Proposals will deliver landscape improvements, nature conservation areas and wildlife habitat
- Temporary dwelling required for site manager to give 24 hour supervision, maintain biosecurity and prevent theft and vandalism
- Sectional wooden building proposed for temporary dwelling. If financial viability is demonstrated then proposed to apply for permanent dwelling and retain the wooden building for uses in connection with the fishery

- Applicants purchased the site in 2007 after a lengthy search for an appropriate property (from late 2005)
- Site is within the Weaver Valley Regional Park which is being promoted as a major recreational resource of regional significance
- River Weaver and Shropshire Union Canal run a short distance to the east of the site and planning permission has already been granted for a marina on adjacent land
- Proposal complies with planning policies in open countryside
- Site is not located on a bus route but is adjacent to a cycle route and close to canal towpath and footpath
- Proposal will generate little additional traffic along Coole Lane
- Adequate parking provision has been made
- Visibility splay requirements have been incorporated into the proposals consistent with those for the approved marina
- Proposed temporary dwelling meets the functional and financial tests set out in PPS.7 and Local Plan Policy RES.5
- Amount of floorspace proposed is consistent with the justification to policy RES.5 and the increased space is justified as the building has been designed to allow for business use on the first floor and in the future the ground floor is intended to provide anglers facilities
- Proposed to dispose of foul sewage via a package treatment plant
- Surplus water from the lakes and pools will drain by means of settlement ponds, reed beds and open watercourses and have been discussed with the Environment Agency

Design and Access Statement (Prepared by Brockway Dunn Ltd dated March 2009)

Main points are:-

- Search for appropriate sites undertaken during 2006-2007
- Pre-application consultations have taken place with the LPA, Environment Agency, Weaver Valley Regional Park, neighbouring residents and adjacent farmer (of approved Marina site)
- Site is gently undulating farmland bounded by hedgerows and occasional trees
- Public viewpoints are limited to Coole Lane
- Two residential properties adjoin site
- Site is within Weaver Valley Regional Park and close to a Sustrans route
- Site offers a tranquil rural setting important for anglers
- Isolation from potentially contaminating neighbouring uses is important to biosecurity of fish rearing
- No evidence of protected species
- New buildings and structures should blend into the landscape
- Site is an appropriate use in open countryside
- Hatchery building is sited close to rearing pools for biosecurity reasons
- Activity is separated from neighbouring residential properties
- Opportunities are taken for landscape and nature conservation enhancement
- Buildings are of modest scale and appropriate to the rural setting
- Proposed lakes cover an area of about 2.4 hectares but are cut into the existing landform and have little impact beyond the site
- Buildings and polytunnels are located away from Coole Lane and therefore from public viewpoints will appear in the middle distance
- Hatchery building is of agricultural appearance
- Temporary dwelling is of wooden sectional construction capable of being dismantled
- Buildings are proposed in a cluster
- Level access suitable for the disabled will be provided

Ecological Survey and Protected Species Assessment (Prepared by BIOTA Dated February 2009).

Main points are:-

- Phase 1 habitat survey and protected species assessment undertaken
- Site comprises improved grassland and no ponds located on site
- Several ponds located within 250m but majority have dried out
- Single pond on southern boundary is heavily shaded and eutrophic
- Habitat Suitability Score (HSI) is below figure of suitability for great crested newts
- Within the site are a number of trees and none are of a suitable size to support any bat roosts
- No evidence found of any badger activity
- Water course to the northern boundary was examined for evidence of riparian mammals (water vole, otter) but no evidence found
- Proposed development will not have an adverse impact on any protected species
- Site is of low importance for nature conservation in a local and regional context
- With sympathetic landscaping and planting, the proposed development will provide opportunities for nature conservation through planting of woodland areas, creation of wildflower areas, creation of new ponds not stocked with fish, use of reed beds and settlement pools, re-instatement of watercourse that formerly ran through the site and planting of black poplar along the watercourse

Project Outline and Fiscal Projections Report (Prepared by W. Brian Reilly and Bianca S. Seipp dated March 2009).

Main points are:-

- Considerable site selection search was undertaken
- Project seeks to make quality populations of selected species of native coarse fish in order to provide a unique angling experience
- Intended that stocking will be self sufficient
- Years 1-5 covers initial acquisition of stocks plus growth of stock
- Years 6 onwards will convert lakes to high quality angling venues
- Existing angling venues in south Cheshire tend to orientate to the lower end of the market
- Minimum level of return after year 6 is £150,000
- Fiscal projections have been prepared from a detailed location-specific evaluation by Dr Bruno Broughton
- Total capital expenditure implications amount to £538,000 which will be met by personal resources of the project principals
- Chronology of site search is included which details sites searched since 2006

Speed Survey (Prepared by Bryan G Hall Consulting Civil and Transportation Planning Engineers dated 17th June 2009)

Main points are:

- Speed survey undertaken in accordance with recommendations of TD22/81: Vehicle Speed Measurements on All Purpose Roads
- 85th percentile wet weather journey speeds obtained
- Northbound 39.4mph
- Southbound 33.5 mph
- Corresponding visibility splays as 2.4 x 120m to the south and 2.4 x 90 to the north

10. OFFICER APPRAISAL

Principle of Development

The site lies outside a settlement boundary and is therefore defined as open countryside. Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan permits development essential for outdoor recreation within open countryside. The proposed fishery development is intended as a leisure/recreation facility and Policy RT.6 (Recreational Uses in Open Countryside) of the Local Plan permits such uses provided that a series of criteria are met. These include, inter alia, that they do not harm the character or appearance of the countryside, that access roads are suitable for the likely traffic generation, adequate car parking is provided, they can be integrated with other visitor attractions and that they can be accessed by a range of means of transport. The policy also requires that wherever possible, existing buildings should be re-used and that any new buildings should be sited close to existing buildings and should blend into the landscape.

The overarching national planning guidance is set out in PPS.7 and at paragraph 16 states that Local Planning Authorities (LPAs) should support other countryside-based enterprises and activities which contribute to rural economies, and/or promote recreation in and the enjoyment of the countryside. Paragraph 34 recognises that tourism and leisure activities can sustain many rural businesses, are a source of employment and help to support the prosperity of country towns and villages. The guidance states that local planning policies should be supportive of sustainable rural tourism and leisure which enrich but do not harm the character of the countryside. It goes on to advise that large scale tourism and leisure proposals should be carefully weighed up in terms of their advantages and disadvantages and that advice in PPG.13 should be followed in cases where high volumes of traffic may be generated. At paragraph 35 PPS.7 advises LPAs to support the provision of general tourist and visitor facilities in appropriate locations and that new facilities should normally be provided in, or close to service centres or villages. This also states that appropriate facilities should be allowed providing they do not detract from the attractiveness of the surrounding countryside. At paragraph 36 PPS.7 states that facilities requiring new buildings may be justified where they are required in conjunction with a particular countryside attraction and that there are no suitable existing buildings or developed sites available for re-use.

Paragraph 26 of PPG.17 provides further guidance in considering recreational proposals in rural areas and states that developments likely to attract large numbers of participants or spectators should be located in or on the edge of country towns. It also states that special justification is required if they are to be located in open countryside, although proposals for farm diversification should be given favourable consideration. Finally it states that all proposals should be designed and sited with great care and sensitivity to its rural location.

Relevant policies within the RSS also provide support for a more diverse economic base in rural areas and state that exceptionally development will be permitted in open countryside where its location cannot be accommodated elsewhere. The site lies within the Weaver Valley Regional Park which is a regional project promoting opportunities to create a major recreational resource in Cheshire. The key aims of this project include developing cycling and walking activities, creating new job opportunities and developing the distinctive landscape and biodiversity resource. However, this project is in draft form and accordingly can only be afforded little weight.

Policy NE.12 (Agricultural Land Quality) seeks to avoid the loss of the most versatile agricultural land and specifically grades 1, 2 and 3a unless the need for the development is supported in the local plan. More recent guidance in PPS.7 states that this should be taken into account alongside other sustainability considerations. The land classification of the site is 3 and so consideration must be given to the loss of this land for agricultural uses. However, much of the land within this area falls within grade 3 and the proposed development is considered to comply with the thrust of planning policies which support in principle the use of land for recreational purposes. Furthermore it is considered that there are wider benefits in regard to the improvements to biodiversity which outweigh the loss of agricultural land in this instance. These will be discussed in detail later in this report.

Although the relevant planning policies do not specifically require applicants to undertake a sequential approach to site selection they do seek to ensure that use is firstly made of any existing buildings before allowing new structures to be erected in open countryside. Prior to submitting the current application the applicant has undertaken a search for alternative sites before eventually choosing the current site. The alternative sites considered have been outlined in the supporting information and include a variety of locations at Mollington (Chester), Weston, Whitchurch, Kerridge (Macclesfield) Great Barrow, Buerton and other sites owned by British Waterways. The thrust of national and local planning policies support, in principle the development of tourism and leisure facilities such as that proposed in open countryside and it is reasonable to conclude that fishery/angling developments require a rural location as sufficient land would not be available within urban areas. However, in regard to the appropriateness of this particular site a detailed assessment of the impacts and benefits arising from the development is required.

Impact on landscape character

A key consideration in determining this application is the impact upon the character and appearance of the open countryside. The site comprises improved grassland and undulates with the lowest point roughly half way between the western and eastern boundaries. Views of the site are permissible from the surrounding area although as the local topography gently undulates the site is not unduly prominent and benefits from existing natural screening from mature hedgerows and trees along the site boundaries. A public footpath (Newhall 35) runs to the south of the site although this is over 150 metres from the southern boundary.

The proposed development will significantly alter the character of the land through the introduction of buildings, construction of the internal access track and car park, excavation of rectangular fish rearing pools and also the formation of four large fishing lakes. Accordingly there will be some visual harm to the character of the open countryside although the significance of this will depend on the specific nature of the site and proposals.

With the exception of a small toilet block the proposed buildings and fish rearing pools are clustered together towards the north of the site. The fish rearing pools, although sizeable and of a regular shape will not project above ground level and the applicant proposes to screen these with a new native hedgerow. The proposed polytunnels would sit to the east of the rearing pools and would have a modest height of 3.5m. The proposed hatchery unit has a sizeable footprint although is restricted to 4m in height. This building would be set well back from the road frontage and so would not appear unduly prominent within the landscape. The building would be constructed from corrugated profile sheeting similar to

modern farm buildings and accordingly would not be unduly striking or alien. The proposed dwelling would sit to the immediate south of the main operational area and comprises a two storey building. However, it is proposed of timber construction and has its narrowest elevation facing towards Coole Lane. Again this building will be set well back from the road frontage and would be constructed in an existing hollow which is approximately 2m lower than the road level.

The proposed fishing lakes are the most significant visual impact on the site given their overall size. The lakes vary in area from 1.3317, 0.3753, 0.3268 and 0.3156 hectares respectively. However, these have been designed predominantly to fit around existing contour lines on the site and are of irregular shape although will require the construction of some embankments. The lakes are contained to the eastern half of the site and are therefore over 180m from the Coole Lane road frontage. Views of the lakes will therefore be limited although they will be visible from the upper floor windows of nearby housing and glimpses of them may be obtained from Coole Lane. However, this will be restricted and would be further screened by additional woodland planting proposed adjacent to the south east of the site.

The proposed access track and car park also meander through the site from the western boundary with Coole Lane to a point roughly in the centre of the site between the four fishing lakes. Two separate access spurs are proposed off this central track to serve the hatchery and fish rearing areas and also the proposed dwelling. Whilst this represents an incursion into the open countryside the visual impact of the access would not be severe given its predominantly limited width (3.5m). The Highway Authority have requested a condition which would result in a widening of the track at the entrance to the site and at several points along its route. However, this would still result in a maximum width of 5.5m and would not be unduly prominent. In addition the proposed car park has an irregular shape which reflects those of the fishing lakes and is also proposed at one of the lowest points of the site.

Overall the proposed development will significantly alter the character of the landscape from its current agricultural appearance. However, the position of the proposed works would reduce the prominence and impact upon the wider area and with appropriate landscaping and screening could be assimilated into the surrounding landscape without significant visual harm.

Sustainability

The thrust of national and local planning policies seeks to secure appropriate sustainable development in open countryside and a clear emphasis is on providing alternatives to the private car. Development on the edge of existing settlements is more likely to have access to public transport and sustainable transport choices than sites more remotely located. In this instance the site is not located close to, or within convenient walking distance of a bus route and so offers limited sustainable travel choices for its potential users and staff. However, the nature of the proposal means that it would be difficult to site close to an urban area given the amount of land required.

Notwithstanding the above the site is located on a designated cycle route and is also within a short distance of the Shropshire Union Canal towpath. Both of these routes pass through the village of Audlem (approx 3 KM) to the south east and PPG.13 advises that cycling has potential to substitute short car trips, particularly those under 5km. The applicant also proposes on site cycle parking. Notwithstanding this in reality it is likely that

the majority of visitors to the site would arrive by private car given the requirements to carry bulky angling equipment. However, it is important to provide a choice of transport mode and in this case the location on a designated cycle route carries weight. However, it is recommended that in order to encourage sustainable travel choices on the site, particularly for staff a green travel plan should be secured by condition.

Justification for dwelling

The applicant proposes to erect a timber dwelling on the site for a period of 3 years in order to fully demonstrate the financial viability of the scheme, whereupon a planning application will be submitted for a permanent dwelling. The applicant makes the case that the living accommodation is needed for the site manager in order to provide 24 hour supervision of the fish rearing operation and to maintain biosecurity and tend to emergencies. In addition it is intended to accommodate night fishing by appointment which would require a 24 hour on site supervision. The proposed dwelling is in excess of the 140m² maximum dwelling size for functional workers as set out in the supporting text to Policy RES.5 of the Replacement Local Plan. The proposed dwelling measures 167m² although the first floor of this building provides office, storage and meeting area for the business so in reality is a dual use building.

Guidance on the considerations for occupational dwellings is contained in Annex A of PPS.7 which states that special justification is needed for isolated new houses in open countryside. The guidance advises that there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged with an enterprise to live at, or very close to their place of work. In the case of temporary dwellings a series of tests are set out which must be satisfied and these are as follows:

- Clear evidence of a firm intention and ability to develop the enterprise
- Functional need
- Clear evidence that the enterprise is planned on a sound financial basis
- Need could not be met by another existing dwelling or any other existing accommodation in the area
- Other normal planning requirements are satisfied

In regard to the functional requirement for the dwelling the applicant states that this is required to allow for biosecurity, 24 hour management of the facilities and also to prevent vandalism and theft. There are no other buildings on the site that could provide alternative accommodation to that proposed and the applicant refers to the prohibitive costs of existing dwellings in the locality. It is understood that the fish species reared at the site will be valuable and that as a result it is reasonable to require substantial security for the site. The operation of the angling uses may require an on-site presence due to the hours of use which will include night time fishing. However this part of the business will not commence for 5 years due to the lengthy set up phase where the lakes will be stocked with fish. Further information is being sought from the applicant in regard to the functional need for a dwelling on the site.

In regard to the financial test the applicant has submitted a Project Outline and Fiscal Projections document which sets out the business plan for the scheme. At the time of writing this report this document is being assessed and the outcome of this will be reported in the updates to the committee.

Further information and assessment is required in regard to the acceptability in planning terms of the proposed temporary dwelling and whether this meets the functional and

financial tests set out in PPS.7. This is on-going and the outcome of this will be reported to the committee as part of the updates. Depending on the outcome of this the recommendation is either to approve in accordance with the conditions listed in section 12 of this report or if it is not considered to satisfy the functional and financial tests to refuse on the grounds listed at the end of section 12.

Highway Impacts

Significant concerns have been raised by local residents in regard to the suitability of Coole Lane to cope with any increased traffic demand and this requires careful consideration. Coole Lane is a rural road running from north to south and is in poor condition with pot holes and worn edges. The road narrows in places and to the north of the site passes over a canal bridge. Residents report problems in terms of the condition of the road and its usage and also refer to a recent permission for a marina on land to the south of the site which it is said will add considerable additional volumes of traffic onto Coole Lane.

The Highway Authority have been asked to look into these points and consider whether the traffic generated by the proposed development is acceptable in highway terms given the nature and capacity of Coole Lane and also whether satisfactory visibility splays can be achieved at the entrance of the site to enable vehicles to enter and exit safely. The Highway Authority subsequently requested that the applicant produce a speed survey of traffic along this section of Coole Lane and this has demonstrated that the 85th percentile speed reading is 39.4mph in the northbound direction and 33.5mph in the southbound direction. This therefore requires a visibility splay of 2.4m x 120m to the south and 2.4m x 90m to the north. The Highway Authority have confirmed that this is acceptable and achievable.

In discussions the Highway Authority have acknowledged the condition of Coole Lane and that it is narrow in places for example close to the canal bridge to the north of the site. The applicant has explained the likely traffic levels in the supporting planning statement. It is estimated that when fully operational the facility will generate 1 or 2 staff vehicle movements per day and in terms of deliveries estimates one vehicle per month. It is envisaged that the majority of anglers will arrive by car and that 15-20 cars would arrive or leave the site during peak periods. Additional visitor traffic would be spread out mainly during the day with limited movement during the evenings. Cumulatively this represents a low level of potential additional traffic onto Coole Lane. Furthermore even with the additional traffic added onto Coole Lane from the approved Marina development to the south this is not considered to be an unacceptable increase in traffic levels on Coole Lane.

In regard to the types of vehicles using the site these will predominantly comprise cars rather than commercial or heavy goods vehicles. The applicant has stated that any excess fish reared on the site not needed within the fishing lakes will be sold off to other fisheries. However, this part of the business would be done annually and accordingly is likely to result in nominal traffic generation. The fish rearing ponds and hatchery unit are intended primarily as a bio secure resource to stock the fishing lakes initially during the set up phase and then to repopulate the lakes following any losses through natural mortality and predation.

38 parking spaces are proposed mainly within a single central area and this is considered sufficient to provide for the traffic demands resulting from the development. The Highway Authority have also requested controlling conditions to ensure that the access track is

constructed to a width of 5.5m with a 10m radius for the first 15 metres and that the access road should be no less than 3m wide with intervisable passing bays. In addition it is requested that any gates should be set back at least 10.5 metres. Whilst the concerns of local residents in regard to traffic matters are noted, on the basis of the evidence submitted it is not recommended that there are highway reasons to refuse the application.

Amenity

The site is located in a rural area although there are a number of residential properties scattered within the surrounding area. The closest of these properties are at Pinnacle Farm and adjacent Pinnacle House which sit to the south west of the site. In addition further properties along Coole Lane are visible to the south of the site including at The Beeches and at Sandown Reach. The impact of the development upon the amenity of the occupants of these and other properties in the area is a material consideration.

Whilst the proposal will be noticeable from nearby properties in regard to comings and goings and general activity on the site it is not considered that the proposed use of the site for angling is likely to generate significant levels of noise due to the nature of the activity proposed. In addition the areas of the site where groups of people are likely to congregate such as within the car park and operational areas of the site (hatchery building/rearing pools/polytunnels) and proposed dwelling are located a reasonable distance from the curtilage of nearby properties and it is not considered that the occupants would incur a loss of amenity through either noise or disturbance or through any significant loss of privacy. This is equally the case for the fishing lakes with the nearest lake over 150m from the curtilage of Pinnacle Farm and Pinnacle House and anglers using these lakes will not have an intimate view into the gardens of nearby houses. The Environmental Health officer has commented on the application and raised no objection to the proposals subject to conditions to control proposed lighting on the site, acoustically attenuating any externally mounted equipment and position of any mobile mechanical plant. All of these matters can be controlled by planning conditions.

The proposed internal access track to the development would pass within 100m of the side elevation of the adjacent housing and this would be noticeable to the occupants of this dwelling. However, when considering the proximity of this track to the adjacent dwelling and also the amount of traffic that would pass along here serving the development it is highly unlikely to result in a direct loss of amenity to the adjacent occupants.

Impact on ecology

Circular 06/2005 makes it clear that the presence of protected species is a material consideration when a planning authority is considering a development proposal which would be likely to result in harm to the species or its habitat. It also states that the presence or otherwise of protected species and the extent that they may be affected should be established before planning permission is granted. In March 2008 following advice from Natural England the former Crewe and Nantwich Borough Council produced guidance on the requirement for protected species surveys and this sets out a series of criteria that are applied depending on the nature of the site and the development proposed.

Great Crested Newts (GCN)

A Phase 1 habitat survey has been completed by a suitably qualified ecologist appointed by the applicant in order to assess the impact of the proposed development upon any GCN species or habitat. The survey looked at ponds within 250m of the site and a total of 4 have been surveyed. There are no ponds within the application site although several are shown within 250m of the site. The majority of these ponds were found to be dried out and the remaining ponds were found to have Habitat Suitability Scores (HSI) below the figure of suitability for GCN. The Council's guidance on the requirements for GCN surveys prescribes a survey area of 500 metres for major developments (over 1 hectare site area) although does state that for large developments it may sometimes only be necessary to survey ponds within 250m away. The Council's ecologist has accepted the latter distance as reasonable in this instance given that this area is of some but not outstanding value to GCN. In addition Cheshire has a significant quantity of ponds and the ecologist reports that as a result of this surveys have tended to be limited to 250m with a 500m requirement reserved for those developments considered to have high impacts. This is not the case with the proposed development and it is therefore considered that the proposal would not result in any adverse impact to GCN species or habitat.

Bats

There are a number of trees on the site and some of these will be removed as part of the development. The applicant's ecologist has surveyed the existing trees and concluded that none support bat roosts. The Council's ecologist found one of the trees to have extensive dead wood and small cavities and subsequently requested a more detailed appraisal for bats. This was subsequently undertaken by the applicant's ecologist who found no bat activity associated with this tree. On the basis of this no further mitigation measures have been considered necessary by either the applicant's and Council's ecologists.

Water Voles

The stream running to the north of the site was examined for signs of water vole activity firstly in January and following a request by the Council's ecologist, was further surveyed in June. No evidence of water vole activity was found.

Otter

No evidence of otter activity was recorded in the adjacent stream although the applicant's ecologist notes that otters are known to be present on the canal approximately 500 metres to the south of the site.

Having considered the ecological survey the Council's ecologist has concluded that overall the site's nature conservation value is low. In addition the proposed development is considered to make a positive contribution to local biodiversity through additional woodland planting, creation of wildflower areas, creation of new ponds that will not be stocked with fish and will be suitable for amphibians, use of reed beds and settlement pools, re-instatement of the watercourse that is currently in culvert on the site and the planting of Black Poplar. The principle of this is also acceptable to Cheshire Wildlife Trust although in their detailed comments have highlighted the need for certain specific measures which will improve the attractiveness of the site to wildlife. These can be controlled via conditions which will require a detailed landscaping and mitigation scheme.

On this basis it is considered that there are no ecological grounds to refuse the application and that significant weight should also be given to the biodiversity benefits described above.

Impact upon Water Environment

Surplus water from the fishing lakes and rearing pools will drain through new settlement ponds, reed beds and a new open watercourse into the existing stream which runs along the north eastern boundary of the site. Foul drainage will be disposed of via a package treatment plant. The Environment Agency has raised no objection to these arrangements but has requested a condition to ensure that screening is provided to prevent fish escaping via the overflow channels. This can be secured via a planning condition.

EIA/Other matters

The Environmental Impact Assessment Regulations (1999) set out criteria to be used in determining whether proposed developments are considered to require an Environmental Impact Assessment (EIA). The regulations include schedules of developments that could require an EIA. If any development proposal falls within schedule 1 of the regulations it will automatically require EIA. If however, any development falls within schedule 2 of the regulations it may require EIA if it is considered to result in significant environmental impacts. These impacts can be either positive or negative. In this instance the proposed development is intended predominantly as a recreational facility and fish reared on site are not being produced for food but for leisure purposes. The majority of the fish would be reared to stock the angling pools and lakes on the site although the applicant has indicated that any excess would be sold on a yearly basis to other angling facilities. This type of development does not fall within either schedule 1 or 2 of the EIA regulations and is therefore not considered to require an Environmental Impact Assessment and does not require a formal screening opinion by the Local Planning Authority.

The adjacent residential property at Pinnacle Farmhouse on Coole Lane is a Grade II listed building and accordingly the impact of the development upon this building is a material consideration. However, in this instance the proposed lakes, buildings and access track will be located a sufficient distance from this dwelling and will not as a result be seen as connected or related to the dwelling or its curtilage. Accordingly it is not considered that there would be an adverse impact on the setting of the listed building.

11. CONCLUSIONS

The proposed use of the land for fish rearing and angling complies with the thrust of planning policy which seeks to restrict development in rural areas to those uses which are appropriate and which require a location in open countryside. The proposed fish rearing and angling facility requires a considerable amount of land and accordingly will require an open countryside location. The site is not located close to public transport links but is within a 5km cycling distance of Audlem village and is located on a designated cycle route. The proposed development will not result in a significant prominent adverse impact upon the character and appearance of the landscape due to the position, topography and existing and proposed screening. The proposal will not result in an adverse impact to protected species or their habitat and is considered to represent an opportunity to increase bio-diversity through the planting of trees, wildflower meadow, reed beds, ponds and re-instatement of a watercourse. The proposal is not considered to generate significant levels of traffic onto Coole Lane and satisfactory visibility splays can be

achieved at the point of access into the site. The proposal is not considered to result in adverse impacts upon the amenity of adjacent residential properties and will not result in adverse impact upon the local water environment.

The proposal involves a temporary workers dwelling and further assessment of whether this complies with the functional and financial tests set out in PPS.7 is required and the outcome of this will be reported to the committee as part of the updates.

12. RECOMMENDATIONS

EITHER:

Subject to further assessment of the proposed temporary workers dwelling and that this is considered to comply with the functional and financial test set out in PPS.7:

APPROVE subject to the following conditions

- 1. Standard**
- 2. Materials**
- 3. Surfacing materials**
- 4. Access details**
- 5. Visibility splays**
- 6. Passing places**
- 7. Setting back of gates**
- 8. Width of access**
- 9. Landscaping scheme to include all new woodland planting and wildflower areas outside the application site and reed beds, watercourse, settlement tanks, ponds and other planting**
- 10. Landscape implementation**
- 11. Design of overflow channel screening**
- 12. Details of any lighting**
- 13. Acoustic attenuation of ancillary mounted equipment**
- 14. Location of mobile mechanical plant**
- 15. Temporary dwelling (3 years only)**
- 16. Occupation of dwelling restricted**
- 17. Removal of PD for extensions/alterations for temporary dwelling**
- 18. Phasing plan**
- 19. Final site levels to be agreed**
- 20. Biodiversity management plan**
- 21. Drainage details**
- 22. Storage and disposal of waste**
- 23. Construction mitigation measures**
- 24. Green travel plan**
- 25. Cycle parking**
- 26. Approved plans**

OR:

Subject to further assessment of the proposed temporary workers dwelling and that this is considered not to comply with the functional and financial tests set out in PPS.7:

REFUSE:

The applicant has failed to demonstrate that the proposed temporary dwelling meets the functional and financial tests set out in Annex A of PPS.7 and accordingly this conflicts with Policy RES.5 (Housing in Open Countryside) and NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and PPS.7.

LOCATION PLAN:



09/0819N – Land adjacent Pinnacle Farm Coole Lane Newhall

N.G.R. - 364.825 345.469

Reproduced from the Ordnance Survey Map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings.

Cheshire East Council licence no. 100049045.

Not to Scale

This page is intentionally left blank

Planning Reference No:	09/1127C
Application Address:	Mossley House, Biddulph Road, Congleton, CW12 3LQ.
Proposal:	The demolition of existing property and the redevelopment of the land, including 43 No. 1, 2 and 3 bed use class C2 residential accommodation with care, car parking, landscaping and associated works.
Applicant:	Mr Dean Fisher Gladman Care Homes Ltd
Application Type:	Full Planning Permission
Ward:	Congleton Town East
Registration Date:	1 st June 2009
Earliest Determination Date:	10 th July 2009
Expiry Date:	30 th August 2009
Date report Prepared	12 th August 2009
Constraints:	

SUMMARY RECOMMENDATION: Refuse on the grounds of poor and inappropriate design and the failure to provide a level of affordable housing.

MAIN ISSUES: Principle of the development, design and scale, provision of affordable housing, amenity of neighbouring properties, impact on protected trees, impact on protected species and highway safety.

1. REASON FOR REFERRAL

Major Development

2. DESCRIPTION AND SITE CONTEXT

The site is the setting for Mossley House located on Biddulph Road and approximately 2km from Congleton town centre. It has an irregular shape and total area of 0.78 ha. Mossley House and its extensive rear buildings forms a 2-storey linear building of about 55m long and 14m wide at the widest part.

The main house is a late 19th century brick building with stone window surrounds and a small 3-storey tower to the side. The south elevation is the main elevation and has a prominent central bay over the main entrance door. The stable building to the rear is attached to the main house by a rear extension of similar dimensions. The original house has been prone to unsympathetic extensions and alterations in the past.

The house and outbuildings are set in a large garden that contains many mature trees around the edge of the site and to the front of the existing house, as well as substantial hedgerows along the southern boundary. Some of these trees are protected by TPO and allow significant screening.

The current access is from Biddulph Road to the west of 'The Lodge' that is also in the ownership of the applicant but is not part of the application site. There are two other disused

access points to the site off Biddulph Road and on the corner of Biddulph Road and Reades Lane respectively.

Mossley House is located in a residential area, characterised mainly by detached 1 and 2-storey family dwellings. The land slopes to the south and east with the neighbouring residential properties to the east being at a lower level than the application site.

3. DETAILS OF PROPOSAL

The proposal seeks to demolish the existing buildings on the site and construct a three storey apartment block of a height of between 11m and 12.3m, set back 40m from the road. It would be sited in the centre of the site and would be 70m long, 27m wide at the end nearest to Biddulph Road and 21m wide to the rear of the site.

The development would provide 43 apartments for people aged 60yrs and over who are considered to be in need of care. It would comprise 7 one bed apartments, 33 two bed apartments and 3 three bed apartments. In addition there would be a communal lounge and restaurant, managers office and facilities for 24hr care, computer room, library, assisted bathroom and WC and gymnasium. 45 parking spaces would be provided, which would include 3 for disabled use.

4. RELEVANT HISTORY

08/0552/FUL - 2008 Refusal for demolition of existing property and development of 37no. 1 and 2 bed. retirement apartments with associated access, car parking, landscaping and ancillary works

5. POLICIES

The site is not allocated in the Local Plan but the following policies apply:

PS4 – Towns

H1 & H2 – Provision of New Housing Development

H4 – Residential Development in Towns

H13 – Affordable and Low Cost Housing

GR1 – New Development

GR2 – Design

GR3 – Density, Housing Mix and Layout

GR4 – Landscaping

GR6 – Amenity and Health

GR7 – Pollution

GR9 - Accessibility, Servicing and Parking Provision

GR22 – Open Space Provision

NR1 – Trees and Woodlands

NR2 – Statutory Sites

NR3 - Habitats

SPG1 – Provision of Public Open Space in New Residential Development

SPG2 – Provision of Private Open Space in New Residential Developments

SPD6 – Affordable Housing and Mixed Communities

SPD14 – Trees and Development

6. CONSIDERATIONS (External to Planning)

Housing

Local Housing Need: The Draft Older Persons Housing Strategy for Congleton Borough demonstrates a need for high quality leasehold accommodation for the elderly within the Borough.

Affordability: - In line with Supplementary Planning Document 6 (Affordable Housing and Mixed Communities) we would expect 30% of the site to be classed as Affordable Housing. This housing should be in line with the definition in PPS3 which includes social rented housing or intermediate affordable housing including shared equity schemes. Of this 30% we would ordinarily expect 50% to be social rented and 50% to be either shared ownership or discounted for sale, however in the case of leasehold elderly persons accommodation contained within one block, due to the problems with service charges, we would not expect there to be any social rented or shared ownership delivered on site. What would however be acceptable is discounted for sale units. This allows the lease and service charges to be exactly the same on all units but allows those with less equity or savings to access the same scheme therefore providing affordable housing and satisfying a local need.

Environmental Health:

Contamination

The investigation reports elevated levels of Arsenic, Dibenzo(a,h)anthracene and Benzo(a)pyrene in at least four locations and makes a number of recommendations for further investigations. Initially, further investigation is required to determine if the contamination is wide spread across the site. As the contamination found on site is not considered to be volatile, it is considered unnecessary to undertake any further testing in the footprint of the proposed building and all further testing should be concentrated within the garden area. In addition an asbestos survey should be undertaken and appropriate actions taken dependent on the results. It is recommended that further works are carried out prior to the commencement of construction; these are detailed in the Phase 1 ground investigation report.

Air Quality

Due to the introduction of new exposure close to existing sources of air pollutants an air quality impact assessment should be submitted prior to the commencement of development.

Amenity

In order to protect the amenities of people in this residential area information should be submitted for approval relating to noise produced by fans, compressors and other equipment with the potential to create noise and odours. Details of any external lighting should also be submitted to ensure that there is no spillage into neighbouring residential properties. Hours of construction and times when vehicles can access the site should be conditioned in order that disruption is kept to a minimum.

Cheshire Police Crime Reduction Advisor

Requests that the following issues are given consideration:

- Controlled access in the public areas

- Lighting levels
- Height and size of vegetation providing cover for potential criminals

United Utilities

State that the development would be adjacent to/include their electricity distribution equipment and the applicant must ensure that access rights are maintained and that the equipment is protected.

Highways:

The Strategic Highways Manager states the following:

- I have assessed the information in the Transport Assessment by Ashley-Helme Associates and find its content supports the application detail. There is comprehensive reference to National and Local policy documents regarding sustainability and the benefits this will bring to the site.
- have checked the offered (and available), visibility at the site and accept them to show satisfactory levels of visibility for the development traffic generation.
- The proposal for a double access with one for access and one for egress is an arrangement which is not usual in its configuration, however in considering a holistic approach to development I am conscious of the fact that there are tree preservation issues within the site which will be supported by the proposed style of access. On this basis and considering that the position of the proposed points of access and visibility are acceptable, I find the offered design to be acceptable.
- Given the claims for the sustainability of the site there will need to be clear provision of a footway link to the major road and its footpath infrastructure. I consider that there should be a pedestrian access to Biddulph Road at or adjacent to the north-west access.
- In viewing the application data there is no mention of access for refuse vehicles to service the development. Clearly this type of development and its end-users will require that wheelie bins and recycling containers be accessed within the site by refuse collection vehicles. This means that it must be made clear that there is sufficient room and geometry for service vehicles to access the site to collect waste and re-cycle waste. I must therefore recommend that the applicants or their agents provide a drawing showing the access/egress 'tracked' for those service vehicles which will need to access the site and robustly demonstrate that this level of access is available. This should be provided prior to determination.

Senior Landscape Officer (SLO):

Trees

Trees on and adjacent to the site are protected by the Henshall Hall Congleton TPO 1978 and the Henshall Hall No. 2, Congleton Tree Preservation Order, 1995. The trees make a significant contribution to the character and visual amenity of the area. There are also a number of trees on site which are not subject to protection but which collectively contribute to screening of the existing building.

The original submission included a tree survey dated July 2007. From observations on site the survey is considered to be out of date. An updated tree survey dated July 2009 was subsequently submitted, however the following issues are still of concern.

A number of protected trees would have to be removed in order to accommodate the development and further specimens on health & safety grounds. A number of protected trees are likely to be at risk of damage from construction works.

Whilst the removal of any healthy TPO tree is of concern, the loss of the individual protected trees identified for removal in order to accommodate the development would not in my view have significant impact on the character or appearance of the site. However, the removal of both protected and unprotected trees, specifically to the west of the site, will open up views into the site.

Of greater concern is the potential impact on trees shown for retention, in particular where such trees would help to provide screening for the site and are prominent to public view from outside the site. There are significant areas where there would be hard surfacing within tree root protection areas and where there would be extensive construction traffic movement. In the vicinity of the proposed parking areas, new sections of driveway, and at pinch points around the building where construction access is required, special protection measures and construction techniques would have to be employed. In order to prevent damage to trees, such measures would need to be in place prior to any construction works. The construction management plan 3460-04 indicates how the site could be constructed and site works managed. The content of this plan confirms my view that there are significant constraints to development of the site.

With regard to screening of the site as a whole, it should be noted that the areas of trees to the south and south east of the building include a proportion of evergreen trees. The majority of the trees, which would be retained to the west, north and north east of the site, are deciduous and their screen value would be reduced in winter.

The extent to which potential harm could be mitigated would rely entirely on protection measures and special construction techniques being employed scrupulously throughout the course of the development.

Biodiversity.

The submission included an extended Phase 1 habitat survey dated October 2007 and a separate report of survey for bats, barn owls and badgers dated 3 April 2008. These were considered to be outdated and as such further reports were requested.

Extended Phase 1 Habitat Survey dated May 2008.

This survey replicates much of the content of the 2007 survey with some amendments in relation to the Dane in Shaw Pasture SSSI and Dane in Shaw Meadows SBI (Section 5. The ecologist considers that the development will have no direct adverse impact on the SSSI or the SBI and no recommendations are made regarding these sites.

Following the initial survey work in February 2007, this report covers additional survey work in respect of Barn Owl, Badgers, Bats, Amphibians and Reptiles. Whilst no evidence of protected species of reptiles or amphibians is reported, and no evidence for Barn Owls, the

site is reported to support two protected species. Specific mitigation is proposed in respect of these species and in the event the application is deemed acceptable, a mechanism will be required to secure the mitigation.

Natural England

Objected to the application on the grounds that there was insufficient information accompanying the application from which to ascertain the possible impact of this development on Dane in Shaw Pasture Site of Special Scientific Interest. This had also been the case with the previous application and further information was supplied which overcame their objections. It has not been possible to reconsult Natural England in the time frame available, but it is considered that given their response to the same information in relation to the previous application the development would be considered to be acceptable. However an update note will be provided to Committee detailing any further response from Natural England.

Streetscape:

Have no observations relating to the provision of public open space and require no financial contributions.

Conservation Officer

Objects strongly to the proposed development on the grounds of the loss of the existing building and the design of the proposed replacement.

Urban Design Consultant

The building is not significantly improved from the earlier proposal that was refused planning permission and it is suggested that it is refused for the same reason. An analysis of heritage context reveals that the form and bulk of the building is entirely alien to the local historic context. The proposed building would overwhelm the garden context and transform the essential relationship of building and space from being one in which the houses appear surrounded by greenery to one where the greenery is divided up into small unrelated borders entirely overwhelmed by the scale of the built form. The mock traditional gables and lintel details are entirely inadequate to disguise the bulk and size of the development, and certainly do almost nothing to break up the massing. It is considered that the solid wall of development would greatly harm the character of the area. The outlook from neighbouring properties would also be harmed and the suggested remedy of hiding this intrusive form behind dense fast growing conifers would further erode the deciduous and indigenous nature of the landscape character.

It is considered that the scale of the development should be greatly scaled back, to no more than two thirds of that proposed. This would allow for a building form that replicated the strong articulation and varied massing of the existing grouping and allowed the building to be subsumed within the landscape as now.

7. VIEWS OF TOWN/PARISH COUNCIL

Recommend refusal on the following grounds:

- The Town Council considers that this is a significant building and recommended for inclusion in any future conservation area.
- Loss of trees and green area would be detrimental to the area.
- A building of this scale is inappropriate to the site

8. OTHER REPRESENTATIONS

10 letters of objection have been received on the following grounds:

- Loss of privacy
- Loss of sunlight
- Loss of daylight
- Visual intrusion
- Traffic generation and road safety
- Adverse implications for wildlife
- Disruption due to construction traffic and noise
- Loss of a building of historic character
- Poor design
- The height and scale of the building
- Overdevelopment of the site
- Deciduous screening which will only be effective for part of the year
- Threat to wildlife
- Lack of need for the development
- Loss of mature trees
- Lack of need for this type of development

9. APPLICANT'S SUPPORTING INFORMATION

- Design and Access Statement
- Heritage Statement
- Transport Assessment
- Care Statement
- Planning Statement
- Draft Unilateral Undertaking

10. OFFICER APPRAISAL

Principle of Development

The site is within the Settlement Zone Line for Congleton and there is a presumption in favour of development within this settlement boundary under Policies PS4 and H6. The current dwelling on the site is vacant and in need of some renovation and the site is not allocated in the Local Plan. It is surrounded by residential development, in close proximity to Congleton town centre and public transport facilities, on a brownfield site, and is therefore considered to be in a sustainable location for residential development. The principle of residential development on the site is considered acceptable and appropriate, subject to matters of scale and character being adequately addressed.

Design

Heritage Value:

A heritage appraisal was submitted with the application to assess the heritage value of the buildings on site focusing particularly on the main house. It assumes the site may have formed part of a larger site area. The main house is considered to be of late 19th century origin and utilitarian. It states that the house appears picturesque from a distance but on closer examination the architectural details are not of good quality.

A search of the historical maps of Congleton showed the existence of some buildings on the footprint of the existing buildings in 1845. The Conservation Officer was consulted and agreed that the building was not worthy of statutory listing but would have no hesitation in including it on the local list, although this would offer no level of statutory protection.

An application has been made to English Heritage for the building to be listed and the results of this process are awaited. Members should be aware that this cannot be viewed as having any bearing on this decision, although it may if the building is listed impact on any subsequent appeal.

Layout

According to PPS 3 new housing development should provide a mix of housing types and tenure to encourage the creation of mixed and inclusive communities. It also provides guidance on density to ensure the efficient use of land. New housing should achieve a minimum density of 30 dwellings per hectare, with higher densities being appropriate in or near town centres. The proposed development will be limited to 1, 2 and 3 bedroom apartments of a density of 55 dwellings per hectare, but it will be aimed at a niche market as retirement apartments and will contribute to providing a choice of accommodation in an area characterised by detached single residential dwellings and is considered to meet the requirements of PPS3 in this regard.

The proposed layout follows a similar orientation to the existing building with the main elevation parallel to Biddulph Road and set away from it by approximately 40m. Whilst this proposal for a single building is considered preferential, because it mirrors the existing building on the site, the layout will take up a great proportion of the developable space on site, with the result that special road and parking construction measures are required to address concerns for the integrity of the trees.

Similarly, whilst It is acknowledged that new development should aim to achieve higher densities it should be taken into consideration that a large part of the site (approximately 50%) is unlikely to be available for development as a result of the TPO trees on site thereby highlighting the intensive use of the part of the site that can be developed. As such, and having regard to relative low-density character of the surrounding area, it is considered that the high density comes at the expense of good design appropriate in its context as stated in PPS1, PPS3 and Policy GR3 of the adopted local plan.

Scale and Massing

Policy GR2 provides the design criteria that new development will be expected to meet and covers issues such as ensuring that the design is sympathetic to the character, appearance and form of the site and surrounding area, the need for appropriate landscaping and the need for the proposal to respect existing features.

The site is surrounded by detached single residential properties of varying styles from single storey to 2-storey properties. There are some 3-storey apartment blocks further to the west of the site on Hensall Hall Drive. However the proposal would be significantly greater in scale and massing than the existing building on the site or any residential development in close proximity characterised by the difference between the existing and proposed development.

Whilst the development is set back from the main road and trees along the boundaries surround it, the 3-storey apartment block of this scale and mass is considered to be out of keeping with the character of the site and the area. It is acknowledged that the roof ridge of the existing house is 9m high at its highest point but the proposed development would result in to a substantial increase in height, which will be compounded by the increase in the footprint.

Appearance

The design of the proposed building is an attempt to reflect features prominent in the nearby Park Lane Conservation Area and incorporates mock Georgian/Victorian elements. The fenestration is largely symmetrical and gives the building a vertical emphasis and the external walls are stepped in at intervals in order to try to lessen the impact of the development. Notwithstanding this however, and whilst attempts have been made to lessen the impact of the large and imposing elevations, the overall scale and massing of the building does not lend itself to these mitigation measures. This combined with the overbearing and monotonous appearance of the elevations would result in a building which would be out of character and not sit well within its setting and which is therefore contrary to PPS1, PPS3 and the adopted local plan.

Affordable Housing

The Housing Section have stated that in line with Supplementary Planning Document 6 (Affordable Housing and Mixed Communities) they would expect that 30% of the site deliver affordable housing. However they state that in the case of leasehold elderly persons accommodation contained within one block, due to the problems with service charges they would not expect there to be any social rented or shared ownership units, but that it should comprise discounted for sale units.

The applicants maintain however that the development should be considered as a care home under C2 Use Class and as such affordable housing provision is not applicable. It is considered that as the development contains apartments with 3 bedrooms and the Care Statement states that the minimum level of care for each occupant would be only 2 to 4 hours per week, that this could not be classed as a care home, but as extra care accommodation which will be sold or rented on the open market. Having regard to this the developer would be required to provide a level of affordable housing to the satisfaction of the Local Authority. In the absence of a level of affordable housing being provided by the developer, the application should be refused on the grounds of non-compliance with Policy H13 and SPD6.

Amenity

Policy GR6 requires that planning permission for development adjoining or near to residential property should not result in a loss of privacy or sunlight and daylight and SPG2 lays down minimum distances, which should be maintained between residential buildings. The proposed development would meet the requirements of SPG2 and it is not considered that there would be a loss of amenity in terms of loss of privacy or sunlight and daylight and is therefore considered to be in compliance with Policy GR6.

Highways

The scheme proposes a one-way vehicle entrance and exit to the front with access road to residents parking on the west and north of the proposed dwelling.

The application site is approximately 1.2 mile away from Congleton town centre by foot and within 0.5 mile there are shops, a post office, Congleton rail station and a church. There is a footpath alongside the carriageway that connects the site to these services.

There are two bus stops within 400m of the site on either side of Biddulph Road and both have frequent buses. As mentioned above, Congleton rail station is less than 0.5 mile away with connections that include Manchester, Birmingham and Stoke-on-Trent.

It is therefore considered that the site has good public transport infrastructure provision with good accessibility for pedestrians and cyclists. There is currently no dedicated spaces provided for bicycles but this could be accommodated on the site.

Some objections have been raised to the proposed development on highway safety grounds, namely increase in traffic, lack of parking provision and disruption from construction traffic.

The highway engineer has done an assessment of the proposed access and egress, internal layout and transport assessment. His comments are listed in this report and he has concluded that the proposed access and egress is acceptable in principle and the proposed visibility details show satisfactory levels of visibility for traffic that will be generated by the development.

He has requested further information to demonstrate that the access can accommodate refuse wagons. In relation to the impact of these vehicles on protected trees it is understood that the proposed CellWeb root protection system can cope with HGV traffic up to 40 tonnes and will therefore be able to cope with the weight of these vehicles, thereby ensuring sufficient protection for the trees.

It is considered that subject to the suitability of the access for refuse vehicles the proposal complies with Policy GR9.

Ecology - Protected Species & Nature Conservation

It has not been possible to reconsult Natural England in the time frame available, however given that the additional information submitted satisfied their concerns in relation to the previous application, it is considered that their views would be the same.

The updated Extended Phase 1 Habitat survey has concluded that there will be no direct adverse impact on the site, as a result of the proposed development. Natural England were satisfied previously with the findings of the report and that potential impacts, which could occur as a result of this proposal on Dane in Shaw Pasture SSSI, have been considered and withdrew their objections.

In conclusion, Natural England were previously satisfied that sufficient consideration has been given to protected species and the SSSI and the proposed mitigation for protected species. The proposed mitigation will be conditioned should planning permission be granted. This is subject to re-consultation with Natural England and compliance with PPS9, Circular 06/2005, the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000.

11. CONCLUSIONS AND REASONS FOR THE DECISION

The proposed development is within the Settlement Zone of Congleton and will not utilise a site, which is allocated or committed for any other purpose in the Local Plan. The proposal will not give rise individually or cumulatively, to housing supply totals significantly at variance with the provisions of policies H1 and H2 and will be in accordance with the housing provision in the Regional Spatial Strategy.

The ecology of the site has been considered and sufficient mitigation is possible to ensure habitats can be retained and enhanced. The Senior Landscape and Tree Officer has concerns that the tree survey is out of date and is not an accurate reflection of the situation on the ground and the fact that such steps are required, illustrates that the site is confined for such a large scale development. Some concerns remain for the future integrity of protected trees on the site the applicant has attempted to demonstrate that technically this could be mitigated. This will require specialised construction techniques with strict supervision during construction.

The heritage value of the existing building has been assessed by the Conservation Officer and is considered to worthy of inclusion on the local list, in addition during the process of the application a request has been made to English Heritage for the building to be listed and the results of this process are awaited. Should the building be listed an application for Listed Building Consent would be required for the demolition.

The accessibility of the site is considered to be good and contributes to the sustainability of the site. There are no objections on highway grounds provided sufficient access and egress for refuse vehicles can be demonstrated. This should not be to the detriment of protected trees.

Whilst the design of the proposal is considered to contribute to an appropriate mix of accommodation in the neighbourhood, the elevation treatment of the building is considered to be monotonous and overbearing and whilst it is acknowledged that national guidance seeks higher density development this should not be to the detriment of good design as is the case for this application. The proposed mass and scale of the development will not sit well on this constrained site. The building will be more prominent than the existing, but this in itself does not warrant refusal. Still, it is considered that a building of this size would be out of keeping with the character of the surrounding area, even if it were substantially screened. More appropriate development of sufficient density could still be achieved on the site.

12. RECOMMENDATION: Refuse

- 1. Having regard to the character of the local neighbourhood and the site, the proposal will be overdevelopment in terms of mass, scale, layout and appearance that will not be sympathetic to the character and existing features on the site and will be out of keeping with the surrounding area, contrary to PPS1, PPS3 and Policies GR1, GR2 and GR3 of the Congleton Local Plan First Review 2005.**
- 2. The proposed development fails to provide or acknowledge the requirement for the provision of affordable housing. This is contrary to Policy H13 and SPD6 of the adopted Congleton Borough Local Plan First Review 2005, which require a provision of 30% affordable housing.**

Location Plan



Planning Reference No:	09/1586N
Application Address:	MMU Crewe Campus, Crewe Green Road, Crewe
Proposal:	Erection of an Exercise Sports Science Facility, a Synthetic All Weather Pitch, Associated Car Parking and Access Works.
Applicant:	MMU
Application Type:	Full Planning Permission
Grid Reference:	371675 355122
Ward:	Crewe East
Earliest Determination Date:	15 th July 2009
Expiry Dated:	6 th September 2009
Date of Officer's Site Visit:	4 th August 2009
Date Report Prepared:	12 th August 2009
Constraints:	Settlement Boundary Development Affecting the Setting of a Listed Building

SUMMARY RECOMMENDATION

APPROVE subject to conditions.

MAIN ISSUES

The main issues are:-

Principle of development

Loss of Playing Field

The impact on the amenity of neighbouring occupiers

Siting and Layout

Setting of the Listed Building, landscape and tree issues

Elevational Detail

Flood Risk

Crime and Disorder

Ecological Impacts

The sustainability of the new building

Highway Safety

1. REASON FOR REFERRAL

This application is to be determined by Committee because it is a major development over 1000 sq.m in floor area.

2. DESCRIPTION OF SITE AND CONTEXT

The application relates to part of the existing MMU campus on Crewe Green Road in Crewe.

The wider campus consists of a mixture of buildings ranging from the original red brick and slate College buildings dating from 1908 to flat roofed buildings from the 60's and 70's that are generally now in poor condition and not fit for purpose. The best buildings are generally at the front of the campus, creating a quality frontage on entering the site. The buildings that are in the worst condition or that are the least fit for purpose currently are The Brock building to the West, and the Conference Centre at the heart of the campus.

The buildings at Crewe campus range from single storey to three storeys in height, with the older buildings generally being three storeys and the newer additions being a collection of single and two storey buildings. The rest of the site is made up of several single storey flat-roofed buildings, mostly to the centre of the main campus, and the taller, older buildings are visible on entering the site and have a strong visual impact, which helps to identify the main entrance.

The campus has an abundantly green setting. It is surrounded on three sides by strips of dense woodland, and the majority of the campus is undeveloped open parkland, groups of trees or sports pitches, with the main cluster of buildings sitting centrally. The front of the site is protected from the busy main road by a layer of mature trees and hedges. A stream runs through the site from the North West corner to the South and continues the other side of the main road. This stream is flanked by a dense strip of trees and shrubs, which forms a strong boundary between the central campus and the grassy area and halls of residence to the East.

The application site is located at the western end of the campus adjacent to the Valentine building and includes the existing sports field. It is in a prominent location and is visible from the A534, a major route into Crewe.

3. DETAILS OF PROPOSAL

Full planning permission is sought for the development of a new Sports Science Building (ESS) with associated all-weather sports pitch and car parking on the Manchester Metropolitan University's (MMU) Crewe Campus as part of the University's aspirations for MMU Cheshire, and the implementation of the MMU Estates Strategy. These proposals have emerged in response to the operational requirements of MMU, Cheshire in the context of the Alsager campus. The building incorporates a sports hall, changing suites, fitness suites, offices and laboratories. It is to be located adjacent to the existing Valentine and Brock Buildings.

4. RELEVANT HISTORY

P07/1442 - Single storey front extension to entrance. Approved 11th December 2007
P07/1612 - New performing arts centre. Approved 27th February 2008
P08/0517 - Performing Arts Centre (Revised design). Approved 23rd July 2008
P08/1076 - Campus Hub Building. Approved 16th December 2008

5. POLICIES

Regional Spatial Strategy

Policy DP 2 Promote Sustainable Communities

Policy DP 3 Promote Sustainable Economic Development

Policy DP 4 Make the Best Use of Existing Resources and Infrastructure
Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
Policy DP 7 Promote Environmental Quality
Policy DP 9 Reduce Emissions and Adapt to Climate Change
Policy L 1 Health, Sport, Recreation, Cultural and Education Services Provision
Policy RT 2 Managing Travel Demand
Policy RT 9 Walking and Cycling
Policy EM 1 Integrated Enhancement and Protection of the Region's Environmental Assets
Policy EM 3 Green Infrastructure
Policy EM 5 Integrated Water Management
Policy EM 15 A Framework For Sustainable Energy In The North West
Policy EM 16 Energy Conservation & Efficiency
Policy EM 17 Renewable Energy
Policy MCR 4 South Cheshire

Local Plan policy

BE.1 (Amenity)
BE.2 (Design)
BE.3 (Access and Parking)
BE.4 (Drainage Utilities and Resources)
BE.5 (Infrastructure)
NE.5 (Nature Conservation and Habitats)
NE.20 (Flood Prevention)
TRAN.3 (Pedestrians)
TRAN.5 (Provision for Cyclists)
TRAN.6 (Cycle Routes)
TRAN.9 (Car Parking)

The following national policy documents are also of relevance:

PPS1: Delivering Sustainable Development
PPS9: Planning Policy Statement 9: Biodiversity and Geological Conservation
PPG13: Transport
PPG17: Planning for Open Space, Sport and Recreation.
PPS25: Development and Flood Risk

6. CONSULTATIONS (External to Planning)

Environment Agency

The proposed development will only be acceptable if the following planning conditions are imposed:

- The development hereby permitted shall not be commenced until such time as a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority;
- No development approved by this permission shall be commenced until a scheme for the management of overland flow from surcharging of the site's surface water drainage system has been submitted to and approved in writing by the Local Planning Authority.

Environmental Health

No objection subject to the following conditions:

- Before the use commences in the Exercise Sports Science Facility, any proposed ancillary mounted equipment shall be acoustically attenuated in accordance with a scheme submitted to and approved by the borough council.
- Any proposed lighting of the All Weather Pitch should be submitted to and approved by the borough council due to the close proximity of local residents.
- Hours of operation for the All Weather Pitch shall be restricted to those stated in the application form i.e. 8am-10pm Monday to Friday and 9am-6pm Saturday –Sunday (including Bank Holidays).

Highways Authority

- The highways authority has concerns with this application regarding accessibility and cycle storage facilities;
- There will be approximately 4300 pupils and 700 staff attending this site with 627 spaces provided for cars and 24 for cycles;
- To the rear of the MMU site is a network of footpaths that should be upgraded to create a sustainable link between the MMU and the centre of Crewe. This will help accommodate such a significant increase in pupil and staff numbers and encourage users to walk or cycle to and from the site;
- This network of paths should be designed to accommodate both pedestrian and cyclists (shared usage) between the MMU and Macon Way and the MMU and Hungerford Road;
- The Macon Way puffin crossing will need to be upgraded to a Toucan Crossing as part of this link, as well as junction improvements, to accommodate cyclists at Macon Way junction with Earle Street and Hungerford Road;
- Secured cycle storage and temporary cycle parking facilities will need to be provided to account for the increase in pupil and staff numbers. Showers should be provided near to the cycle storage area;
- For the highways authority to support this application, the above should be carried out via a planning condition.

United Utilities

- No objection to the proposal provided as stated in the application that the site will be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse as stated. United Utilities notes the intention to provide attenuation and to discharge surface water to Valley Brook subject to the approval of the Environment Agency;
- The developer should be aware that a public sewer crosses the northern part of the site and we will require 24 hour access for maintenance and repair. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems;
- Land drainage or subsoil drainage water must not be connected into the public sewer system directly or by way of private drainage pipes. It is the developer's responsibility to provide adequate land drainage without recourse to the use of the public sewer system;
- Currently, United Utilities policy is not to adopt SUDS (Sustainable Urban Drainage System) structures. This stance has been taken as SUDS structures, typically ponds, do not align with United Utilities asset base and would represent a substantial maintenance liability.

7. VIEWS OF THE PARISH / TOWN COUNCIL

N/A

8. OTHER REPRESENTATIONS

None received at the time of report preparation.

9. APPLICANT'S SUPPORTING INFORMATION

Transport Assessment

- This Transport Assessment has been prepared to support proposals by Manchester Metropolitan University to intensify use of their Crewe Campus. The report considers the transportation impact from any increase in people movements to and from the campus which may result from those proposals.
- This report has considered existing levels and modes of access used by staff and students visiting the campus. From these existing levels an estimate of the scale of additional trip generations has been made in the context of the provision of appropriate measures to reduce the need to travel and in particular the need to travel by private car.
- Those appropriate measures have included the implementation of a Travel Plan.
- The Travel Plan will facilitate access by sustainable modes of travel by putting in place measures to support access on foot, by cycle and by bus and rail. The details of the Travel Plan are set out in a separate document.
- The resulting parking demand following the implementation of a Travel Plan is nevertheless likely to result in the need for in total an increase in parking provision to 523 parking spaces.
- Key junctions either side of the site access on the A534 Crewe Road have been assessed and it has been concluded that the increase in flows on these junctions will not be material.
- In summary having considered access to the site following implementation of the proposed development and the provision of a total of at least 523 car parking spaces on-site for staff and students supported by a Travel Plan, it is concluded that there will be no material impact on the surrounding highway network as a result of the proposed development.
- Furthermore, having considered local, regional and national planning policy with regards to the proposed development there are subject to the provisions set out in the previous paragraph, no material reasons not to accept the proposed development with respect to access.

Framework Travel Plan

- This travel plan has been produced by Colin Buchanan (CB) on behalf of Manchester Metropolitan University (MMU) in regard to the consolidation of its two out of town campus locations at Crewe and Alsager into one single site at Crewe. The existing Crewe site will be expanded to replace the loss of capacity at Alsager as part of an overall Masterplan strategy.

The content of the travel plan includes:

- A review of local policy and documentation;
- The most up-to-date knowledge of future proposals to be developed as part of the University's Masterplan;

- A comprehensive site audit, review of transport options and analysis of the staff and student travel survey data; and
- The preparation of a detailed implementation, monitoring and review timetable.
- Measures and targets defined will be applied campus-wide at Crewe. Accordingly, the travel plan will be updated in line with any future campus developments. The following targets have been set for the reduction of single occupancy vehicle (SOV) travel:
 - Staff – SOV reduction of 13% (from the existing campus baseline of 68%)
 - Students – SOV reduction of 11% (from the existing campus baseline 41%)
- These targets will be ratified through a campus wide travel plan survey carried out within 6 months of occupation of the consolidated Crewe campus. Any change in the targets will however continue to focus on a reduction of SOV travel by approximately one third. Manchester Metropolitan University aims to achieve these modal shift targets by the end of a 5 year period after the occupation of the consolidated campus, and at this time the travel plan will be reviewed and updated accordingly
- Targets are also set for years 1 and 3 after building occupation. These will allow progress to be continuously monitored, and the impact of the measures introduced to be assessed on a more frequent basis. These targets are presented both in regards to SOV reduction and new modal split targets. The travel plan itself will however be reviewed on an annual basis with accompanying staff and student travel surveys. This will account for any changes in travel behaviour with the wider MMU Masterplan.
- In this document, the travel plan sets out the suggested actions that will contribute to the meetings of these targets. Measures have been themed under:
 - Walking and cycling;
 - Public transport;
 - Car sharing;
 - Information and promotion.
- MMU will employ a Travel Plan Manager (TPM) who will be directly responsible for the implementation of travel plans across the University, and more specifically at the consolidated Crewe campus. Prior to this, the implementation of the travel plan will be managed by MMU's Environmental Sustainability Manager, with support from the Higher Education Precinct, Colin Buchanan and staff on the Crewe campus. The Environmental Sustainability Manager will continue to retain overall control of the travel plan throughout its lifetime.
- Timescales for the actions and responsibilities of the Travel Plan are also provided and set out in a timetable for implementation, monitoring and review.

Consultation Statement

- This statement illustrates how the University has ensured that it's plans for the redevelopment of the Crewe campus have been progressed in an open and transparent manner with regular updates to key stakeholders and members of the public with an interest in the site.
- It is noted that the majority of the general public support the principle of the redevelopment of the Crewe Campus and welcome the opportunities the new improved campus will bring to Crewe and the wider area.
- Key issues include concerns relating to traffic and overlooking of the new car park at the south west corner of the campus. This report has indicated how these issues have been investigated and addressed within the technical reports submitted in support of this application.

Planning Statement

The Principle of Development

The principle of the development in terms of the uses proposed can be regarded as appropriate in terms of national, regional and local planning policy through:

- Providing sufficient evidence and analysis to ensure that the development will not have a detrimental effect of the ecology or landform of the site;
- Ensuring that no development takes place on flood zone 2, and therefore minimising the risk of flooding in the developable area;
- Making provision for the development for an indoor sports facility that will benefit the development of sport in line with Sport England's Planning Policy Statement: A Sporting Future For England;
- Having effectively determined the most suitable layout for the development through a detailed options appraisal looking at the requirements of MMU; and,
- Having emerged in response to the Universities operational requirements in full consultation with the local community and stakeholders.
- The ESS building hopes to achieve a BREEAM rating of "Very Good" and has identified additional measures for consideration to achieve a rating of "Excellent".

MMU Operational Requirements

- The development proposals evolved in response to MMU's operational requirements specifically the need to provide high quality Exercise and Sports Science facilities at their Crewe Campus.
- In response to this requirement the development proposals demonstrate the campus' capacity to house the new ESS facility, the 3G synthetic all weather pitch and also the associated car parking and temporary access arrangements.
- Retain the existing grass playing pitches on the Alsager Campus and ensure the continued provision of all other indoor sporting facilities at Crewe.
- The building is likely to be operational 08:00 – 22:00 Monday to Friday, 09:00 – 18:00 at weekends, throughout the year.
- The facilities operational requirements and use are addressed in further detail within the Stage D Report, submitted in support of this Planning Application.

Design

- Detailed consideration has been given to the design and layout of the development to ensure that the proposals included within this application are presented in a coherent and logical layout.

Consultation

- MMU has sought advice from Sport England since the start of the planning process to relocate their ESS faculty from Alsager to Crewe. The main issues raised by Sport England cover the relocation of sporting provision from the Alsager Campus to Crewe.
- Since the formation of Cheshire East in April 2009 Drivers Jonas, on behalf of the University has been working closely with Sport England to arrive at an solution for sporting provision for both campus' given that both now sit under one authority.
- Consultation between MMU and Crewe and Nantwich Borough has been on going for a number of years. The Borough Council, and more recently Cheshire East Council have

been kept up to date with the University's implementation strategy and emerging masterplan throughout the evolution of the plans.

- Following the local government restructuring in April 2009, initial contact was made with planning officers at Cheshire East to outline MMU's continued commitment to delivering the development proposals and the most recent pre-application meeting took place on 29 April 2009.

Technical Issues

- A number of technical investigations have been performed in support of this submission to ensure that the identified issues associated with the development's highways, arboricultural and drainage characteristics are recognised and accommodated in a manner most appropriate to the site and the uses proposed.

- A Transport Assessment has been undertaken in support of the proposals and has indicated that the local highway network has the capacity to accommodate the increases in vehicle trips that are likely to occur as a result of the development proposals.

- A Flood Risk and Drainage Assessment was also undertaken and demonstrated the measures through which surface water may be dealt with in order to limit any potential for surface water flooding.

Economic Impact

- It has been demonstrated that the proposed development will generate a significant amount of local construction jobs during development and may create the opportunity for full time employment opportunities as the faculty of Exercise and Sport Science grows.

Conclusion

- In light of the above it is considered that the site has the capacity to accommodate the proposed development without compromising the social, economic or environmental value of the site itself and the surrounding area and will contribute to the redevelopment of MMU Cheshire and cement the University's reputation for excellence in the faculty of Sport Science.

Geo-environmental Assessment

- No significant contamination of the soils has been identified on the site. However there is a slim chance that some contamination may be present in currently inaccessible areas of the site or in the former demolished garage area. However, gross contamination is not anticipated and a watching brief should be undertaken during development to ensure no areas of minor contamination are overlooked.

- At this stage no specific remedial measures are considered necessary. No sources of contamination have been identified at this stage and the development of the foodstore and associated car park will largely remove any pathway between potential contamination and site end users.

- Imported clean soils may be necessary to support plant growth in areas of soft landscaping. This will also prevent potentially undesirable soils coming to the surface. However, it may be possible to utilise the existing topsoil in the beer garden area if an area is available to stockpile it during construction.

- The most suitable foundations at the site are likely to be a combination of pad and strip foundation founding on the firm to stiff clays. Ground bearing floors slabs are likely to be suitable.

Tree Survey

- Some trees will be lost for the development proposal as detailed in the survey sheets whilst others need to be removed for their current condition to maintain acceptable safety standards.
- The demolition and site clearance will require fencing to protect trees and areas of landscape and the supervision of a competent Arboriculturalist.
- Protective fencing and signs will be required to control the site and to prevent damage to retained trees and areas of landscape.
- A nominated arboricultural clerk of works is required to administer the recommendations contained within this report.
- Further clarification is required with regard to construction methodology for the covered walkway areas in order to fully finalise tree protection matters

Flood Risk Assessment

- The proposed application area lies within Flood Zones 1 and 2 of the Valley Brook.
- The proposed 'less vulnerable' built development (sports centre) is proposed within Flood Zone 1, with only 'water compatible' use partially falling within Flood Zone 2 (sports pitch and car parking).
- The site is not considered to require evidence that it satisfies the Sequential Test, as set out in PPS25, given the above floodplain classifications and proposed uses.
- The building floor level will be set well above the recommended minimum 50.12mAOD level (600mm above 100-year plus climate change), as the existing ground levels and existing building floor levels are well above 51mAOD in elevation.
- There is no known sewer flooding and/or overland runoff or groundwater flooding problems in the area. As mitigation against any such residual risk the floor levels will be set a minimum of 150mm above surrounding ground levels and a safe overland flood flow route provided to the proposed sports pitch and Valley Brook to the north.
- The proposed development will increase impermeable areas by approximately 63%. The additional runoff that this will result in is to be mitigated and attenuated through the use of permeable surfacing, with cellular/stone-fill storage beneath the proposed car park up to the 100-year + 20% design standard.
- The site runoff will be limited to existing rates, minus a 20% reduction in the contribution from existing brownfield areas, thereby reducing the flood risk in the wider catchment. The new drainage network will either connect to the existing network/outfall, subject to capacity/condition checks, or new connections to the Valley Brook will be sought.
- It is proposed that surface runoff from polluted areas should be treated by permeable paving/geo-textile membrane/stone fill before outfalling to the local watercourse.

Design and Access Statement

Scale

- Due to the close proximity of the new development with its neighbouring buildings and its location within the Campus, there would be a relationship between the buildings on

many levels, from the scale, form, mass, materials etc... and a tension could be created to ensure that they have a dialogue and respect for each other.

- This is further explored in the dynamics of the three main masses of the building branching from the central atrium space, creating a layered and striking aesthetic which confidently addresses its context.
- This in turn would create exciting spaces within and around the buildings and would ensure that the ESS building is established within the campus as one of its principle buildings.
- The building facades would be designed in contrast to the surrounding buildings by layering the wall planes and roof overhangs. Each end of the atrium will be fully glazed creating a building that is visually transparent and permeable when viewed from the main pedestrian axis, with the aim of increasing the animation and movement from short and medium range views.

Appearance

- Brickwork will be employed as a major cladding element to the external facades of the building. Masonry panels will incorporate contrasting texture and colour horizontal banding to denote scale; Panels would incorporate deep recessed punch openings or horizontal slots incorporating windows and doors.
- Glazing the full height of the atrium space would clad the main Western and Eastern entrances will provide a dramatic elevation and strong visual links internally and externally from the internal access walkways and breakout areas. Full height glazing would also be used to the end return of the fin wall to the north elevation. The facades would incorporate stainless steel brush finished glazed doors and revolving doors.
- A consistent louvre system would be employed throughout, either integrated into the glazing systems or as stand-alone elements to the structural glazing on the east and west elevations and within the high level glazing on the north elevation to the atrium.
- The main areas to the first floor will be clad in a modular curtain walling system that will incorporate lookalike panels and high level powered opening lights that will provide natural ventilation to the building. Expressed oval shaped Solar shading louvers will be provided to the southern elevations to reduce solar gain and glare. Coloured and opaque panels would be incorporated at specific locations to provide contrast and interest to the façade and to address privacy issues.
- Windows to ground floor will be high level due to the nature of the accommodation.
- The plant areas would be recessive to the main façade and would predominantly be a monotone simple structure with power coated louvre screens with secured access doors where applicable.

Landscape

- Particular attention is to be made to the retention of trees and hedges where possible, ensuring that there is no net reduction in the amount of trees, the introduction of indigenous species and consideration of acoustic fencing to the west boundary adjacent to the residential properties.
- The hard and soft landscape proposals would aim to respond to the building form, site assets and constraints identified in the 'Site Layout & Orientation' in relation to the strengthening and reinforcing of key routes and axis around the proposed site.
- The proposals would aim to provide a range of formal and informal spaces around the development and create opportunities for a visual and physical inside/outside link with the

landscape and improve pedestrian links to the adjacent buildings and to the new car park and sports field.

- A number of fir trees currently on the site would have to be felled, with a substantial number of trees retained and new specimens introduced for the construction of the car park / playing field.

Disabled Access

- The building would be designed to meet DDA requirements, BS 8300 2001, and to part M Building Regulations requirements. Designated car parking bays for disabled drivers would be provided adjacent to the western elevation of the building as close as possible to the principle entrance;
- A setting down point will be provided in the service lay-by in front of west elevation for disabled users;
- Generally level or reasonably level smooth slip resistant paved footpaths, min 1800mm wide, would be provided to the full perimeter of the building, with tactile paving at thresholds;
- Level access would be provided to both the Western and Eastern entrances of the building through 1 pair of automatically opening swing doors
- Pedestrian and vehicle routes will be clearly distinguished using texture and colour with defined path edges. The atrium space would be provided with level access with defined circulation routes identified by contrasting floor finishes and textures;
- All circulation areas have a minimum width of 1200mm; 3no. ambulant disabled stairs would be provided within the building each with identified disabled refuge areas with intercom facilities; 1no. 13 passenger lift suitable for wheelchair access would be provided;
- Disabled shower facilities will also be provided at ground and first floor level;
- Wall and floor surfaces will minimise light reflection and sound reverberation so not to hinder users with sensory impairments.
- A colour palette would be employed to highlight key elements and provide contrast. This will enhance the logical space planning and arrangement of facilities to aid way finding through the building. Glazed areas will be clearly highlighted with manifestations;
- Signage, visual and audible information systems would be provided throughout the building but specifically at key junctions of horizontal and vertical circulation routes that give clear direction, information and instructions;

Vehicle, Pedestrian and Cycle Access

- General servicing and deliveries to the building would be provided from within the secured service compound to the south east of the building. The bin store/refuse storage would be located in a screened compound within this area together, adjacent to a screened compound housing the meters and gas bottle storage. Limited deliveries would also be possible to the western atrium entrance.
- 24no. additional cycle stores would be provided adjacent to the car park access road fully visible from the Brock Building.
- A new car park will be provided to service both the building and the wider campus in line with the master plan ethos. A comprehensive green travel plan and car parking strategy for the overall Campus is currently under discussion with the Local Authority. Mini bus, taxi and other drop-off /pick up will take place to the west entrance from the car park area.
- The ESS building will aim to reinforce existing and proposed pedestrian routes through the campus, to the proposed sports field and car park. Footpath routes into the campus

from the new car park & to adjacent buildings will be improved and made more direct/intuitive as part of the external works, with designated crossing points, signage and lighting provision.

10. OFFICER APPRAISAL

Principle of Development

The proposed development is located within the main campus area and is an expansion of the existing educational facility. Therefore there is no planning policy issue regarding the principle of the development. The main issues in the consideration of this application are the loss of playing fields, impact on the amenity of neighbouring occupiers, landscape and tree issues, highway safety, conservation and design issues, flood risk, ecological impacts and the sustainability of the new building.

Loss of Playing Fields

The proposals will result in the loss of a significant area of existing grass playing pitch, as a result of the construction of the proposed car park. However, the land is not designated as Protected Open Space under Policy RT1 of the Local Plan.

Notwithstanding this, PPG:17 states that *“existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirements.”* However, the university has not provided such an assessment. According to PPG17 in such cases *“where a robust assessment of need in accordance with this guidance has not been undertaken, planning permission for such developments should not be allowed”* unless one of a number of criteria are met, including, inter alia, that *“the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field”*.

In this case the development will create a new Sports Science Building with an indoor sports hall, fitness suites and other facilities. In addition a new all weather pitch will be provided, which, by its nature, can be used more intensively than the existing grass surface. Therefore, whilst there will be a reduction in the quantity of playing field space, overall there will be an improvement in the quality of sports and recreational facilities at the site.

Sport England has also been consulted on the proposals but no response had been received at the time of report preparation. Any comments will be reported to Members at the meeting. However, subject to no objection being received from Sport England, for the reasons stated above it is considered that the requirements of PPG:17 will have been met.

Amenity

The surrounding development comprises the university campus to the south and east of the site. A wooded area, falling away to the Valley Brook lies to the north. The nearest neighbouring residential properties are located to the west in Ludlow Avenue, on the opposite side of the proposed car park. It is generally accepted that a separation distance of 21m is sufficient to maintain an adequate level of privacy and 13.5m is sufficient to avoid loss of light between 2 storey buildings, which are usually around 8m in overall

height. In this case the proposed building, which is 13m in overall height, is almost twice this height but would stand 32m away, which is over double the separation distance. It is therefore considered that there will be no impact on privacy or light afforded to neighbouring occupiers as a result of the construction of the building itself.

The proposed car park, which is to replace the existing sports field, has the potential to impact on the amenities of these dwellings as a result of noise and light pollution. The proposed all weather pitch will replace an existing grass pitch but will be used more intensively. This also has the potential to impact on amenity. However, a scheme of acoustic fencing and landscaping is also proposed along the boundaries with the adjoining properties. Furthermore, conditions can be applied requiring the provision of a lighting diagram which shows the light spillage contained within the confines of the site and restricting the hours of use. In view of these and in the absence of any objection from Environmental Health it is not considered that a refusal on amenity grounds could be sustained.

Siting and Layout

The proposed building will be located between the existing Valentine, Delany and Brock Buildings, and respects the existing pattern of development. The proposed car park will be located to the west and south, which will reinforce the campus master plan to eliminate traffic from the central areas by relegating parking to the campus periphery. A glazed atrium will provide a link between the building, the campus centre and the car park and will create a focal point at the end of the proposed pedestrian boulevard through the site. The proposed all weather pitch will be on the site of an existing sports pitch which is also considered to be acceptable in principle.

The siting of the access road, parallel to the front boundary of the site does, however, generate, some cause for concern, in terms of its impact on the existing trees and landscaping to the front of the site.

Setting of the Listed Building, Landscape and Trees

Within the Fletcher Architects Stage D Architectural report it is stated in para 2.5 that 'The best buildings are generally at the front of the campus, creating a quality frontage on entering the site'. This quality frontage must be retained, from the existing entrance towards the western boundary. Para 2.8 also states that 'the front of the site is protected from the busy main road by a layer of mature trees and hedges, whilst allowing this boundary to the site to be visually permeable, with various points of access'. This frontage presents the public face of the campus and provides an important and high quality setting to the Grade II listed Delaney Building, the College House and Dean's Garden. The frontage, complete with trees, is of high amenity value, and contributes to the generally high quality of the gateway to MMU and Crewe Business Park opposite.

As initially submitted the proposals involved the removal of a significant number of the trees on the frontage, and the potential for harm to retained specimens as a result of the construction of the access road and parking bays alongside it. Enlarging the car parking provision/routing the car park access directly in front of Delany, which is a listed building, the Dean's garden and College House was also considered to be detrimental to the setting of these features. The proximity of the car park and access to the road was considered to be unacceptable. Despite some additional tree planting the overall view of this part of the campus would be a 'sea of cars' and a large expanse of tarmac. Overall there would be a

considerable loss of open grassed areas. There was also concern about the lack of landscaping and screening between the car park and sports pitch.

Alternative access routes to the proposed car park have been considered but Highway's comments dismiss an additional access off Crewe Road directly into the car park, Bringing the access route along the existing internal road along one side (the south side) of the proposed central square, if carefully designed and with careful choice of quality hard materials, could help to create an exciting space. Level changes, contrasting paving materials, planting and street furniture would ensure a safe separation/shared space for pedestrians/vehicles and could bring some vitality to the space. However, the University have refused to consider this option as it would fail to accord with their vision of creating an entirely pedestrianised campus centre.

They have, however, attempted to address the Authority's concerns through the submission of revised plans showing removal of all new car parking bays along the southern edge of the proposed access road. The 8 bays illustrated on the south side opposite Delany are now substantially if not wholly within the extent of the existing car park area. The layout to the front of Delany has been revised to pull the bays away from the edge of the building and adjacent paths. This now provides a triangular area of landscaping to the immediate area around the trees to the right of the Deans Garden. The all weather pitch has been reduced in size. The car park has been extended in this area to reflect the loss of parking elsewhere. A substantial landscape buffer is still provided between the parking bays and the all weather pitch and 7 parking bays adjacent to the southern boundary of the main car park have been removed. This is to benefit the boundary trees on the boundary. The visitor parking to the east of the site has been rationalized to create additional bays.

Plans have also been submitted to demonstrate that much of the proposed access road is contained within areas of existing hardstanding.

Whilst the ideal here would still be to omit completely the access road to the south of the university buildings, the amended layout does retain a greater amount of trees along the length of this boundary, so protecting the 'quality frontage' and the setting of the finest university buildings and allows for the additional tree planting proposed along this boundary. The amendments to the access road in front of Delaney are also welcomed, now allowing a landscaped bed and footpath access to the Dean's Garden.

The reduction in the size of the all weather pitch is welcomed as is the buffer of 5-6m between the pitch and car park. Proposals for tree planting within the buffer are now included and are acceptable. There will also be opportunities to provide additional replacement planting within the central piazza/square, as and when this is developed.

In the light of the above amendments, on balance, it is considered that a refusal on tree and landscape grounds could no longer be sustained. However, tree protection and landscaping conditions are required to ensure that damage to trees during construction is minimized and that opportunities are taken for replacement planting. Construction details of the proposed access road to the car park are also required. This should be constructed in permeable paving/surfacing from the point shown in front of Delaney as far as the site entrance. Permeable paving/surfacing should also used for all parking spaces along the west and south boundaries of the car park in mitigation for the loss of a large amount of open ground, and for the benefit of existing and proposed trees along these boundaries.

Elevational Detail

The nature and use of the building is such that inevitably it is a very large structure. Whilst it is taller than the adjacent Valentine and Brock Buildings, it is only a metre taller than the newly constructed Performing Arts Centre nearby, which unlike the proposed building has a flat roof. The bulk and massing of the proposed building have been minimized, however, by breaking the building down into different elements, reflecting the internal uses. For example the sports, hall, laboratories, changing areas etc are clearly distinguishable through the use of different materials, roof heights and relief in the elevations. The building is further subdivided through the addition of a glazed atrium through the middle of the structure and a dramatic oversailing monopitched roof. Whilst this does not reflect the traditional pitched roof form of the adjacent Valentine building, it creates a more satisfactory capping and visually interesting design than the flat roof of the recently approved Performing Arts Centre.

Like the Performing Arts Centre, the new ESS building is a contemporary design, but in welcome contrast brickwork will be employed as a major cladding element to provide continuity and consistency with the red brick context of the existing college buildings to the south. However, more contemporary materials will also be utilised including Integrated Aluminium Curtain Walling and Solar Louvre System. Glazing will provide a transparency and animation to the building elevations, through inter-visibility between internal spaces, such as the main circulation space or first floor fitness suite and the surrounding external space as well as vertical emphasis to the atrium which contrasts with the more horizontal emphasis of the majority of the façade. The facades would incorporate stainless steel brush finished glazed doors and revolving doors.

The use of these materials will also provide a visual link to the recently approved Campus Hub building. Overall it is considered that the new building would not appear out of keeping and would complement and enhance the range of building ages and types throughout the Campus. It will relate well to and respect the adjoining Victorian Buildings emphasising their beauty and the history of the site whilst providing a contrast and generating a dynamic and interesting aspect to this streetscape which represents the modern and contemporary vision of the campus and university.

Flood Risk

The development is adjacent to the Valley Brook and a Flood Risk Assessment has therefore been undertaken. In addition a substantial amount of new hardstanding will be created, which will increase the potential for surface water run-off.

The Flood Risk Assessment (FRA) is compliant with the requirements set out in Planning Policy Statement 25 – Development and Flood Risk (PPS25). The Environment Agency's (EA) hydraulic model of the Valley Brook shows that the built development falls in to Flood Zone 1 (area of low flood risk), with proposed sports pitch and some car parking falling within Flood Zone 2 (1000-year, 0.1% probability, floodplain). Given that sports pitches and car parks are considered 'water compatible' and as the remainder of the development is within Flood Zone 1 it is considered that evidence that the site satisfies the Sequential Test and that the Exception Test will not be required. Fluvial flood risk will be mitigated by raising finished floor levels 600mm above the 1:100year plus climate change flood level. Safe, dry pedestrian access/egress routes are provided by virtue of the sites Flood Zone 1 designation. Risk of pluvial flooding will be mitigated by raising floor levels a minimum of

150mm above surrounding ground levels and by not siting buildings in any hollows or depressions. The proposed development will increase impermeable areas by approximately 63%. The additional runoff that this will generate is to be mitigated and attenuated through the use of permeable surfacing, with cellular/stone-fill storage beneath the proposed car park up to the 100-year plus climate change design standard. This method of drainage will also provide a level of treatment to the surface runoff before it outfalls to the local watercourse.

The FRA has been sent to the Environment Agency for evaluation and they have raised no objection subject to the imposition of the relevant conditions.

Crime and Disorder

There is concern that the area between the proposed acoustic fence and the site boundary could provide an unobserved area for potential criminal activity. It is therefore recommended that a condition be attached requiring gates to be installed at each end of the fence which shall only be opened for maintenance purposes.

Ecology

No ecological surveys have been submitted with the application although it is considered that the proposals are unlikely to pose any risk to protected species. The development is confined to the area of the existing sports field, car parks and buildings. There are no ponds nearby and although the small boiler house to be demolished and the trees to be removed could provide a potential bat roost. Therefore comments have been requested from the Council's Ecologist which are still awaited. These will be reported to Members at the Committee meeting.

Contaminated Land

The applicant has submitted a site investigation which concludes that no significant contamination of the soils has been identified on the site and that no remediation measures are considered to be necessary. The Contaminated Land Officer has been consulted on the submissions and his comments were awaited at the time of report preparation.

Public consultation

In support of the application, the developer has submitted a Consultation Statement. The former Crewe & Nantwich Borough Council's Adopted Statement of Community Involvement, which provides guidance on the production of Statements of Local Engagement states, at Paragraph 8.3, that such documents should show how applicants have involved the local community and where the proposals have been amended, as a consequence of involving the local community.

The Statement, submitted as part of this planning application, outlines the public consultation that has taken place and summarises those concerns and issues that were raised. The main issues appear to have been concerns relating to traffic and overlooking of the new car park at the south west corner of the campus.

These have been addressed through the provision on screen planting and acoustic fencing between the car park and the adjoining dwellings. The information provided within that statement demonstrates that the consultation that has taken place conforms to the procedure set out in the Borough Council's adopted Statement of Community Involvement (SCI).

Sustainability

The new Regional Spatial Strategy places considerable emphasis on achieving sustainable development, minimising waste and energy consumption. It also advocates provision within new development of micro-generation opportunities.

Section 8 of the Planning Statement sets out the University's aspirations for BREEAM accreditation. The University has targeted a BREEAM rating 'very good' - i.e. 55% or higher. The building will include 110 sq m of solar heating panels which will provide 35% of the buildings hot water supply. In addition, rain water will be harvested for use in the buildings bathrooms.

The University is committed to reducing the impact the building has on the environment and is currently seeking to secure funding for additional measures to supplement those proposed as part of the current application.

Without taking into account the solar heating panels, the building exceeds Part L of the Building Regulations by 13% (23% with the solar heating panels). This demonstrates the significant contribution the building makes in reducing onsite energy consumption.

With reference to the above, and the relevant policies of the RSS, the incorporation of such measures could be made a condition of any planning approval, which would ensure that the policies within the RSS are complied with fully.

Highway Safety

The proposal involves the relocation of facilities from the Alsager campus and will result in an increase in the overall numbers of students and staff on site. This in turn will increase traffic generation and parking requirements. The Highway Authority have examined the application and raised no objections in principle subject to a number of mitigation measures.

Some of the proposed improvements such as provision of cycle storage facilities and provision of showers can be secured by condition. However, the highway authority requires improvement works to be carried out to the network of paths to the rear of the site and the Macon Way Puffin Crossing. Given that these involve off-site works, these would normally need to be secured by Section 106 agreement. However, given that the land in question is within the ownership of Cheshire East Council, it is considered that a condition can be used as there is a reasonable prospect of the developer being able to comply with its requirements.

11. CONCLUSIONS

In conclusion the development is considered to be acceptable in principle, and amended plans have resolved previous concerns regarding layout, landscaping and trees. In all

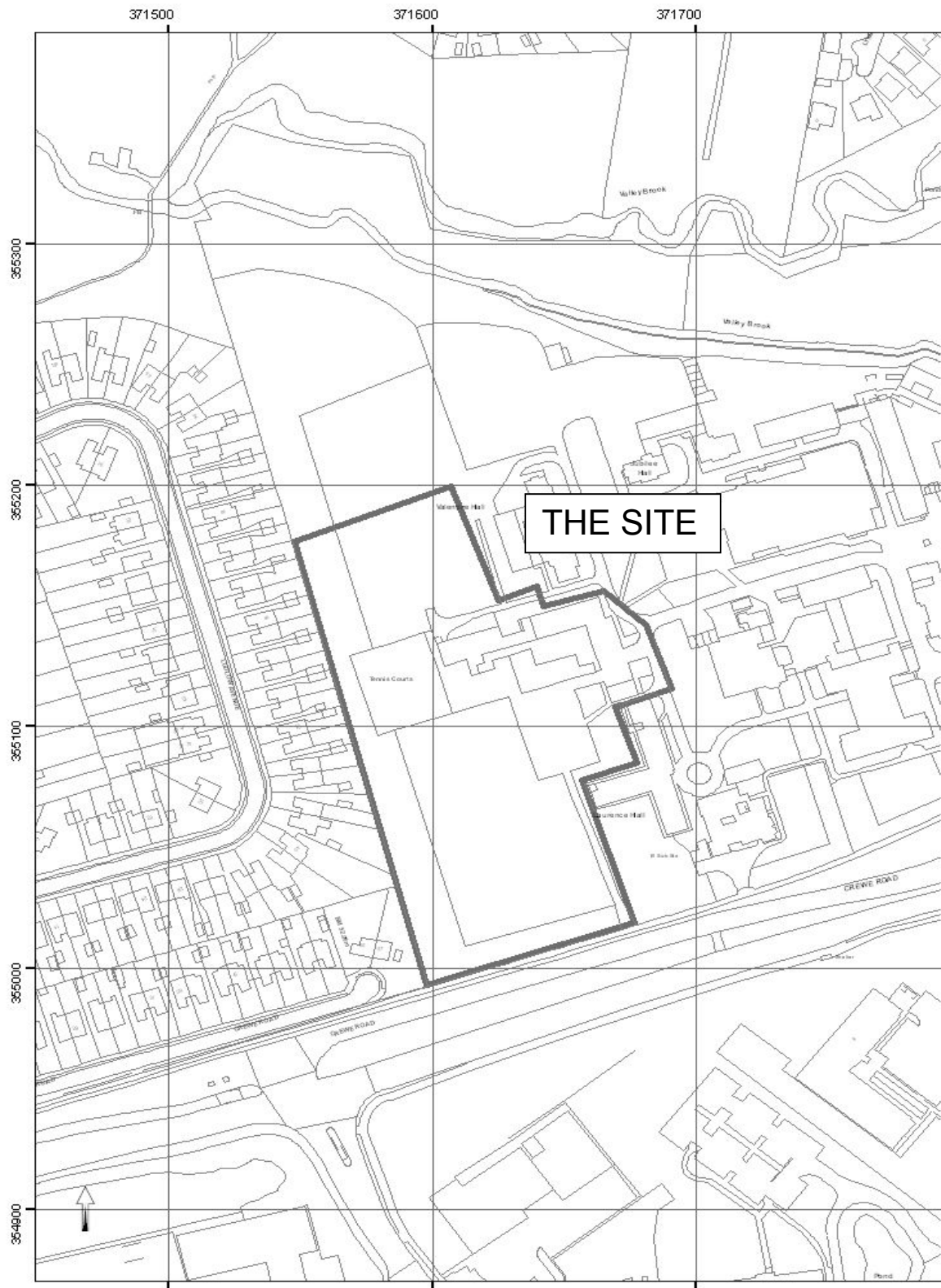
other respects, in terms of its impact on the amenity of neighbouring occupiers, highway safety, elevational design, flood risk and sustainability, the development is considered to be acceptable. A number of consultations responses from Sport England, the ecologist and contaminated land officer remain outstanding, but subject to no objections being raised it is considered that the proposal is in accordance with the relevant local plan policies and accordingly it is recommended for approval.

12. RECOMMENDATIONS

Approve subject to the following conditions:-

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

LOCATION PLAN



09/1586N – MMU Crewe Campus Crewe Green Road Crewe

N.G.R.; - 371.616 355.098

Reproduced from the Ordnance Survey Map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings.

Cheshire East Council licence no. 100049045.

Not to Scale

This page is intentionally left blank

Planning Reference No:	09/1664C
Application Address:	Brownlow Farm, Brownlow Heath Lane, Newbold Astbury, Congleton.
Proposal:	Retention of existing annexe building. Change of use to form integral garage, games room, toilet facilities and loft storage. Associated car parking and landscaping.
Applicant:	J. Ekin Construction
Application Type:	Full Planning Permission
Ward:	Congleton Town East
Earliest Determination Date:	10-August-2009
Expiry Dated:	22-July-2009
Date Report Prepared:	13-August-2009
Constraints:	None

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

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

Principle of Development
Highways
Design
Landscaping & Ecology
Amenity

1. REASON FOR REFERRAL

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

2. DESCRIPTION OF SITE AND CONTEXT

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

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

The building in question was originally granted consent for use as three garages relating to a barn conversion approved by application 35646/3 however, work commenced on the development prior to pre-commencement conditions being formally discharged and as such the development approved by 35646/3 was never lawful.

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

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

3. DETAILS OF PROPOSAL

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

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

4. RELEVANT HISTORY

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

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

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

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

5. POLICIES

National Planning Policy

Planning Policy Guidance 2: Green Belts

Planning Policy Statement 7: Sustainable Development in Rural Areas

Regional Spatial Strategy

DP1 Spatial Principles

DP7 Environmental Quality

Local Plan Policy

PS7 Green Belt

GR1 General Criteria

GR2 Design

GR6 Amenity and Health

H1 Provision of New Housing Development

H2 Housing Supply

H6 Residential Development in the Open Countryside and Green Belt

BH15 Conversion of Rural Buildings

6. CONSULTATIONS (External to Planning)

Highways

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

Environmental Health

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

Senior Landscape & Tree Officer

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

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

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

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

VIEWS OF THE PARISH / TOWN COUNCIL

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

The building forms a part of a group that was once a working farm and the barns are within a few yards of a family occupied dwelling. It is the view of the Parish Council that the use of the building for residential use is the only appropriate use, as a commercial or light industrial use would not be fitting for the environment. The proposed development is in an essentially rural landscape, which the proposal will not in any way significantly alter. It is noted that a similar application was granted permission by the former Congleton Borough Council however; there had been a delay in meeting the conditions of the original permission, which was not the fault of the developer.

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

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

OTHER REPRESENTATIONS

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

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

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

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

APPLICANT'S SUPPORTING INFORMATION

The following documents were submitted in support of the application:

- A Design and Access Statement

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

- Structural Survey

The submitted structural survey concludes that the brickwork of the external elevations is in a good condition and that the roof slopes were found to be straight with no evidence of distortion.

7. OFFICER APPRAISAL

Principle of Development

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

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

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

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

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

Highways

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

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

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

Design

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

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

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

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

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

Landscaping & Ecology

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

Ecology – subject to the submission of a newt survey, there are no ecological objections to the development. Members will be updated if a newt survey is received.

Amenity

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

8. CONCLUSIONS

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

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

9. RECOMMENDATIONS

REFUSE

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

LOCATION PLAN: Cheshire East Council licence no 100049045



Planning Reference No:	09/1665C
Application Address:	Brownlow Farm, Brownlow Heath Lane, Newbold Astbury, Congleton
Proposal:	Conversion of redundant barns to form 2no. dwellings. Associated detached garage and landscaping.
Applicant:	J. Ekin Construction
Application Type:	Full Planning Permission
Ward:	Congleton Town East
Earliest Determination Date:	10-August-2009
Expiry Dated:	22-July-2009
Date Report Prepared:	13-August-2009
Constraints:	None

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

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

Principle of Development
Policy
Highways
Design
Amenity
Landscaping
Ecology

1. REASON FOR REFERRAL

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

2. DESCRIPTION OF SITE AND CONTEXT

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

3. DETAILS OF PROPOSAL

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

4. RELEVANT HISTORY

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

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

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

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

5. POLICIES

National Planning Policy

Planning Policy Guidance 2: Green Belts

Planning Policy Statement 7: Sustainable Development in Rural Areas

Regional Spatial Strategy

DP1 Spatial Principles

DP7 Environmental Quality

Local Plan Policy

PS7 Green Belt

GR1 General Criteria

GR2 Design

GR6 Amenity and Health

H1 Provision of New Housing Development

H2 Housing Supply

H6 Residential Development in the Open Countryside and Green Belt

BH15 Conversion of Rural Buildings

BH16 The Residential Re-use of Rural Buildings

Supplementary Planning Document 7: Rural Development

6. CONSULTATIONS (External to Planning)

Highways:

No response was received at the time of report preparation however; Members will be informed via an update of the Strategic Highway Managers response.

Environmental Health:

No response was received at the time of report preparation however; Members will be informed via an update of the Environmental Health Divisions response.

Senior Landscape & Tree Officer:

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

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

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

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

VIEWS OF THE PARISH / TOWN COUNCIL

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

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

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

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

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

OTHER REPRESENTATIONS

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

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

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

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

APPLICANT'S SUPPORTING INFORMATION

The following documents were submitted in support of the application:

A Design and Access Statement

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

A Marketing Report

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

Structural Survey

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

Ecological Surveys

A survey for Barn owls and nesting birds summarises that there is a very low risk in respect of possible use by barn owls and concludes that the site would be unsuitable for such species due to the very active use made of the building for storage.

Bat Survey submitted which concludes that proposed work unlikely to cause a net loss of habitat or disturbance to bat species and barn owls in the local or wider area.

7. OFFICER APPRAISAL

Principle of Development

Policy H6 of the adopted Congleton Borough Local Plan First Review 2005 outlines a presumption against new residential development in the Green Belt unless it complies with certain limited criteria, one of which is the conversion of existing rural buildings in accordance with Policies BH15 and BH16.

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

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

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

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

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

Policy

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

Highways

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

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

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

Design

Barn Building

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

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

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

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

Garage

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

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

Amenity

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

Landscaping

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

Ecology

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

Additionally it is noted that there are ponds in the vicinity of the site and a previous withdrawn application for this site included a Great Crested newt survey. This survey contained no evidence of this protected species being found and notwithstanding the restrictions of the survey, it was concluded that there is low potential for impact on the species.

It is highlighted however, that this information was submitted for a previous application, not the current submission and as such as each application must stand alone on its own merits, the newt survey must be submitted again or be at risk of being refused on insufficient information grounds.

Members will be provided via an update should the newt information be submitted.

8. CONCLUSIONS

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

9. RECOMMENDATIONS

REFUSE

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

LOCATION PLAN: Cheshire East Council licence no. 100049045



Planning Reference No:	09/1853N
Application Address:	Land North West of The Beeches, Audlem Road, Hatherton, Nantwich, CW5 7QT
Proposal:	Erection of an Agricultural Building to Increase the Capacity of the Approved Free Range Egg Unit from 3500 to 7000 Birds (Resubmission of P08/1113)
Applicant:	Mr D Donlan
Application Type:	Full Planning
Grid Reference:	367258 348587
Ward:	Doddington
Earliest Determination Date:	26 th August 2009
Expiry Dated:	6 th September 2009
Date of Officer's Site Visit:	13 th August 2009
Date Report Prepared:	13 th August 2009
Constraints:	Open Countryside

SUMMARY RECOMMENDATION

Impact of the development on:-

The living conditions of neighbouring properties

Design and Impact upon the character and appearance of the area

Highway Safety

Protected Species

Impact upon the Hatherton Flash SSSI

SUMMARY RECOMMENDATION

Delegated Authority be given to the Head of Planning & Policy to approve the application with conditions subject to a further consideration of any late representations which may be received

1. REASON FOR REFERRAL

This application was to be dealt with under the Council's delegation scheme. However Cllr Walker has requested it to be referred to Committee due to concerns over access/egress and environmental concerns.

2. DESCRIPTION OF SITE AND CONTEXT

The site is a field located within the open countryside west of Audlem Road, Hatherton. To the north of the site is a wooded area known as Acton's Rough with the River Weaver being located approximately 130 metres to the west of the site. Hatherton Flash is a Site of Special Scientific Interest and is located approximately 200 metres to the south of the application site.

3. DETAILS OF PROPOSAL

A livestock building was approved as part of a GDO Determination under application reference P08/0860. This application is for a building which would be double the size of that approved under application P08/0860 and includes an access track which would link

the buildings to Audlem Road. The building would have a width of 18.2m, a length of 50m and a ridge height of 5.3 metres.

4. RELEVANT HISTORY

P08/1113 - Erection of an Agricultural Building to Increase the capacity of the Approved Free Range egg Unit from 3500 to 7000 Birds. Refused 19th November 2008

P08/0860 - Purpose Built Livestock Building (GDO Determination). Details of siting and design not required

5. POLICIES

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

The relevant development plan policies are:

Regional Spatial Strategy

DP1 – Spatial Principles

DP7 – Promote Environmental Quality

RDF2 – Rural Areas

L5 – Affordable Housing

Local Plan policy

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

NE.2 – Open Countryside

NE.7 – Sites of National Importance for Nature Conservation

NE.9 – Protected Species

NE.14 – Agricultural Buildings Requiring Planning Permission

NE.17 – Pollution Control

Other Material Considerations

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement 7 (Rural Areas)

Planning Policy Statement 9 (Biodiversity and Geological Conservation)

6. CONSULTATIONS (External to Planning)

Highways: The Design & Access Statement states that there will be no increase in the vehicular movements above that existing and the access will be altered, subject to no significant increase in vehicular movements to this site and any alteration to the access being constructed to Cheshire East specification under a 184 licence. No objections

Environmental Health: No objection

Ecology: The submitted report contains a number of mitigation proposals. These measures should be secured by means of an appropriate planning condition. The route of the proposed access track appears to pass over a pond. Ponds are a local and national

priority habitat and so the loss of a pond to this development is considered to be a significant adverse impact. It is recommended that the route of the access road be amended to avoid any loss of pond habitat.

Natural England: Do not object in principle to development in the vicinity of the Hatherton Flush SSSI but do have several concerns regarding nature conservation impacts to the site and other interests from this application. However, the applicant has addressed possible impacts on the site and through appropriate conditions attached to any permission these can resolve any concerns. The developer should be made aware that should a protected species be subsequently found on the site, all work should stop until further surveys for the species are carried out and a suitable mitigation package for the species is developed.

Mid Cheshire Footpaths: No comments received at the time of writing this report

Open Space Society: No comments received at the time of writing this report

Ramblers Association: No comments received at the time of writing this report

Public Rights of Way: No comments received at the time of writing this report

7. VIEWS OF THE PARISH COUNCIL

No comments received at the time of writing this report

8. OTHER REPRESENTATIONS

One letter of objection has been received from the occupiers of 10 Audlem Road raising the following points;

- The application is misleading and the application site is a quarter of a mile away from The Beeches;
- There is no egg unit on the site to expand;
- Inaccuracies in the Design & Access Statement and application forms;
- Noise;
- Smell;
- Flies;
- Increase in traffic;
- Droppings will wash off the land and pollute the nearby water courses including the River Weaver and Hatherton Flush;
- The applicant has cluttered the landscape through the provision of a caravan, industrial containers, hardcore etc;
- The proposal is contrary to Policy NE.11 (River and Canal Corridors) as it would adversely effect nature conservation (the SSSI and River Weaver);
- The proposal would result in the loss of the best and most versatile land which is contrary to Policy NE.12 (Agricultural Land Quality);
- Would detract from the visual character of the landscape;
- The proposal is contrary to Policy NE.14 for a number of reasons including that it will not be sited satisfactorily in relation to existing buildings;
- Increase in surface water, ground water and air pollution and contrary to Policy NE.17 (Pollution Control).

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement produced by Ian Pick Associates

- The applicant proposes to expand the free range egg unit approved under application P08/0860. This will increase the free range egg unit from 3500 birds to 7000 birds
- Free range egg production is an extensive and welfare friendly form of egg production and is a rapidly expanding market in the UK. Currently 60% of the UK egg market comes from battery cage production systems. Battery cage systems in their current form will be outlawed in the UK from 2012. Therefore, within the next 4 years, 60% of national egg production will be removed from the supply side
- The proposed development will enable the applicant to adapt to new and changing markets and to expand to become more competitive and sustainable. The proposal is in line with the aims of PPS7
- The free range egg unit is designed and proven in practice to produce negligible consequences in terms of smell
- The Unit cycle is 60 weeks and the unit will be cleaned out at the end of each cycle. It is anticipated that there would be some smell during clean out. However this will last no more than 1-2 days every 60 weeks, a frequency less than most agricultural practices
- At the end of the flock cycle the waste is removed from the site. Waste is not retained on the site because as a free range extensive system any external pollution would represent a disease threat to the incoming flock
- Access to the expanded free range egg unit will not create any additional traffic over that which is created by the approved unit
- The proposed free range egg unit will be a purpose built structure. Within the building is a sealed droppings pit beneath the slats. This pit collects all the poultry manure within the building. There is no potential for runoff from the manure pit. The inside of the building is drained to a sealed dirty water tank which collects any runoff water and washout water at the end of the flock cycle. The design and environmental quality of the building is such that it will not impact on water quality.

Protected Species Survey Produced by Apex Ecology

- No Great Crested Newts were found to be present in the ponds
- A number of recommendations have been made to mitigate the proposed development in terms of its impact upon other protected species

10. OFFICER APPRAISAL

Principle of Development

The site is located in open countryside where policy NE.2 of the Borough of Crewe and Nantwich Replacement Local Plan allows for essential development for the purposes of agriculture. Policy NE.14 allows for new agricultural buildings subject to a number of requirements one of which is that required for and is ancillary to the use of the land for agriculture. Whilst the building is required for agriculture it is not ancillary to the existing agricultural use of the land.

PPS7 notes that planning policies should support development which allows agriculture to adapt to new and changing markets and diversify into new agricultural opportunities. Therefore there are no objections in principle to the proposed use at this site.

Background

A GPDO determination (P08/0860) was approved after details of siting, design and external appearance were not considered to be necessary. This building has not been constructed and is now the fall-back position. This is a full planning application for the erection of a building which would increase the size of the approved unit and would house 7000 birds. This will be considered as a full application for the whole of the unit as it is not possible to apply for an extension to a building which is yet to be constructed. However the fall-back position will need to be considered.

Amenity

The nearest residential properties are over 400 metres from the proposed agricultural building and the Councils Environmental Health Department have raised no objection to the proposal. As a result it is considered that the proposal would not have such a detrimental impact upon residential amenity through noise, smells, flies, vermin and disturbance that would warrant the refusal of this planning application.

Design

The proposed building would have a weatherboarding external finish with a profiled steel sheeting roof. The siting means that the building would not be visible from Audlem Road or any other vehicular highway due to the position of trees and hedgerows. It is accepted that the site will not be sited in relation to other existing buildings as required by Policy NE.14. However the site is well screened and already has permission for an agricultural building.

A public footpath runs approximately 250 metres to the south of the site. However due to the position of trees and hedgerows between the application site and the footpath, the visibility of the proposal would be limited. Furthermore the building is of an agricultural appearance and would be seen against a backdrop of trees, and given that the development is appropriate within the open countryside it is considered that the proposal would not have such a detrimental visual impact that would warrant the refusal of this planning application.

The proposal includes the provision of an access track to the proposed building. It is considered that it would be unreasonable to refuse permission for an access track given that there is an existing approval for a building on the site. Subject to an appropriate surfacing material and the provision of suitable landscaping it is not considered that the proposed access track would have such a detrimental impact upon the character and appearance of the open countryside as to warrant the refusal of this planning application.

Ecology

Hatherton Flush is a SSSI which is located 200 metres to the south of the application site. The consultation response from Natural England has given the following information about the site;

'Hatherton Flush is designated a SSSI. It is the largest flush of its type in Cheshire and contains an excellent assemblage of wetland plants. It is surrounded by unimproved acidic grassland. Many notable species of plant exist at the site including , marsh valerian Valeriana dioica, marsh arrowgrass Triglochin palustris tubular water-dropwort Oenanthe

fistulosa, great horsetail *Equisetum telmateia*, marsh pennywort *Hydrocotyle vulgaris* and bog pimpernel *Anagallis tenella*. Seven species of sedge *Carex* spp. are also present. Several species of orchid grow profusely on the site particularly common spotted-orchid *Dactylorhiza fuchsii*, southern marsh-orchid *D. praetermissa* and the hybrid between them. Of particular note are marsh helleborine *Epipactis palustris* and marsh lousewort *Pedicularis palustris*, both of which are rare in Cheshire. The unimproved acidic grassland is typically species poor and contains grasses such as crested dog's-tail *Cynosurus cristatus* and heath grass *Danthonia decumbens*. Other plants include sheep's sorrel *Rumex acetosella* bird's foot trefoil *Lotus corniculatus* devil's-bit scabious *Succisa pratensis* and, notably, spiny restharrow *Ononis spinosa* which is uncommon in Cheshire'

The previous application was refused due to a lack of information in relation to the potential impact upon the SSSI with reference to surface water run off, ground water flows and potential water quality issues. As part of this application the applicant has provided further information which states that any water runoff and washout water at the end of the flock cycle will be drained into a sealed dirty water tank which would be emptied every 14 months by environmental contractors. Provided that this element of the proposal is conditioned as part of any permission Natural England are satisfied that the SSSI will be protected and consequently do not object to this element of the proposal. Natural England have requested that a condition should be attached to ensure that manure is not spread on the land due to its potential impact upon Hatherton Flash and the applicant has confirmed that he will accept this as a condition.

The previous application was refused due to a lack of a protected species survey. This survey has now been carried out and shows that these are present in the area. The recommendations of this survey include a range of mitigation measures including repositioning the access. Revised plans have been submitted to this effect and subject to suitable conditions Natural England and the Ecologist have raised no objection to this proposal.

The Councils ecologist has raised concern that the proposed access would pass through a pond. However this is not considered to be the case following a comparison of the submitted plan and the Council's Ordinance Mapping Information.

Highways

Visibility at the site access is extremely poor especially in the critical direction. The Highway Authority has raised no objection subject to there being no increase in the number of vehicular movements from the site. A reason for refusal of the previous application was that the applicant had failed to provide sufficient evidence to confirm that this is the case. Vehicular movements such as waste removal vehicles, employees on site, veterinary visits, maintenance visits, fuel deliveries and vehicles to remove dead chickens from the site were not included in the applicants supporting information.

As part of this application the applicant has provided further information in relation vehicular movements on the site. This states that this extension will not create any additional traffic over and above that of the fall-back position apart from the removal of waste as required by Natural England. The removal of waste from the site so that it does not affect Hatherton Flash SSSI would result in an additional 2 vehicular movements every 14 months. This figure is considered to be insignificant and would not warrant the refusal of this application on highway safety grounds. However it should be noted that the access

does have poor visibility and the applicants agent has confirmed that he will accept a condition for improvements to the access arrangements at the site.

Other Issues

The letter of objection refers to the development being contrary to Policy NE.11 (River and Canal Corridors). This Policy does not contain a definition of what constitutes a River or Canal Corridor, but given that the River Weaver is not visible from the site of the proposed building due to the application site being set at a much higher level it is not considered that the application site falls within a visual river corridor and this policy does not apply.

The letter of objection refers to the loss of quality agricultural land which is contrary to Policy NE.12. The land would remain in agricultural use and this policy would not apply.

The letter of objection refers to other developments on the land such as a caravan, containers, hardcore and external storage. This is not an issue in determining this application which is for an agricultural building and access.

11. CONCLUSIONS

The proposed poultry house will provide an agricultural building of appropriate size and design for the proposed use. The development by virtue of its location set back from the highway and from residential properties in the locality will not adversely impact on the character and appearance of the area or residential amenities. Parking and turning will be provided within the site the increase in vehicle movements will be minimal and the access will be improved. Therefore the development will not adversely impact on highway safety. The proposal would have minimal impact upon the Hatherton Flash SSSI subject to a suitable drainage condition. The ponds on the site are not considered to provide suitable habitats for Great Crested Newts and the proposal would have minimal impact upon other protected species subject to the imposition of a relevant condition. The development is considered to comply with policies NE.2 (Open countryside), NE.9 (Protected Species), NE.7 (Sites of National Importance for Nature Conservation), NE.14 (Agricultural Buildings Requiring Planning Permission), BE.1 (Amenity), BE.2 (Design) and BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

12. RECOMMENDATIONS

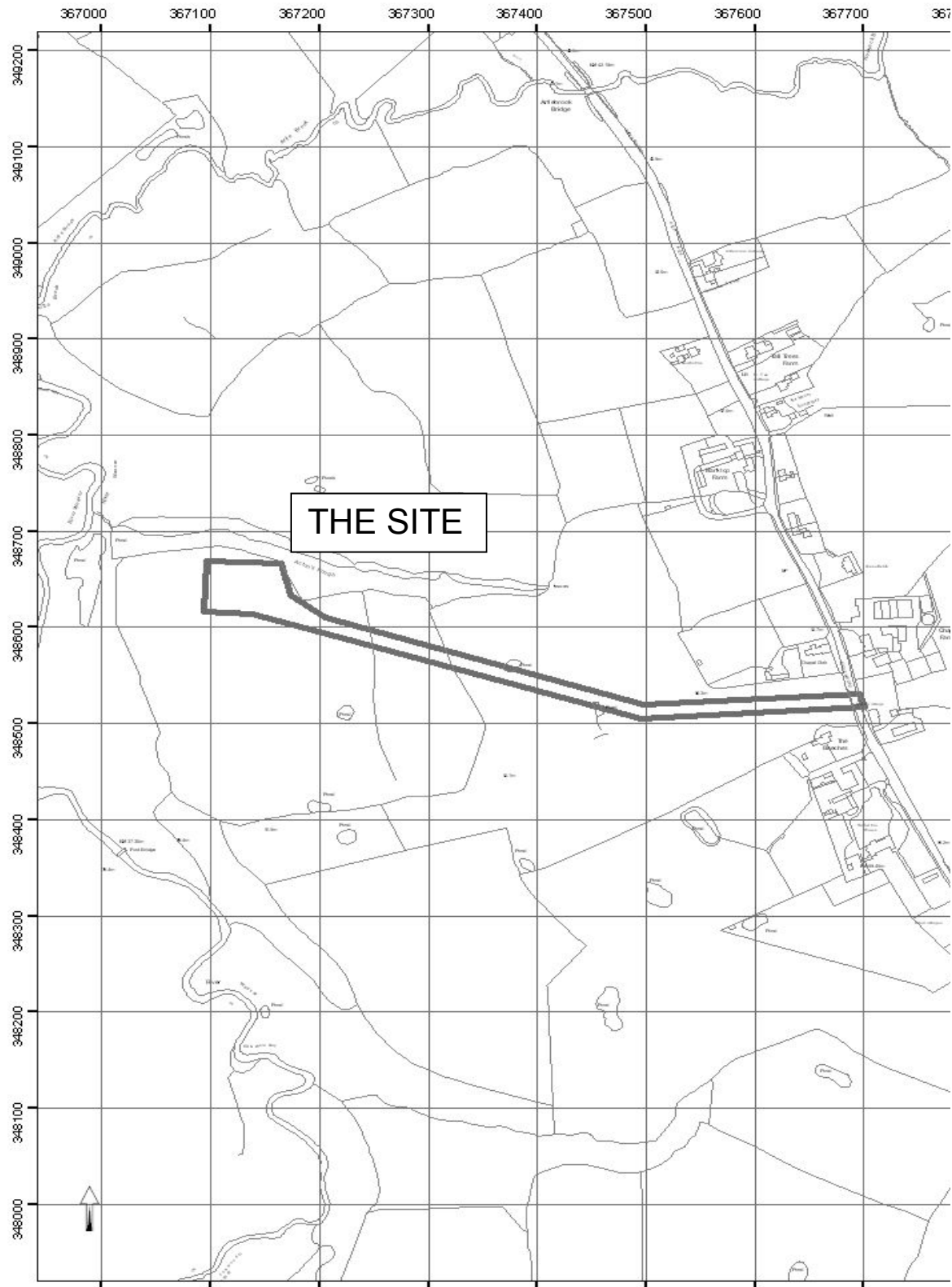
Delegated Authority be given to the Head of Planning & Policy to approve the application with conditions subject to a further consideration of any late representations which may be received

APPROVE

- 1. Standard time**
- 2. Materials to be submitted and approved**
- 3. Plans**
- 4. Drainage details to be submitted and approved**
- 5. Landscaping scheme**
- 6. Implementation and maintenance of landscaping**
- 7. A scheme of access and visibility improvements**
- 8. Development to comply with the recommendations contained within the protected species survey**

- 9. Works to stop if protected species found**
- 10. Manure to be removed from the site**
- 11. Details of lighting to be submitted for approval and no further lighting without the prior submission and approval of a planning application**
- 12. Provision of waste water tank**

Location Plan



09/1853N – Land off Nantwich Road Hatherton
N.G.R; - 367.123 348.645

Reproduced from the Ordnance Survey Map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings.

Cheshire East Council licence no. 100049045.

Not to Scale

This page is intentionally left blank

Planning Reference No:	09/2035N
Application Address:	Land off Bunbury Lane, Bunbury, Cheshire
Proposal:	Demolition of Existing Industrial Workshop and Erection of 6 Affordable Dwellings for Rent including Associated Access, Parking and Amenity Areas
Applicant:	Equity Housing Group
Application Type:	Full Planning
Grid Reference:	356296 357501
Ward:	Cholmondeley
Earliest Determination Date:	21 st August 2009
Expiry Dated:	27 th August 2009
Date of Officer's Site Visit:	30 th July 2009
Date Report Prepared:	5 th August 2009
Constraints:	Open Countryside

SUMMARY RECOMMENDATION

Impact of the development on:-

The living conditions of neighbouring properties

Design and Impact upon the character and appearance of the area

Parking/Highway Safety

Need for Affordable Housing in Bunbury

Impact upon Trees

SUMMARY RECOMMENDATION

Approve with conditions and subject to:

The completion of a legal agreement to secure the development as affordable housing in perpetuity.

1. REASON FOR REFERRAL

This application was to be dealt with under the Council's delegation scheme. However Cllr Dykes has requested it to be referred to Committee due to concerns over drainage and access to the site.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is located to the rear of newly built residential properties which front onto Bunbury Lane and is located within the open countryside adjacent to the Bunbury Settlement Boundary. The site is currently occupied by a single storey brick workshop and has areas of hardstanding to the front and rear. To the southern boundary of the site is a mature hedgerow which includes 3 large Oak trees, the most eastern of the three trees is protected by a TPO. To the northern of the site is a small field with a public footpath running through this field and past the western boundary of the site, beyond the field to the north are residential properties fronting Wakes Meadow. Access is gained through an existing access which runs between the newly built residential properties which front onto Bunbury Lane.

3. DETAILS OF PROPOSAL

This is a full planning application for the erection of 6 affordable houses all of which would be available for rent. This would comprise 1 pair of semi-detached dwellings (3 bedrooms) and a terrace of 4 dwellings (2 bedrooms). The dwellings would face north and would parking would be provided in two bays of 6 spaces to the eastern and western ends of the properties a shared access drive would run to the north of the proposed dwellings. The three Oak trees to the southern boundary of the site would be retained as part of the proposal.

4. RELEVANT HISTORY

P05/1309 - Demolish Existing Industrial Workshop Unit and Replace with a Single Storey Office Building (B1 Use). Refused – Appeal Lodged – Appeal Allowed 24th April 2007
P05/0640 - Demolition of Existing Workshop and Replace with 2 Storey Detached Dwelling and Double Garage. Refused 23rd August 2005
P03/0482 - Single Storey Office Building B1 Use. Approved 16th September 2003
7/14308 – Change of Use to Builders Merchant Selling to the Trade. Approved 23rd July 1987
7/14251 - Storage of Goods and Materials in the open. Approved 24th June 1987
7/13885 – Change of Use of Existing Builders yard to offices warehousing and light industrial. Approved 17th February 1987

5. POLICIES

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP). The relevant development plan policies are:

Regional Spatial Strategy

DP1 – Spatial Principles
DP2 – Promote Sustainable Communities
DP4 – Make the Best Use of Existing Resources and Infrastructure
RDF2 – Rural Areas
L5 – Affordable Housing

Local Plan Policy

NE.2 (Open Countryside)
NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
RES.2 (Unallocated Housing Sites)
RES.3 (Housing Densities)
RES.8 (Affordable Housing in Rural Areas Outside Settlement Boundaries)

Other Material Considerations

Planning Policy Statement 1 (Delivering Sustainable Development)
Planning Policy Statement 3 (Housing)

6. CONSULTATIONS (External to Planning)

Highways: No objection. The highways authority will wish to adopt the access road as far as the turning head.

United Utilities: No objection to the proposal providing this site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway as stated on the application form and may require the consent of the Environment Agency

Housing: Support the scheme

Rural Housing Enabler: Fully support the application both in terms of numbers and mix of dwellings

Contaminated Land Officer: No objection but request a standard condition and informative regarding land contamination

7. VIEWS OF THE PARISH COUNCIL

Object to the application for the following reason;

- There is no proven need for additional affordable housing for rent;
- The case for sustainability in Bunbury is clearly flawed and the applicant's case not thoroughly researched;
- The development appears to be almost double government guidelines for site density at almost 60 houses per hectare;
- The case is not made for drainage and removal of surface water;
- Pedestrian access from Bunbury Lane to the front doors of these dwellings is insufficient with no dedicated pathway.

8. OTHER REPRESENTATIONS

Letters of objection received from the occupiers of 6 Wakes Meadow and Heather Manor, Bunbury Lane which raise the following points;

- Bunbury is not a sustainable location;
- Drainage problems;
- Overdevelopment & density;
- There are already 10 affordable houses planned for Wyche Lane. Is there a need for more?;
- The village has no mains gas, the proposed development will need to be accessed by HGV's delivering oil or LPG, it is not clear how this will be achieved. It should also be noted that heating a home with oil or LPG is more expensive than mains gas and this should be taken into account with other factors which will make living costs less affordable;
- Access is inadequate;
- The site can not be accessed by the fire brigade or emergency services;
- The development is out of character;
- Loss of privacy;

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement produced Nigel Thorns Planning Consultancy

- The proposal is previously developed Brownfield land where new development is encouraged
- The proposal produces a density of 32 dwellings per hectare which complies with the requirement of PPS3
- The proposed dwellings are all 2 storey in height in order to reflect and strengthen the character of the surrounding development
- The existing commercial building is run down and unsightly and detrimental to the visual amenity of the locality
- There are a number of different house styles along Bunbury Lane and in the absence of a clear local vernacular the proposed development has been designed to create a high quality traditionally based architectural style to complement the existing development
- The site is carefully designed to offer the maximum possible accessibility for users and visitors. This will include provision for a disabled person to approach and gain access into the buildings from the point of alighting from a vehicle
- Equity Housing Group is a registered social landlord who is active in this area and the wider region. The applicant has negotiated with the Local Planning Authority to determine a local need and an assessment has recently determined that there is a local need for social rented properties
- The 2005 Housing Needs Survey shows that the following housing is required:-
 - Existing Households need:
 - 12 x 3-bed properties for rent for those with incomes less than £20,000/year (Needing to move within one year)
 - 6 x 3-bed owner occupied properties for those with incomes between £40,000 and £50,000 (Need move in 1-2 years)
 - New forming households need
 - 6 shared ownership 1-bedroom (income of these respondents is £22,500 - £25,000)
 - 12 x 2-bed semis (income of these respondents is £10,000 - £15,000), also 6 x 2-bed semis (Income between £15,000 and £20,000). A mixture of shared ownership and rented would be needed
 - 6 rented 3-bed houses for those with incomes of less than £10,000
 - 12 owner occupied/shared ownership 2-bed houses for those with an income of £20,000 - £25,000
- The Supply and Demand Analysis 2005 (which combines the former Bunbury ward with the Peckforton Ward) shows a shortfall in affordable housing (68 dwellings). The greatest shortfall is in 2 bedroom (38 dwellings) and 1 bedroom (21 dwellings). There is also a shortfall of 3 bedroom properties (9 dwellings). This analysis does not specify house type but it is envisaged that the majority would be social rented
- The Housing Market Analysis 2005 highlights how access to the housing market has become increasingly difficult in Bunbury and Peckforton. An income of £44,300 is needed to purchase a 1 bedroom flat and £38,900 is required for a two bedroom terrace
- The recent Muir Housing Association project in Bunbury has provided a number of shared ownership properties. However this does not respond to the specific need for social rented properties which the current planning application proposes
- There is a demonstrable need for social rented properties within the village and the scheme provides 4 x 2 bedroom houses and 2 x 3 bedroom houses which seek to contribute to that need
- The site lies immediately adjacent to the settlement boundary of Bunbury which is listed as a suitable settlement for growth under Policy RES.4. The village has an excellent range

of services and facilities and there is clear support for sustainable development and providing uses close to existing facilities and services

- The existing workshop building was built in 1971/72 and has had a number of commercial uses. This raises a number of problems; the existing use has no controlling conditions and could impact significantly on residential amenity, there is a potential for noise nuisance to adjacent properties, the access runs close to residential properties, the site has little room for any business to expand, possible traffic generation
- The site has a fallback position for a B1 office building under application P03/0482 which has been implemented by the construction of the access and an extant permission under application P05/1309
- The buildings have been positioned and orientated in order to maximise the use of natural daylight and solar energy. The scheme includes the use of solar panels to the rear of the buildings
- The dwellings will be constructed to level 3 of the 'Code for Sustainable Homes'

Arboricultural Report produced by Tree Solutions

- The tree survey covers 14 trees, of these 3 are recommended for removal, 5 are of low quality and value, 3 are of moderate quality and value and the three Oak trees are of high quality and value with a life expectancy of over 40 years. The three Oak trees are therefore to be retained as part of the development
- The Report also suggests the required tree protection measures and a scheme of replacement planting

Highway Statement produced by Andrew Gough Development Consultant

- The proposals will have no significant demonstrable harm to the safe movement and free flow of traffic on Bunbury Lane or the wider network. The proposed shared access road is of sufficient width to cater for the development and satisfactory arrangements have been shown to allow for the safe movements of pedestrians

10. OFFICER APPRAISAL

Principle of Development

The site is located outside the Bunbury Settlement Boundary and within the Open Countryside, where Policy NE.2 carries a general presumption against new residential development.

Policy RES.8 of the Replacement Local Plan makes an exception to the general policy of restraint for affordable housing, subject to compliance with three criteria which states that:

- the housing will meet the needs of people previously shown to be in local need in a survey specifically undertaken for that purpose;
- the site is in a sustainable location immediately adjacent to an existing settlement boundary
- the scale, layout and design of the scheme are appropriate to the character of the settlement.

The site has a density of 38 dwellings per hectare (this calculation excludes the access to the site). This density is in accordance with PPS3 which encourages densities of over 30 dwellings per hectare and it is not considered that this density would be an overdevelopment of the site or out of character for this area of Bunbury.

Affordable Housing

This application has followed pre-application discussions between Spatial Planning, Housing and the applicant. The 2005 Housing Needs Survey shows that there is a need for affordable housing in Bunbury and the affordable housing figures stated above within the Design & Access Statement Section of this report are correct. Furthermore the application has support from Spatial Planning, Housing and the Rural Housing Enabler.

The Council's Housing Needs Study indicates that at least 40% of people living in Bunbury cannot afford to access the local housing market, and well over half of these households can only afford to access rented housing. The proposed development will provide 6 affordable properties for social rent, in perpetuity, to be delivered by Equity Housing Group.

As Equity Housing Group is a registered social landlord, the rented properties will be offered at social rent levels and so will be affordable.

In terms of eligibility, the Council would require nomination rights and an eligibility "cascade" to be incorporated into the S106 agreement. The cascade will give priority to applicants living in or having an established connection (employment or family) to the former Bunbury ward of Crewe & Nantwich Borough Council. Any properties remaining un-allocated will then be offered to applicants resident in or having a connection to the adjoining rural wards of Peckforton, Acton and Minshull of the former Crewe & Nantwich Borough Council. Any that still remained un-allocated after this would be offered to applicants from the rest of the former Borough of Crewe and Nantwich. This would be controlled via a S106 Legal Agreement.

Letters of objection refer to the fact that Bunbury is not a sustainable settlement. However it is considered that the proposal would meet the second point of Policy RES.8, as the proposal is immediately adjacent to Bunbury which is a settlement listed within Policy RES.4. Bunbury also contains a number of facilities such as a Co-op and Post Office, Fish and Chip Shop, 3 Public Houses (1 is closed but there is a current planning application for its extension and conversion of an outbuilding into guest rooms), School, Church, Medical Centre, Village Hall and sports facilities (Bowling, Tennis and Bowling).

Residents have also claimed that the village school is at capacity and could not take any further pupils. According to Cheshire East schools admissions team, a development of 6 houses in the village is unlikely to have a significant impact on the school. Their formula for new housing is: $0.026 \times \text{No. of Year Groups} \times \text{No. of Dwellings}$. Therefore the potential child yield from this development = $0.026 \times 7 \times 6 = 1.092$ additional pupils of primary age. The school currently has a net capacity of 210 places and they currently have 204 pupils giving a surplus of 6 spaces, by 2012 the number of surplus spaces is expected to rise to 16 and by 2014 there is a predicted surplus of 19 spaces. The data on catchment pupil numbers shows that there are 205 primary pupils living in the catchment area of which only 157 go to the school. The school should therefore be able to accommodate any additional pupils as a result of the proposed housing development.

Design

The proposal is for one pair of semi-detached dwellings and a terrace of four dwellings which would face north and would be accessed via a private driveway off Bunbury Lane. The shared access would run to the front of the dwellings and 2 bays of 6 car-parking

spaces would be retained to either end of the property, whilst small areas of landscaping/open space would surround the car parking areas. The siting and orientation of the properties which has been chosen to maximise the use of natural daylight and solar panels also faces the public footpath which is considered to be appropriate. The proposed dwellings are two-storey and are of a scale that is appropriate to this area of Bunbury.

The proposed dwellings would be 7.7 metres in height, which is considered to be acceptable given that the height of the new build dwellings which front Bunbury Lane varies from 7.2 – 8.4 metres.

The proposed dwellings are simple in terms of their design and it is considered that this design approach is appropriate on a backland site. The proposed dwellings would have pitched roofs and a brick finish which is appropriate in this area and would include features such as sloping roofed canopies to the front doors, arched brick lintels and sills and small pitched features to the large first floor windows which would break up the eaves line of the property. The design and layout of the proposed dwellings is therefore considered to be appropriate.

Amenity

The main properties that would be affected by the proposed development are the dwellings which front onto Bunbury Lane to the east of the site. There would be a separation distance of approximately 24 metres at the closest point between the properties which front onto Bunbury Lane and the nearest proposed dwelling. This separation distance exceeds the separation distance of 13 metres for principal elevations to side elevations as set out in the Councils Supplementary Planning Document and as a result there would be no significant impact upon the properties fronting Bunbury Lane through loss of light, overbearing impact and loss of privacy.

The access would run between two newly built properties which front onto Bunbury Lane (Orchard House & Rose Cottage). This access has been constructed to an adoptable standard and the road has a width of 4.1 metres. Given the width and design of the access and the fact that the application site has permission for a B1 use it is not considered that the proposal would have a significant impact upon residential amenity through noise and disturbance as to warrant the refusal of this application.

To the north of the site are residential properties fronting Wakes Meadow, these are approximately 45 metres from the proposed dwellings and as a result the proposal would not have a significant impact upon residential amenity through loss of light, privacy or over-bearing impact.

Drainage

The Parish Council has raised concern over the impact of the proposal upon the drainage utilities to the new build dwellings, which the Parish Council states run through the front portion of the application site. In response to this United Utilities have been consulted and raised no objection to the proposal. Furthermore the office building which has planning permission on the site encroaches closer to the existing dwellings fronting Bunbury Lane than this proposal. As a result the current proposal would have no greater impact upon underground utilities than the approved office scheme.

Highways

A number of local residents and the Parish Council have expressed concern regarding the potential traffic generation from the site and its impact on highway safety on Bunbury Lane. Whilst these concerns are acknowledged, it is noted that no objection has been received from the County Highway Authority. Therefore, it is not considered that a refusal on these grounds could be sustained. Objections have been made in respect of the width of the access. However the Highway Authority has confirmed that the access is to an adoptable standard and is therefore adequate.

Concern has been raised over the accessibility of the site for HGV's and emergency services. The requirements for emergency vehicles are generally dictated by the fire service requirements. Providing access for large fire appliances (including the need to be able to work around them where appropriate) will cater for police vehicles and ambulances. This issue will be dealt with as part of the Building Regulations application for the site and it is not considered appropriate to consider this as part of this planning application.

Trees

The three large Oak trees including the one covered by a TPO which are located on the southern boundary of the site would be retained and the canopies of these trees would be clear of the proposed dwellings. Conditions will be used to ensure that these trees are protected during construction and retained. Some other trees have been removed from the site, but these were not covered by a Tree Preservation Order and their loss is not considered to be an issue. As part of the landscaping condition replacement tree planting will be secured to the northern and western boundaries of the site.

The hedgerows which bound the site will be retained and a condition will be used to ensure that they are protected and maintained in the appropriate way.

11. CONCLUSIONS

The application has been subject to pre-application discussions and is supported by housing, spatial planning and the rural housing enabler. It has been demonstrated that there is a significant and longstanding need for affordable housing in Bunbury which had proved exceedingly difficult to address. The development is considered to be acceptable in terms of its impact on highway safety and the amenity of neighbouring residents and complies with the relevant local plan policies in this respect. Having considered carefully the proposed development in the light of local plan policies and having due regard to all other material considerations, it is concluded that, subject to the above provision, the proposed development is acceptable as an affordable housing scheme under the rural exceptions policy.

12. RECOMMENDATIONS

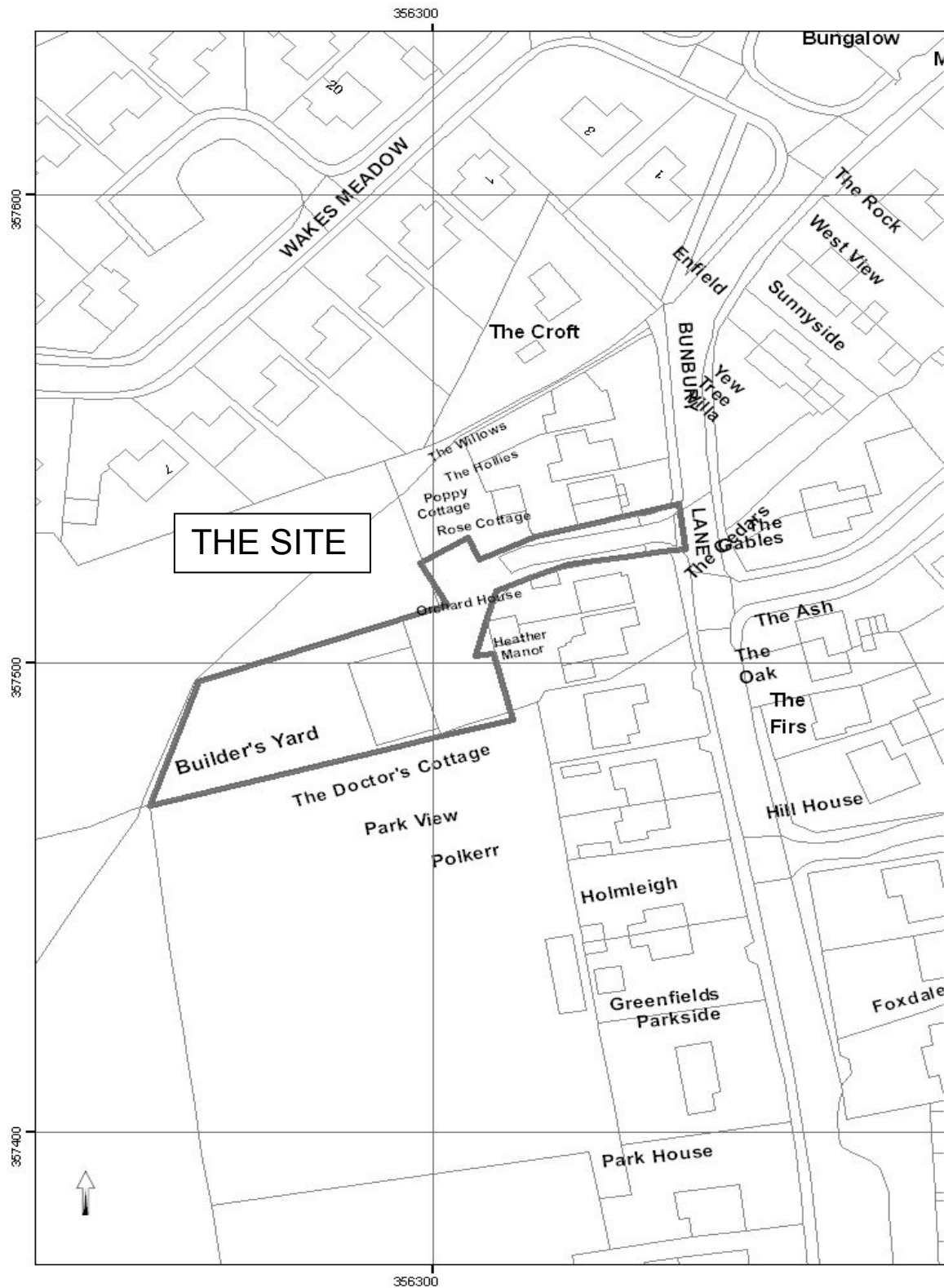
APPROVE subject to the completion of a S106 Agreement to secure the development as affordable housing for social rent, in perpetuity and the following conditions;

1 Standard time limit

2 Materials to be submitted and approved

- 3 Surfacing materials to be submitted and approved**
- 4 Tree retention and protection**
- 5 Drainage to be submitted and approved**
- 6 Landscaping to be submitted and approved including the planting of 7 trees to the northern and western boundaries**
- 7 Landscaping to be implemented**
- 8 Removal of PD Rights**
- 9 Bin storage details to be submitted and approved**
- 10 Boundary treatment**
- 12 Window Reveal**
- 13 Approved Plans**
- 14 Car parking provision to be provided prior to occupation**
- 15 Scheme for management and retention of boundary hedgerows**
- 16 Prior to the commencement of development details of solar panels to be submitted and approved**
- 17 Contaminated Land**

Location Plan



09/2035N – Land at Bunbury Lane Bunbury

N.G.R; - 356.283 357.494

Reproduced from the Ordnance Survey Map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings.

Cheshire East Council licence no. 100049045.

Not to Scale

Planning Reference No:	09/2043C
Application Address:	46, Fairfield Avenue, Sandbach, Cheshire, CW11 4BP
Proposal:	Single Storey Side Extension
Applicant:	Mr. S. Mogridge
Application Type:	Householder
Grid Reference:	375649 360385
Ward:	Sandbach East and Rode
Earliest Determination Date	24 August 2009
Expiry Date:	19 August 2009
Date of Officers Site Visit:	23 June 2009
Date Report Prepared:	13 August 2009

SUMMARY RECOMMENDATION

Approve Subject to Conditions

MAIN ISSUES

Affect on street scene and potential impact on neighbours

1. REASON FOR REFERRAL

The application has been brought to the Southern Planning Committee as the applicant is employed by Cheshire East Council in the Development Management service.

2. DESCRIPTION OF SITE AND CONTEXT

The property is a traditional two storey semi-detached dwelling approximately 60 years old situated in a residential area of Sandbach. The attached neighbour lies to the east and there is another pair of semi-detached properties to the west. To the south lies similar properties on the opposite side of Fairfield Road whilst to the north there is a small area of open space.

It should be noted that whilst the majority of the site is flat, there is a difference in levels between the applicants property and the immediate neighbour to the west of some 0.5m resulting in the neighbours property being higher than the applicants dwelling.

The site comprises of the rear garden to the applicants property which is used for domestic purposes. There is a small timber shed close to the boundary with the neighbouring property at number 44 to the west.

3. DETAILS OF PROPOSAL

This application consists of the demolition of the existing shed and construction of a new extension to provide a new garage and ancillary living accommodation at the rear of the above property.

The overall floor area of the structure is approximately 29.0 m² with a height to the ridge of 3.3m. Amended plans have been submitted showing that the patio doors which previously opened out onto the rear of the garden have now been transposed with the side window facing into the garden.

The proposed structure sits alongside the western boundary of the site adjacent to number 44. The applicant has submitted materials for the proposed development.

4. RELEVANT HISTORY

None

5. POLICIES

Local Plan Policy

PS4: Towns

GR1: General criteria for development

GR2: Design

GR6: Amenity and health

Other Plans and Policies

PPS1: Delivering Sustainable Development

6. CONSULTATIONS (External to Planning)

No comments received.

7. VIEWS OF THE PARISH / TOWN COUNCIL

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

8. OTHER REPRESENTATIONS

None received.

9. OFFICER APPRAISAL

The site is located within the Sandbach settlement zone line. Accordingly, under Policy PS4, there is a general presumption in favour of development provided it is in keeping in terms of scale and design and does not conflict with any other policies in the Local Plan.

The distance between the side elevation of the neighbours property which incorporates a kitchen and the proposed garage is 2.5m. However, due to the level difference between the applicants site and the neighbour of some 0.5m, this has the effect of diminishing the scale and mass of the proposed development on the as seen from a neighbouring property.

Consideration has been given the potential impact that the proposed dwelling will have on the neighbours amenity levels. Whilst the separation distance is below the levels identified in the Congleton Local Plan Supplementary Planning Guidance Note 2, it is recognised that the neighbours window already looks out over the existing shed in the applicants property . The new structure will be slightly higher than the existing shed but due to the

change in levels and the fact that the roof pitch slopes away from the neighbours boundary, there will not be a significant impact on the neighbours amenity. In terms of the buildings impact on privacy, the building will not offer any new vantage points over the neighbours beyond which can already be achieved from the garden. On this basis, no objection is raised to the proposal.

The structure is to be sited towards the rear of the dwelling and as a result it will have a limited impact on the street scene. The building has been designed in a character to match the existing house and is of an appropriate scale. Accordingly, no objection is raised on this point.

The applicant has submitted samples of the brick and tiles to be used in the development. Due to the age of the main dwelling it is not possible to find an exact match to the original materials however the proposed materials are felt to be comparable to the main property and are acceptable.

10. CONCLUSIONS

Having considered the relationship of the building to the neighbouring properties and the design and appearance of the structure, it is felt that the this proposal is in accordance with the policies in the Adopted Local Plan and is therefore accordingly recommended for approval is subject to conditions.

11. RECOMMENDATION: Approve subject to the following conditions

1. Three-year time limit
2. The development shall be undertaken in accordance with the materials submitted namely Dark Brown Forticrete Gemini tiles and Ibstock Appleton Harvest Blend bricks

Location Plan



Planning Reference No:	09/2053N
Application Address:	Lane End Cottage, Marsh Lane, Edleston, Nantwich, CW5 8PA
Proposal:	Replacement Bedroom over existing Utility Room to Enable Creation of Home Office Space and Shower Area
Applicant:	Mr K Burton
Application Type:	Householder
Grid Reference:	362751 350941
Ward:	Cholmondeley
Earliest Determination Date:	17 th August 2009
Expiry Dated:	30 th August 2009
Date of Officer's Site Visit:	13 th August 2009
Date Report Prepared:	13 th August 2009
Constraints:	Open Countryside

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

The main issues are the effect (of the proposal) on the

**Character and appearance of the building/area
Impact on Neighbouring Amenity**

1. REASON FOR REFERRAL

The application was to be dealt with under the scheme of delegation. However Cllr Bailey has called in the application in order to give due consideration to the reduced scale of the proposal following an earlier appeal (P08/0718) and in light of LP Policy RES.11 and The Householder Extensions SPD.

2. DESCRIPTION OF SITE AND CONTEXT

The application site consists of a dwelling located within the Open Countryside, which has been extended considerably over time. The site has had a use change from paddock land to residential use. The building has a traditional red brick finish, and the application sites boundaries comprise hedging around the edges of the garden areas, as well as a red brick wall along the east boundary. The neighbouring properties are located over 20m away and separated by a large open field to the West and hedging to the North.

3. DETAILS OF PROPOSAL

The proposal is for a first floor extension on the eastern side of the building, over an existing ground floor extension. The extension will be 4.3m in depth and 5.7m in width and will increase the total height of the side extension from 3.7m to 5.7m which will be 0.8m lower than the height of the main body of the house. The proposal includes two different eaves level heights, 3.5m on the north-west elevation which is 0.8m lower than that on the host dwelling, and 4.2m on the south-east elevation. The proposal includes the introduction of a dormer window to the north-west elevation. The scheme does not increase the footprint of the present dwelling.

4. RELEVANT HISTORY

P08/0718 – Application for First Floor extension. Refused 5th August 2008 and subsequently dismissed at appeal 4th February 2009

P08/0270 – Application for a First Floor extension. Refused 28th April 2008

P00/0872- Ground Floor Extension & change of use from paddock land to residential use. Approved 9th November 2000

P98/0363- Two Storey Extension. Approved 29th June 1998

P95/0412- First Floor Extension. Approved 27th June 1995

7/07811- Lounge Extension. Approved 19th March 1981

R.5418 – Alteration and Extension. Approved 30th July 1973

5. POLICIES

Local Plan Policy (*Borough of Crewe and Nantwich Replacement Local Plan 2011*)

NE.2 (Open Countryside)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

RES.11 (Improvements and Alterations to Existing Dwellings)

Other Material Considerations

LDF Extensions and Householder Development SPD (2008)

PPS1 – Delivering Sustainable Development

6. CONSULTATIONS (External to Planning)

None

7. VIEWS OF THE PARISH / TOWN COUNCIL

None received at time of writing

8. OTHER REPRESENTATIONS

One letter of support from The Poplars dated 31st July 2009 stating that they have no objection to the proposal which will have no adverse impact on their views, and will not overlook their house in any way.

9. APPLICANT'S SUPPORTING INFORMATION

None

10. OFFICER APPRAISAL

Principle of Development

The application dwelling is located within the Open Countryside. Policy RES.11 states that within areas of Open Countryside the original dwelling must remain the dominant element with the extension remaining subordinate to it. The justification of the policy states that the extension should not result in the creation of a dwelling that is double or more than double the size of the original dwelling, this is reiterated in paragraph 3.31 of the Extensions and Householder Development Supplementary Planning Document.

The Inspector that dismissed the previous planning appeal commented that it was not conclusive what constituted the original dwelling for the purpose of Policy RES.11. Notwithstanding this it is clearly evident from the scale of the property and the recorded planning history that this property has been extended above and beyond the threshold stated within the Local Plan justification for Policy RES.11, to the detriment of the original dwelling. Any further extensions to this property regardless of their scale, design or position would have an adverse impact on the dwelling and would be contrary to policy. Although this application appears to be only minor in the volume it proposes, consideration has to be given to the cumulative impact that this piecemeal form of development would have with previous extensions and alterations.

In his consideration of the previously dismissed appeal (P08/0718) the Inspector highlights that the SPD states that the form and location of an extension in the open countryside should be carefully considered and must not dominate the appearance of the dwelling. The Inspector goes on to state that *"The proposed development would be in a prominent position on the building and would be seen from the highway and open countryside around it. The extension would be set against a gable with double pitched roof. These pitched roof elements and that of the single storey annexe below them, currently provide balance in the built form at the north eastern end of the building"*. The implication in this statement is that any first floor extension in this location would unbalance the building and would be unacceptable. Although the current proposal is smaller than the previous scheme, it is located in the same position and is therefore inappropriate. It would have the same impact on the character and appearance of the property as the scheme considered at Appeal which the Inspector stated *"would be a dominant feature in views of the house and any part of the north western elevation that constitutes the original building"* and concluded that the

“proposed development would be unacceptably harmful to the character and appearance of Lane End Cottage and conflicts with LP policy RES.11 and the SPD”. The reduction in the size and scale of the proposed development would be immaterial.

Design

The first floor extension is sited above an existing ground floor extension to the side of the dwelling. The existing side floor extension is sited forward of the building line of the remainder of the property and is clearly identified as a subservient element to the dwelling, this elevation retains a coherence and simplicity. Although the proposed extension has a lower ridge height than the host dwelling its forward siting will draw undue attention to itself and will visually compete with the original dwelling.

The existing north-east elevation is characterised by two two-storey gables with the single storey extension below these. The proposed extension will result in a third gable being visible from this aspect which will result in a lower ridge height and contrasting eaves heights. The series of eaves level heights and unbalanced gables provide a confused composition when viewed from the north-east elevation to the detriment of the character and appearance of the dwelling.

Amenity

The proposal consists of a first floor extension on the east side of the property. There is a window proposed to the east elevation, which look out onto the open field. The separation between the application site and surrounding properties is over 20m. The boundaries are hedging with a redbrick wall along the West boundary. Therefore there is no adverse impact on amenity.

11. CONCLUSIONS

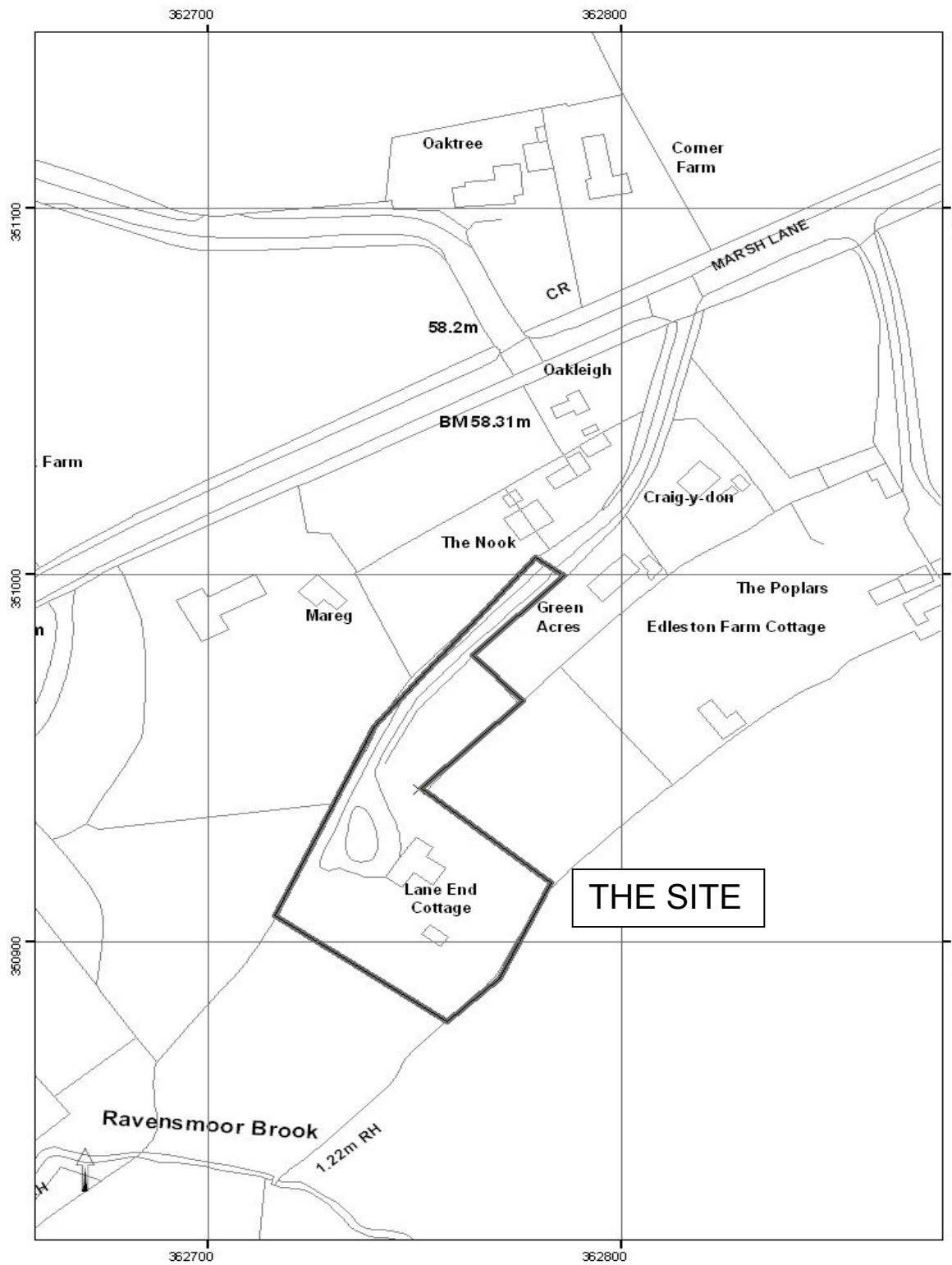
It is considered that the proposed development will have a detrimental impact on the character and appearance of the host dwelling and the open countryside. A previous planning application which was dismissed at appeal proposed a first floor extension in the position of this further planning application. The Inspector considered that an extension in this position would cause demonstrable harm to the original dwelling and open countryside.

12. RECOMMENDATIONS

REFUSE

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

Location Plan



09/2053N – Lane End Cottage Marsh Lane Edleston
N.G.R; - 362.750 350.921

Reproduced from the Ordnance Survey Map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings.
Cheshire East Council licence no. 100049045.

Not to Scale

This page is intentionally left blank

CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date of meeting: 26th August 2009
Report of: Head of Planning and Policy
Title: Report in relation to variation of Section 106 Agreement for affordable housing units provided under planning permissions P05/0703 and P06/1125 for residential units with shops at former Canalside Yard, now known as Moseley House, Kingbur Place, Audlem for Wulvern Housing.

1.0 Purpose of Report

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

2.0 Decision Required

- 2.1 Members approve the variations to the Section 106 Agreement as set out in paragraphs 6.8 and 6.9 of this report.

3.0 Financial Implications for the Council

- 3.1 Costs for staff time to vary the Agreement.

4.0 Legal Implications for the Council

- 4.1 None

5.0 Risk Assessment

- 5.1 None.

6.0 Background and Report

- 6.1 Planning permission P05/0703 was approved for the demolition of the existing buildings and erection of 18 residential properties and three A1/A2 Units on land at the site known as Canalside Yard, Shropshire Street, Audlem on 13th September 2006. The application was subject to the requirements of a Section 106 agreement in relation to affordable housing. Subsequently application

P06/1125 was submitted for amendments to the original permission. That application sought permission for alterations to the shop front, a new bin/cycle store and service area and an increase in ridge height to the building which included eight apartments located above the retail unit. The application was approved subject to a further Section 106 agreement to confirm compliance with the requirements of the original agreement. The agreement was signed on 8th January 2007 and the planning permission issued.

- 6.2 The agreement required the provision of three 2-bed apartments and one 1-bed apartment to be made available as affordable housing for shared ownership. The units concerned were flats located above the premises now occupied by the Co-op Supermarket. The developer transferred the units to Wulvern Housing to manage as a Registered Social Landlord.
- 6.3 Wulvern Housing has been marketing the shared ownership flats for occupation since March 2008 in accordance with the requirements that residents should have a local connection, as established through the Section 106 agreement. Details of persons who have been sent information packs about the units and open days to promote their availability have been submitted to the Authority. However they have been unable to secure any residents for occupation and the properties stand empty. Further Wulvern Housing do not consider it likely that they will be able to sell any of the properties on a shared ownership basis in the current economic climate and note that there is a shortage of properties for rent in the area.
- 6.4 An application has therefore been submitted to vary the terms of the legal agreement to allow the flats to be provided for intermediate rent under the "Rent to Homebuy Scheme". Intermediate rent is defined as a rent which is equivalent to 80% of the market rent achievable on the property.
- 6.5 The flats would still be offered to persons with a local connection as required by the Agreement and would be targeted at those persons who could afford to pay the intermediate rent.
- 6.6 The Homebuy Scheme is designed for use by residents who are unable to meet the financial requirements of a shared ownership unit at present and are seriously interested in acquiring a share in the lease in the near future. Tenancies will be reviewed annually with the intention that the residents transfer to shared ownership after a period of three years. If at the end of this period the tenant is not able to transfer to shared ownership Wulvern Housing indicate that the tenant will be asked to relocate.
- 6.7 Wulvern Housing have to pay service charges to the Head Landlord and urgently seek an income from these four units to pay both the service charge and the interest on the loan for the original purchase of the units, which were acquired without grant aid.
- 6.8 Specifically Wulvern Housing request that the definition of affordable housing be extended to include the wording in italics as follows:-

“Affordable Housing means subsidised housing accommodation that is accessible to Persons in Housing Need *and shall include accommodation provided at an intermediate rent under the “Rent to Homebuy Scheme”* and **Affordable** shall be construed accordingly. **Intermediate Rent** means a rent that is equivalent to 80% of the market rent achievable on the property.”

6.9 The request also includes alteration to the Management Covenants in Schedule 2 to include the words in italics, as follows:-

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

7.0 Reasons for Recommendation

- 7.1 Despite efforts to find occupiers, the properties have been empty for more than 12 months and are therefore not providing accommodation for persons in need of affordable housing. It is recommended that the agreement be amended as requested in the two paragraphs above. This will ensure that the dwellings are retained as affordable accommodation to meet the needs of persons with a local connection and still retain the option for the units to be occupied as shared ownership units in due course.

For further information:

Portfolio Holder: Councillor J Macrae
Officer: Rosamund Ellison Principal Planning Officer
Tel No: 01270-537482
Email: ros.ellison@cheshireeast.gov.uk

Background Documents:

Planning File and correspondence reference 09/1110N
Documents are available for inspection at: Municipal Buildings, Earle Street, Crewe
CW1 2BJ

This page is intentionally left blank