

Southern Planning Committee

Agenda

Date: Wednesday, 17th February, 2010
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 - 6)

To approve the minutes of the meeting held on 27 January 2010.

4. **Public Speaking**

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

Please contact Carol Jones on 01270 686471

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

- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Applicants/Supporters

5. **09/3286C - Holly House Farm, Cranage, Holmes Chapel: Erection of Agricultural Building and Hard-standing for the Farming of Suckler Cows and Calves for Mr and Mrs Ross Yarwood** (Pages 7 - 16)

To consider the above application.

6. **09/4043N - Earl of Crewe Hotel, Nantwich Road, Crewe: Demolition of Existing Building and Construction of New Food-store with Associated Parking for Aldi Stores Ltd.** (Pages 17 - 36)

To consider the above application.

7. **09/3490C - 20 Pikemere Road, Alsager: Proposed Sub-division of Domestic Curtilage to Create Additional Separate Dwelling for Mr Michael Bounford** (Pages 37 - 44)

To consider the above application.

8. **09/0930/C - 38 Pikemere Road, Alsager: Two Residential Units to Rear of 38 Pikemere Road, Alsager on Existing Rear Garden Land for Mr Andrew Chatterton** (Pages 45 - 52)

To consider the above application.

9. **09/0819N - Land adjacent Pinnacle Farm, Coole Lane, Newhall, Nantwich: 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 for The Reilly and Seipp Partnership** (Pages 53 - 78)

To consider the above application.

10. **09/3724N - High Ash Farm, Cappers Lane, Brindley, Nantwich: Outline Application for New Agricultural Machinery Shed, New Slurry Holding Tank, New Organic Calf-Rearing Shed, New Milking Parlour and Standing Stock Shed, New Grain Towers and Grain Dryer for High Ash Limited** (Pages 79 - 86)

To consider the above application.

11. **09/3905N - Footway to Queen's Park, Crewe: Application for a New Greenway from Wistaston Green Road to Queen's Park, Crewe including a 3-Metre Wide Surfaced Path Together with Associated Engineering and Landscaping Works for Cheshire East Council** (Pages 87 - 94)

To consider the above application.

12. **09/4145N - Calveley Green Farm, Cholmondeston Road, Calveley, Tarporley: Erection of a Gaia 133 11kW Wind Turbine on an 18m Tower for Mrs K M Daley** (Pages 95 - 100)

To consider the above application.

13. **09/4195C - 3 High Street, Congleton: Change of Use of Ground Floor from Retail (A1) to an Adult Gaming Centre (Sui Generis) and Erection of a Discreet CCTV Facility** (Pages 101 - 106)

To consider the above application.

14. **Wyche Lane, Bunbury** (Pages 107 - 110)

To consider a proposed variation to the Section 106 Agreement in respect of planning permission P07/0867 for 10 affordable houses at Wyche Lane, Bunbury.

The Committee is asked to agree to proposed amendments, as described in the report, and to instruct the Borough Solicitor to prepare a Deed of Variation.

There are no Part 2 items.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 27th January, 2010 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors T Beard, D Bebbington, M Davies, S Davies, S Furlong, B Howell,
J Jones, S Jones, A Kolker, S McGrory, R Walker and J Weatherill

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillor Rhoda Bailey

OFFICERS PRESENT

Rachel Goddard (Senior Lawyer) and David Malcolm (Southern Area
Manager - Development Management)

Apologies

Councillors L Gilbert

123 COUNCILLOR STAN DAVIES

The Chairman welcomed Councillor Stan Davies to the Southern Planning Committee. Councillor Davies had replaced the late Councillor Allan Richardson as a Ward Member for Cholmondeley and had been a member of the former Crewe and Nantwich Development Control Committee.

124 CODE OF CONDUCT - DECLARATIONS OF INTEREST/PRE-DETERMINATION

Councillor B Dykes declared a personal interest in respect of application number 09/4086N on the grounds that he was a member of Bunbury Parish 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 G Merry declared a personal interest in respect of application number 09/3921C on the grounds that she was a member of Sandbach Town Council, which had been consulted on the proposed development. Councillor Merry also declared a personal interest in respect of this application on the grounds that Mrs C Lowe, who addressed the Committee on this matter, was also a member of Sandbach Town Council.

In accordance with the code of conduct, Councillor Merry remained in the meeting during consideration of this item.

Councillor S Jones declared that in calling in application number 09/3490C she had expressed an opinion and therefore fettered her discretion. Councillor Jones exercised her separate speaking rights as a Ward Councillor and withdrew from the meeting during consideration of this item. Councillor Jones also declared a personal interest in respect of the application on the grounds that she was a member of Alsager Town Council, which had been consulted on the proposed development.

125 **MINUTES**

RESOLVED – That the minutes of the meeting held on 6 January 2010 be approved as a correct record and signed by the Chairman.

126 **09/3921C PROPOSED TWO PAIRS OF SEMI-DETACHED DWELLINGS, ASSOCIATED PARKING AND LANDSCAPING, LAND TO THE REAR OF 155, HEATH ROAD, SANDBACH, CHESHIRE, CW11 2LE FOR MR C LOWE**

Note: Councillor Rhoda Bailey (the Ward Councillor), Mr O Mason (objector) and Mrs C Lowe (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Having arrived at the meeting after consideration of this application had begun, Councillor S McGrory did not take part in the debate or vote, in accordance with paragraph 13.5 of the Planning Protocol of Conduct in Relation to the Determination of Planning Matters.

The Committee considered a report regarding the above planning application, an oral report of the site inspection, and updates from Environmental Health and Highways which were summarised by the Southern Area Manager - Development Management.

RESOLVED – That subject to the following conditions:

1. Timescale
2. Submission of material
3. In accordance with plans
4. Boundary treatment to be submitted and approved
5. Landscaping (submission of details)
6. Landscaping (implementation)
7. No windows or dormer windows to be inserted
8. Obscure glazing to side windows
9. Hours of construction and piling
10. Contaminated land report to be submitted

the application be APPROVED contrary to the planning officer's recommendation for refusal.

In the opinion of the Committee, the proposed development will improve the appearance of the site and its impact will not be so great as to justify refusal. The proposal is therefore not contrary to PPS1 and Policies GR1 and GR2 of the Congleton Borough Local Plan.

127 09/4086N PROPOSED TWO STOREY DETACHED GARAGE BLOCK, HOPE COTTAGE, SCHOOL LANE, BUNBURY, NANTWICH, CW6 9NR FOR MR R GOODFELLOW

Note: Mr R Goodfellow (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

RESOLVED – That subject to the following conditions:

1. Timescale
2. Submission of material
3. In accordance with plans
4. Garaging at ground floor to be retained for parking of vehicles
5. Ancillary to main dwelling known as Hope Cottage
6. Landscaping (submission of details)
7. Landscaping (implementation)

the application be APPROVED contrary to the planning officer's recommendation for refusal.

In the opinion of the Committee, the proposed development will be modest in height and size, and will appear subordinate to the main dwelling. It will not have a detrimental impact upon the character and appearance of the area and the setting of the existing dwelling, and will therefore not be contrary to Policies RES.11 (Improvements and Alterations to Existing Dwellings) and BE.2 (Design Standards) and the Councils Supplementary Planning Document on Extensions and Householder Development.

128 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

Note: Mr C Still, Gladman Care Homes Ltd, (applicant) attended the meeting and addressed the Committee on this matter. (Mr T Dean, Gladman Care Homes Ltd, had registered his intention to address the Committee on this matter but was unable to attend the meeting.)

The Committee considered a report regarding the above planning application and a late representation from a local resident, which was reported by the Southern Area Manager - Development Management.

RESOLVED – That the application be APPROVED subject to the prior completion of a Section 106 Agreement limiting the occupancy of the units to ensure that they do not become open market units and requiring approved occupiers to be over 60 years of age and to complete a written assessment to identify their care and support needs

and the following conditions:

1. Standard time limit.
2. Compliance with the approved plans.
3. Submission of materials for approval.
4. Submission and implementation of a tree protection scheme.
5. Submission and implementation of specialist construction scheme.
6. Submission and implementation of drainage scheme.
7. Submission and implementation of landscaping scheme.
8. Submission and implementation of boundary treatment scheme.
9. Submission of a report on the potential for land contamination in the garden area.
10. Submission of an air quality assessment.
11. Submission of details of any fans compressors and other equipment with the potential to generate noise.
12. Submission of details of any external lighting.
13. Hours of construction limited to 08.00 to 18.00 Monday to Friday, 08.00 to 13.00 Saturday with no working on Sundays or Bank Holidays.
14. Submission of details of the method, timing and duration of any pile driving operations.
15. Deliveries to and from the site limited to 08.00 to 18.00 Monday to Friday, 08.00 to 13.00 Saturday with no deliveries on Sundays or Bank Holidays.
16. Compliance with recommendations in the submitted ecology reports.
17. Provision of pedestrian access to the front of the site.

129 **09/3490C PROPOSED SUBDIVISION OF DOMESTIC CURTILAGE TO CREATE ADDITIONAL, SEPARATE DWELLING, 20 PIKEMERE ROAD, ALSAGER FOR MR. MICHAEL BOUNFORD**

Note: Having exercised her separate speaking rights as a Ward Councillor, Councillor S Jones withdrew from the meeting during consideration of this item.

Note: Mr D Currie (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and two late representations which were reported by the Southern Area Manager - Development Management.

RESOLVED – That the application be DEFERRED for a Committee site inspection so that Members can assess the impact of the proposed development on the character and appearance of the area.

The meeting commenced at 2.00 pm and concluded at 3.50 pm

Councillor B Dykes (Chairman)

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Planning Reference No:	09/3286C
Application Address:	Holly House Farm, Middlewich Road, Cranage, Cheshire, CW10 9LT
Proposal:	Erection of agricultural building and hardstanding for the farming of suckler cows and calves. Erection of agricultural workers dwelling.
Applicant:	Mr & Mrs Ross Yarwood
Application Type:	Full Planning
Grid Reference:	373436 368967
Ward:	Congleton Rural
Earliest Determination Date:	4 th January 2010
Expiry Dated:	23 rd February 2010
Date of Officer's Site Visit:	26 th January 2010
Date Report Prepared:	27 th January 2010
Constraints:	Open Countryside

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

Impact of the development on:-

- The impact upon the character and appearance of the Open Countryside
- Whether there is a functional and financial need for an agricultural workers dwelling
- Protected species
- Highways implications

1. REASON FOR REFERRAL

This application is referred to the Southern Area Planning Committee as it involves development that exceeds 1000sq.m.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is located on the northern side of Middlewich Road within the Open Countryside. Holly House is a traditional red brick former farm house and the former modern and traditional agricultural buildings on the site have been converted to various employment units (offices and workshops). The application site for the agricultural workers dwelling is a grassed area of land which is enclosed to the south and west by trees and hedgerow which screens the development from Middlewich Road, the site also contains the footings of an approved office building on this site (approved under application 36397/3). The site of the proposed agricultural building is located to the north of the complex on part of an agricultural field. A hedgerow and line of trees are located between the site of this building and Holly House Farm complex.

3. DETAILS OF PROPOSAL

This is a full planning application for the erection of an agricultural workers dwelling and detached double garage and the erection of an agricultural building which would house suckler cows and calves. The agricultural workers dwelling would have a footprint of 216sq.m and contain 4 bedrooms.

4. RELEVANT HISTORY

37792/3 – Conversion of former agricultural machine shed to commercial use including workshop area, offices, storage and loading area – Approved 13th October 2004
36627/6 – Renewal of planning permission for residential caravan – Approved 19th December 2003
36397/3 – Construction of two storey office building with associated car parking – Approved 17th October 2003
35371/3 – Construction of two storey office building with car parking – Approved 17th February 2003
99/0011/AGR – Model determination in respect of the proposed new agricultural machine shed – Prior Notification Not Required 17th November 1999
30503/6 – Renewal of planning permission 25851/6 for residential caravan – Approved 30th November 1998
29373/3 – The alteration and extension of a redundant farm building to provide office accommodation – Approved 9th September 1997
28462/3 – Change of use and conversion of existing farm buildings to office use – Approved 17th December 1996
28185/3 – Conversion of disused farm buildings to office (B1A) and use of ground floor for mail order business – Approved 11th June 1996
28184/3 – Conversion of disused farm building to office (B1A) accommodation – Approved 11th June 1996
25851/6 – Renewal of permission for residential caravan – Approved 25th January 1994
24386/3 – Conversion of redundant agricultural cubicle building to form units for light industrial use – Approved 15th November 1994
24101/3 – Conversion of redundant agricultural buildings for storage – Withdrawn 20th March 1992
21664/3 – Conversion of disused farm buildings to office accommodation – Approved 27th June 1990
21493/6 – Renewal of permission for residential caravan – Approved 3rd October 1989
21253/3 – Conversion of disused farm buildings to office accommodation – Refused 22nd August 1989
17024/6 – Renewal of permission for siting of residential caravan – Approved 13th August 1989
16787/3 – To erect 11kv and 1.v. overhead lines supported by wood poles – Deemed consent – 19th June 1985
15209/6 - Renewal of permission for residential caravan - Approved 2nd August 1983
13360/6 – Renewal of permission for residential caravan – Approved 11th August 1981
11458/1 – Residential caravan for herdsman – Approved 8th July 1980

5. POLICIES

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Congleton Borough Local Plan First Review 2005.

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

DP7 – Promote Environmental Quality

RDF2 – Rural Areas

Local Plan Policy

H6 – Residential Development in the Open Countryside and Green Belt

H18 – Dwellings Associated with Rural Enterprises

NR1 – Trees and Woodlands

NR3 – Habitats

PS8 – Open Countryside

GR1 – New Development

GR2 – Design

GR6 – Amenity and Health

GR9 – Accessibility, Servicing and Parking Provision

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)

Environmental Health: Suggest conditions in relation to contaminated land, hours of operation and pile driving

Strategic Highways Engineer: No objection

Environment Agency: No objection

Ecology: Do not anticipate there being any significant adverse ecological impacts associated with the proposed development.

Public Rights of Way: No comments received

United Utilities: No objection

Jodrell Bank: No comment

7. VIEWS OF THE PARISH COUNCIL

Generally no objection but do make the following comments 'this does meet the requirements of PPS7 regarding the need or viability with regard to the development of agricultural dwelling. This appears to be a new business although expansion of interest there already. Financial viability based on existing contracting business, new business not established 3 years at least, therefore not a clearly established existing functional need.

8. OTHER REPRESENTATIONS:

No representations received

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement produced Architectural Design

- The dwelling is intrinsic to the farming usage and incorporates a farm office and showering/cleaning/drying facilities within it
- The proposed dwelling occupies a footprint of 216sq.m and the agricultural building occupies a footprint of 797sq.m
- The shed has been located so as to take advantage of natural screening from the adjacent estate buildings. It has also been located near to an existing agricultural access from the estate to facilitate easier access between the new building and an existing farm workshop
- The dwelling is proposed within an area of brownfield land within the estate, which is currently occupied by the foundations of an approved office building; a project which has been cancelled due to lack of demand
- The house and shed make use of existing roadways and access points to minimise the necessity for new hardstanding areas.
- The house is well screened from public vantage points
- The house will also help to increase the overall security of the estate
- The house is proportioned to suit an oak framed timber construction
- The roofline and massing of the house is broken up to reduce its visual impact upon the site
- Detailing and the proposed facing materials used within the house construction make reference to the original farmhouse on the other side of the estate
- The shed will be constructed as a steel portal frame clad in timber to the upper part and with concrete block walls at plinth level which is appropriate to the agricultural usage and the sites rural setting
- On site traffic for the agricultural enterprise will be little affected by the proposals although there will be periods of additional transport movement when cattle are being shipped from/to the site. However this should be off set by the reduction in other agricultural traffic which in recent times has been generated through the growing of potatoes and turf on the land
- Additional traffic movement will be generated by the new dwelling although this should be fairly minimal. The proposed live/work situation will help minimise traffic movement.

Agricultural Appraisal produced by David Hughes Agricultural Consultancy Ltd

- Ross Yarwood has been granted a 25 year Farm Business Tenancy (FBT) on a block of 100 acres of Grade 2 land situated at Holly House Farm, Cranage. He established his own farm contracting business in 2000 as a means of growing his net worth. He has always wanted to farm in his own right and has now been given the opportunity of developing his own farming business courtesy of the new FBT alongside his contracting activities
- The contracting business has always been profitable and the applicant is prepared to utilise the available cash flow to expand his farming business
- The applicant plans to establish a herd of 100 suckler cows that will be managed on a simple grass based system. The suckled calves will either be sold as store at around 11-13 months or finished at 15 months depending on market conditions
- The land has been rented with the benefit of some general purpose buildings that will provide workshop and storage space, but there is a need for a portal framed building capable of housing the 100 suckler cows plus calves

- As soon as planning consent is gained for the proposed cattle building, Mr Yarwood will purchase either mature suckler cows and/or bulling or in calf heifers
- The labour requirements show that there is a theoretical requirement for 280 standard man-days per annum. On this basis the theoretical need for this farm would be 1 full-time worker
- There is no dwelling within the FBT but it is clear that one would be required in order for Mr Yarwood to develop the proposed business. There is a 'temporary workers dwelling' at the adjacent Holly House Farm which has been in existence for at least 40 years. This is however situated outside Mr Yarwood's tenancy and is not available to him. In any case if it were available it would not provide the suitable accommodation that Mr Yarwood will require in order to manage the enterprise. Mr Yarwood currently lives with his family in his own house in Holmes Chapel some 2-3 miles away from the land
- There are no other dwellings available to Mr Yarwood within site and sound of the new livestock enterprise. It is therefore proposed to erect a new agricultural workers dwelling on the land adjacent to the cattle housing
- With an average of 100 head of breeding cattle on the farm, adequate on site supervision is essential to ensure compliance with the statutory obligations under the current codes of Practice for Animal Welfare and the National Beef Farm Assurance Scheme. The 100 calving cows together with their calves that will be reared each year require close attention at all times. Current regulations state that cows and heifers due to calve must be observed at six hourly intervals
- Security of farms and farm buildings is an increasing problem with the recent substantial increase in rural crime. The proposed dwelling will be sited in close proximity to the farm buildings and will therefore provide additional security cover
- There is no question that there is a functional need for a key worker to live within sight and sound of the livestock. The nearest available dwellings are located in Byley village or Cranage. None are available within sight or sound. There are no redundant buildings on the farm that are suitable for conversion to a farm dwelling
- The farm contracting business has been operational for a number of years and is clearly well established. It has a substantial capital base and examination of recent audited accounts confirms that it is both profitable and sustainable
- The budgeted financial results will be more than adequate to justify the proposed herd expansion and additional farm dwelling. Being currently profitable and with a strong probability of remaining so, this business clearly meets the requirements of the financial test as set out in PPS7.

Phase I Land Contamination Desk Study produced by Geocon Site Investigations Ltd

- The potential for contamination to have occurred on the site is possible due to the infilling of a former pond on the site and from any made ground arising from the construction of the adjacent Holly House Farm
- It is considered to be very unlikely that the site would be classified as contaminated land under Part IIA of the Environmental Protection Act (EPA) 1990
- The geological map for the area indicates that the site is underlain by glacial sands and gravels overlying glacial clay all underlain by mudstones with a small area in the south of the site where the sand and gravel is not present and the site is situated upon glacial clay. The sand and gravel is permeable strata and therefore could provide a potential migration pathway for any hazardous ground gases at the site to migrate into any proposed structures
- The likelihood of any hazardous ground gasses being present at the site is considered to be low to moderate due to the former pond on the site which has been potentially infilled with unknown materials which have the potential to generate ground gases

- The risk to surface waters is considered to be low however there is potential for risk due to the possibility of made ground at the site and the underlying sand and gravel acting as a potential pathway for migration
- The risk to drinking water and the underlying minor aquifer is considered to be negligible. There are no drinking water abstractions within 2000m of the site
- It is therefore recommended that a Phase II Geoenvironmental site investigation is carried out

10. OFFICER APPRAISAL

Principle of Development

The principal issues surrounding the determination of this application are the impact of the proposed development upon surrounding residential amenity, highway issues, the impact upon the character and appearance of the surrounding countryside and the potential impact upon protected species. Furthermore, it must be assessed whether the functional and financial test outlined in PPS7 have been met with regard to the provision of an agricultural worker's dwelling on the site.

Policy Requirements of Agricultural Workers Dwellings

The advice contained in PPS7, specifically Annex 1, and H18 (Dwellings Associated with Rural Enterprises) are the relevant policy context against which to assess the proposed need for the agricultural dwelling. PPS7 states that new residential development may be justifiable in the open countryside on the basis that it would enable a full time agricultural worker to live at or in the immediate vicinity of their place of work. Agricultural workers will be expected to live in nearby defined settlements unless there is an essential need to have a worker readily available on site to secure the viability of the enterprise. Whether it is essential to have a worker available on site is based on the needs of the enterprise and not the preference of the individual.

The supporting statements provided on behalf of the applicant refer to the applicants existing farm contracting business. This is a separate business of the applicant which does not create a functional need or justify a new dwelling. The permanent agricultural workers dwelling is therefore contrary to PPS7 which states that '*new permanent dwellings should only be allowed to support existing agricultural activities on well established agricultural units*'.

For permanent agricultural dwellings in the open countryside PPS7 requires that 5 tests are met. The assessment of this application against these tests is shown below;

- i) '*There is a clearly established **existing** functional need*' – This point has not been met as there is no existing functional need at the site. The applicant has stated that the proposed functional need has been met by the proposed herd of 100 suckler cows. This is mainly due to work associated to the welfare of the cattle and calves when giving birth which includes observing cows and heifers at six hourly intervals when they are due to give birth. However it is not accepted that this indicates a functional need as guidance given by Reading Agricultural Consultants on training events indicates that the number of suckler cows which equate to a full time worker is 200 suckler cows. Furthermore the set calving period of either 'spring' or 'autumn', would result in intensive activity for short periods of the year only when the cows and calves would need extra care. Although a proposed dwelling on the site would make life easier for the applicant and allow them to

be more readily on hand for times of calving, there is no convincing evidence to prove that it would be essential for the proper functioning of the holding or welfare of the cattle.

It should also be noted that within the agricultural appraisal submitted for this application a theoretical assessment of the labour requirements for the unit has been provided. However this can only be given little weight as although the theoretical assessment suggests a lot of activity it does not indicate the amount of time spent in areas of activity requiring the ready availability of a worker at most times.

The applicant has referred to the security of the site being a reason to justify a dwelling. However this is not considered to be central part of the functional need and this issue could be addressed by security measures at the site.

ii) *'The need relates to a **full-time** worker, or one who is primary employed in agriculture and does not relate to a part-time requirement'* – It is unclear whether this test has been met. The budgets include income from the existing contracting business which equates to 50% of the income from this element in 2008. As there is no information to indicate otherwise it could therefore be assumed that the applicant intends to carry on with the contracting business and the needs would not relate to a full time worker.

iii) *'The unit and agricultural activity concerned have been established for at least 3 years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so'* – This financial test gives 4 requirements which are required to be met to justify a permanent dwelling on the site. As already stated above the proposed suckler herd would create a new farming unit and the agricultural activity has not been established for 3 years or been profitable for at least one of them or would be currently financially sound. The supporting information makes reference to the applicants contracting business but this would not form a part of the agricultural unit. As a result the requirements of the financial test have not been met. Any future application for a temporary dwelling would need to include *'clear evidence that the proposed enterprise has been planned on a sound financial basis'*.

iv) *'The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned'* – In terms of other existing accommodation in the area the supporting information provided by the applicant states that there is a functional need for a worker to live within sight and sound of the livestock. As the functional test has not been fully met it is considered an exploration of alternative dwelling in the area will be required.

Furthermore there are a number of traditional barns on the Holly House Farm complex which is owned by the applicant's father which have been converted to office use. No information has been submitted to indicate whether these are occupied for the long term and whether any part of these units could be converted to residential use to meet this requirement of PPS7.

v) *'Other planning requirements, e.g. in relation to access or impact upon the countryside are satisfied'* – This issue will be addressed separately below.

It is important that agricultural workers dwellings are of a size that could be justified by the functional requirement to ensure the continued viability of maintaining a property for

its intended use. In this instance it is considered that the proposed dwelling is of excessive size. The proposed dwelling has a footprint 216sq.m, four double bedrooms, 3 bathrooms and a double garage, the elaborate design would also mean that the dwelling would be too costly to construct and would be contrary to PPS7 which states that *'Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted'*.

The 25 year Farm Business Tenancy (FBT) granted to the applicant and the proposed suckler herd represent a newly created agricultural unit and as a result temporary agricultural workers dwelling for a period of 3 years should be applied for (this will then be considered using the requirements for temporary agricultural dwellings contained within PPS7). This is in accordance with PPS7 which states that *'if a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years be provided by a caravan, a wooden structure which can easily be dismantled, or other temporary accommodation'*. The principal of a permanent agricultural workers dwelling on this site is therefore unacceptable and contrary to PPS7.

Design

The design and size of the dwelling is dealt with above, in terms of the proposed agricultural building it would be of a standard design for a modern agricultural building and would be sited along a tree lined hedgerow. It is considered that this siting and design of the agricultural building is acceptable.

Amenity

The nearest residential properties are approximately 120 metres away and as result it is considered that the proposal would not have such a detrimental impact upon residential amenity that would warrant the refusal of this planning application.

Contaminated Land

A contaminated land survey has been produced as part of this planning application and the Environmental Health Department have raised no objection to the proposal subject to the use of a planning condition. As a result the proposed development is considered to be acceptable in terms of the issue of contaminated land.

Highways

The Highways Authority has raised no objection to this proposal and as a result it is not considered that the proposed development would raise any highway safety/parking implications.

Trees

The access to the proposed agricultural building would result in the removal of some small trees and a small section of hedgerow. It is not considered that this issue would warrant the refusal of this application as the vegetation removed is relatively young and adequate screening would be retained.

The site of the proposed dwelling and agricultural building are in close proximity to trees and vegetation, however the proposals would be clear of the canopies of these trees and they would not be affected by the proposed development.

Protected Species

It is not considered that the proposed development would impact upon protected species. This view is supported by the Council's Ecologist.

11. CONCLUSIONS

The proposed development relates to a newly created agricultural unit and a permanent dwelling should only be considered to support existing agricultural activities only. If a new dwelling is essential to support a new farming activity it should be provided by a caravan/mobile home. The supporting information does not demonstrate that the development would meet the functional and financial tests of PPS7 and the applicant has failed to demonstrate that the need relates to a full time worker and that the need could not be satisfied by the use of an existing building on the Holly House complex.

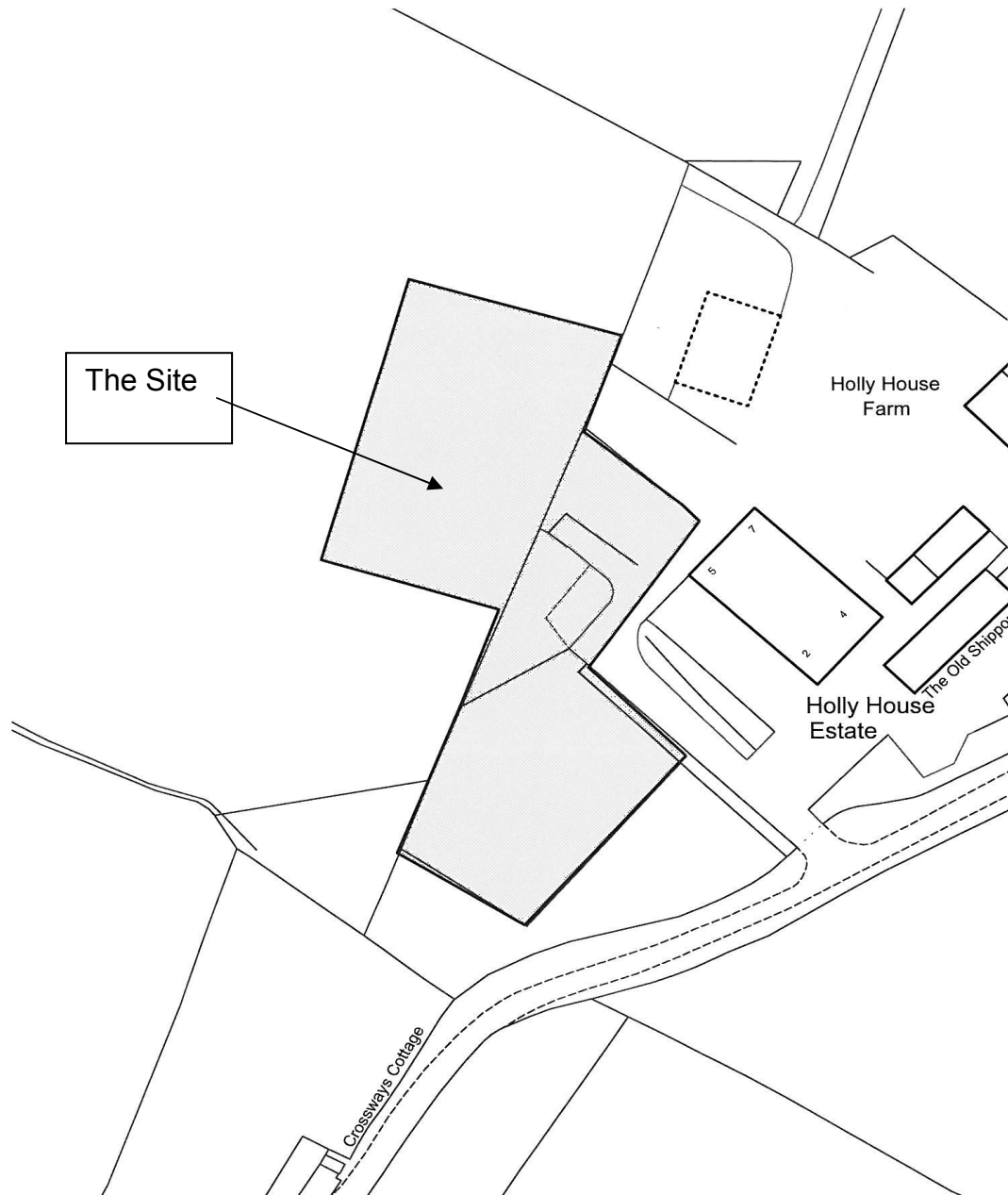
The proposal would not raise any implications in relations to residential amenity, trees, protected species, or highway safety.

12. RECOMMENDATIONS

REFUSE

1. The proposed development relates to a newly created agricultural unit and the provision of a permanent dwelling should be considered to support existing agricultural activities only. Furthermore the proposed dwelling is considered to be overly large and expensive to construct. As a result the proposal would be detrimental to the character and appearance of the open countryside which should be protected for its own sake whilst the size and expense in constructing the dwelling. The development would be contrary to the provisions of PPS 7 (Sustainable Development in Rural Areas) and Policies H18 (Dwellings Associated with Rural Enterprises), H6 (Residential Development in the Open Countryside and the Green Belt) and PS8 (Open Countryside) of the Congleton Borough Local Plan First Review (01/05)

2. The Local Planning Authority considers that the applicant has failed to demonstrate that there is a clearly established existing functional need, that the need relates to a full time worker, that the functional need could not be fulfilled by another existing dwelling in the area or on the unit and that the development meets the financial test specified within Annex A of PPS7. As a result the special justification for allowing a new dwelling in the open countryside has not been met and the proposed development is contrary to the provisions of PPS 7 (Sustainable Development in Rural Areas) and Policies H18 (Dwellings Associated with Rural Enterprises), H6 (Residential Development in the Open Countryside and the Green Belt) and PS8 (Open Countryside) of the Congleton Borough Local Plan First Review (01/05)



Planning Reference No:	09/4043N
Application Address:	Earl of Crewe Hotel, Nantwich Road, Crewe.
Proposal:	Demolition of existing building and construction of new foodstore with associated parking.
Applicant:	Aldi Stores Ltd.
Application Type:	Full Planning Permission
Grid Reference:	370238 354516
Ward:	Crewe South
Earliest Determination Date:	27 th January 2010
Expiry Dated:	5 th March 2010
Constraints:	Settlement Boundary Nantwich Road Shopping Area Locally Listed Building

SUMMARY RECOMMENDATION:

REFUSE for the following reasons

- Loss of Locally Listed Building

MAIN ISSUES:

- The acceptability of the development in principle.
- Locally Listed Building
- Layout, design and street scene
- Sustainability,
- Impact on neighbour amenity
- Landscape and Ecology
- Crime and Disorder
- Public Consultation
- Highway Considerations
- Drainage and flood risk,

1. REASON FOR REFERRAL

The application has been referred to committee because it is a commercial building of over 1000 square metres in floor area.

2. DESCRIPTION OF SITE AND CONTEXT

The site of the proposed development lies on the south side of Nantwich Road and comprises land currently occupied by the Earl of Crewe public house, a “pay and display” car park, a range of outbuildings and vacant land formerly occupied by garaging.

The Earl of Crewe is an imposing Victorian building which fronts on to Nantwich Road and has a sizeable mature garden between its east flank and a frontage to Sherwin Street. Within the car park there is a two storey range of outbuildings, which are boarded up and an attached single storey range formerly used a lock up

garages. The public house is included on the local list of buildings of historic and architectural interest.

Land uses along Nantwich Road in the vicinity of the site are predominantly commercial, with a mix of shops, financial and professional services, hot food takeaways, restaurants, cafes and public houses. Once away from the main road the area is almost entirely residential.

3. DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of all the buildings within the site and the construction of a food store of 960sq.m sales area and 1,348sq.m gross internal area at ground floor level. Free customer car parking will be located to the western and southern parts of the site and at total of 85 spaces will be provided. 4no. DDA compliant spaces, 2 no. parent and child spaces along with cycle parking facilities for customers and staff will also be provided. Servicing facilities and plant will be located to the southern elevation of the store.

4. RELEVANT HISTORY

P06/0868 - Erection of eight terraced properties and conversion of outbuildings to three dwellings.. Withdrawn

P06/1282 - Erection of 7 two storey terraced properties and the conversion of barns to three residential properties. Approved 12th February 2007

09/1304N - Demolition of existing building and construction of new foodstore with associated parking. Withdrawn

5. POLICIES

North West of England Plan - Regional Spatial Strategy to 2011

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 RDF 1 Spatial Priorities

Policy W 1 Strengthening the Regional Economy

Policy W 5 Retail Development

Policy RT 1 Integrated Transport Networks

Policy RT 2 Managing Travel Demand

Policy RT 3 Public Transport Framework

Policy RT 9 Walking and Cycling

Policy EM9 Secondary and Recycled Aggregates

Policy EM 11 Waste Management Principles

Policy EM 12 Locational Principles

Policy EM 15 A Framework For Sustainable Energy In The North West

Policy EM 16 Energy Conservation & Efficiency

Policy EM 17 Renewable Energy

Policy EM18 Decentralised Energy Supply

Policy MCR 4 South Cheshire

Cheshire Replacement Waste Local Plan

Policy 11 (Development and Waste Recycling)

Borough of Crewe and Nantwich Replacement Local Plan 2011

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
TRAN.1 (Public Transport)
TRAN.3 (Pedestrians)
TRAN.4 (Access for the Disabled)
TRAN.5 (Provision for Cyclists)
TRAN.6 (Cycle Routes)
TRAN.9 (Car Parking Standards)
S.10 (Major Shopping Proposals)
S.9 (Nantwich Road)

National policy

PPS 1: Delivering Sustainable Development
PPS 4: Planning for Sustainable Economic Growth
PPS 25: Development and Flood Risk
PPG 13: Transport
Department for Transport – Manual for Streets

6. CONSULTATIONS (External to Planning)

Environmental Health

Do not object to this application subject to the following comments

- The discussed mitigation methods for both the construction and operational phases implemented and agreed with the local authority prior to commencing works alongside implementing the identified mitigation measures to minimize any impact on air quality within the AQMA and surrounding area.
- Before the use commences the building together with any ancillary mounted equipment shall be acoustically attenuated in accordance with a scheme submitted to and approved by the borough council.
- The car park should be closed to all vehicles (except for staff vehicles) outside store opening times so as to protect the amenity of local residents.
- Hours of operation, including deliveries to the site, shall be restricted to those stated in the application form i.e. 8am-8pm Monday to Saturday and 10am-5pm on Sundays.

Highways Authority

The unofficial zebra crossing at the entrance with Nantwich Road (A534) will have a detrimental impact on highways safety. Vehicles turning into the Aldi site will have to stop to allow pedestrians to cross the unofficial zebra crossing, resulting in the A534 becoming blocked. This is not acceptable and will also conflict with the proposed yellow boxed marking. This unofficial zebra crossing needs to be moved and relocated further away from the entrance. It will also require a footway connection from Nantwich Road on the Nantwich side.

The maximum number of parking spaces permitted for a GFA of 1000sqm is 71 spaces, which should include 4% disabled. There are concerns with the location of the first four car parking spaces and a potential backing up of vehicles towards and on the A534. The nearest car parking space should be no less than 15 meters from the entrance with the A534 to reduce the risk of queuing. This will require the removal and relocation of two disabled and two standard parking spaces. This area would be the preferred location for cycle stands as it will reduce any conflict between disabled parking space users and cyclists.

The highways authority recommends that the parent and child spaces are relocated in the area that links the second unofficial zebra crossing with the car park. The radius near to the second unofficial zebra crossing (on the car park side) should be redesigned to accommodate pedestrians crossing over a reduced over run area.

The access must be constructed to CEC specification through a section 278 agreement and include the provision for a yellow boxed marking.

United Utilities

- No objection to the proposal in principle.
- In accordance with PPS25 surface water should not allowed to discharge to foul/combined sewer. This prevents foul flooding and pollution of the environment.
- 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/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities. All surface water drains must have adequate oil interceptors.

Sustrans

- The developer's notes refer to reducing the need to travel for food shopping by providing a retail opportunity within walking distance of residential areas of Crewe. This is a principle we very much support but we question how the developer can justify it for this particular store even with the reduced level of car parking at 85 spaces.

- Are pleased to see the inclusion of a pedestrian access off Sherwin Street and cycle parking under cover with Sheffield stands.
- Travel Planning is discussed by the developer. This has the potential to reduce some car journeys but only if it has targets, is monitored regularly, and has to report back to the local authority. It would be very useful for this to be carried out for the shoppers as well as staff to gauge how people do actually travel to the store, and whether they are opting to walk or cycle or use public transport.
- There will be an increase in vehicular manoeuvres into and out of the store on Nantwich Road at a very busy location. We suggest the footway should maintain continuity over the entrance as a raised crossing.
- T junctions on the 20 mph Nantwich Road zone.
- Prefer to see a planting strip in front of the store to soften the street scene.

Ecologist

- The ecologist who undertook the bat survey is suitably experienced to undertake work of this kind. Whilst the survey appears to have been undertaken to a high standard the site was visited too early in the season for the ecologist to perform an emergence/activity survey.
- However, considering the lack of suitable bat foraging habitat and the likelihood that there will be abundant alternative roosting places in surrounding buildings I recommend that the submitted bat survey is acceptable to assess the impacts of the proposed development upon bats.
- As no evidence of bats was recorded during the survey no further action is required.

7. VIEWS OF THE PARISH / TOWN COUNCIL:

N/A

8. OTHER REPRESENTATIONS:

Objection

Letters of objection have been received from the following addresses: 5 Wistaston Avenue, 152 Manor Way Crewe, making the following points:

Loss of locally listed building

- The Earl is a locally listed and historically significant building
- There is no other building in the country that has the look, design, and character of 'The Earl'.
- This would not be permitted in other towns and cities in Europe
- Crewe should retain its heritage for the sake of future generations
- The Police Training College and Technical Institute are good examples of sensitively regenerated buildings. They also were in a condition similar to that of 'The Earl'.
- Saving a small commemorative 'Victoria Jubilee' plaque rescued from 'The Earl' is simply not enough and inadequate if we are to maintain a proper cultural link to our

past. Neither can this small token gesture be considered to be 'Incorporating certain features'.

- An immense amount of artwork, detail and design which has been put into 'The Earl' i.e. the ridge tiles, brick work patterns etc. (Nearly all of which are still in good condition and in site despite the supposed lack of maintenance to the property)
- Cheshire East Council need to press for full 'Listed' status for this building, with immediate effect.
- Even if the current buildings are no longer viable as a pub, there are many opportunities to develop the site which would not require demolition- such as using it for low cost housing- the main building could be converted to apartments, with the surrounding land being developed for houses or apartments as, or if necessary. Other possibilities could be: Start up units for new small businesses, a 'design zone', where local designers could be close together, a high class restaurant or hotel ('The Earl' was originally a hotel, and there is currently no hotel accommodation at this end of Nantwich Road), a head office for a local business i.e. a solicitors, architects, or consultancy. The possibilities are endless
- There will be a loss of green space around the building
- The site should be placed on the open market

Highway Safety

- There will be an increased risk of accidents and traffic congestion
- Nantwich Road has already undergone traffic calming, and so further traffic use would undermine the benefits this gives.
- It would mean more HGV's using an already busy road.
- The number of car park spaces planned when compared to the existing number is an indication of the amount of extra traffic expected at the development.
- Many of the expected cars will have a short stay, whereas currently, most are parked for longer periods
- There also will be long queues of traffic heading east, as cars wait in line to cross on-coming traffic in order to access the car park.
- Customers will use Aldi as a supplement to their existing shop visits- there will be an even bigger increase in traffic as people make two shopping journeys instead of one

Quality of proposed building

- The application if passed will simply bring a bland, clone of many other shops around the country to the streets of Crewe. A resident or visitor will quite possibly be able to see a very similar uninteresting, faceless building in any western country.
- The building materials and type of building as planned (Aluminium windows and doors,) are not in keeping with traditional Cheshire building materials, surrounding buildings, or even the existing building which is "on a completely different, grander scale" (Applicants own assessment), such as red brick mouldings, render, pitched roof, carved wood bargeboards, chimney stacks.
- Simply adding some pitched roof areas to what is basically a cheap flat roof does not improve the overall poor aesthetics of the original application nor improve or retain the quality of this part of Nantwich road from what we currently have.
- The developer's claim of an "Incoherent street scene" will only be worsened by this development.
- The applicant intends to "re-establish the broken building line". It can be seen from old maps that there has never been a continuous building line along Nantwich Road

- The developer has not taken account of: 'By Design: Urban Design in the Planning System'

Pollution

- This development will create disturbance, noise, and light and air pollution to the local residents.
- The landscaping is not enough to mask the sounds of cars, delivery lorries, and the noise of the "servicing facilities and plant" located to the south of the planned building.
- The current 'Earl' has a much wider belt of trees and green open space ("an imposing and mature garden") which masks any noises and pollution much better,

Loss of community facility

- The Earl has a significant number of regular customers and is a community facility

Impact on town / other retailers

- The town will become characterised by supermarkets, charity shops and fast food outlets
- The size of the proposed store is disproportionately large for the catchment
- It will kill off other shops in the area
- There are already several supermarkets in the immediate vicinity, selling the same types of items
- New Tesco and Sainsbury's Stores have recently been approved
- There is also an existing 'Aldi' shop not far away in the town, so any jobs created by this development would likely be lost elsewhere. The applicants say "it will draw the majority of its trade from existing food stores...particularly in Crewe town centre"
- Crewe is dying already, having many empty shop units.
- If people are no longer visiting the town centre for even a small amount of grocery shopping, there will be an impact on comparison goods retailers

Other matters

- Additional hardstanding may increase risk of flooding
- Further investigation is required for lead contamination
- There is no indication in the application of how the developers intend to use renewable resources in the construction or running of the building.

Support

Letters of support have been received from the following addresses: 290 Walthall Street, 8 Tynedale Avenue, 5, 23 Swinnerton Street, 11, 25 Madeley Street, 20, 42, 44, 76 Ernest Street, 176, 282, Nantwich Road, 26 St. Andrews Court, 146 Bedford Street, 3 Atholl Avenue, 14 Brooklyn St, 60 Bedford Gardens, 29 Ruskin Road, 1 Westminster Street, Crewe making the following points:

- It is a wonderful idea
- It will give the local population more choice of where to shop and better value
- Value for money is needed in the economic climate
- It is in a central location and car transport will not be required
- The Earl of Crewe does not do much trade
- It would not impact on the other retailers such as the co-op, which sell other products
- The new plans are a big improvement over the previous application.

- It will improve the appearance of Sherwin Street.
- It will bring more trade in for other shops at the same time
- It will be very useful for old people especially in bad weather
- The site is currently full of rubbish and breeds vermin
- It will brighten up the area and bring jobs for young people
- Nantwich Road has lost a lot of retail units to fast food outlets and new ones are needed
- A larger supermarket in the area would be beneficial for workers at nearby businesses
- It has a large catchment area encompassing a lot of Wistaston as well as the immediate area.
- Other shops in the area are too expensive
- The plans have taken into account other buildings and there would be sufficient parking.
- The pub has generated problems of antisocial behaviour
- Aldi on the retail park is out of the way.
- The Earl is of little historical value

9. APPLICANT'S SUPPORTING INFORMATION:

Transport Assessment

- The report has demonstrated that the proposed development promotes accessibility by all modes of travel, in particular public transport, cycling and walking by virtue of its sustainable location and the physical infrastructure that would be put in place cycle parking at the front of the store, as well as the Travel Plan which would be used to influence travel behaviour.
- It has also been demonstrated how the development would reduce the need to travel, especially by car with regard to the element of pass-by diverted and transferred trips – i.e. the majority of vehicular trips to the proposed development would not be new trips on the network and may well be shorter given the more convenient location of the store to the catchment.
- The impacts of residual trips from the proposed development have been assessed and it is evident that these would not have significant impact on the operational performance and safety of the local highway network.
- It is concluded that there are no overriding reasons preventing the Local Planning Authority from recognising that the proposal is acceptable with regard to the Local Highway Network.

Framework Travel Plan

- To achieve the initiatives in the Travel Plan, Aldi will encourage its employees and customers alike to take into account the benefits of sustainable forms of transport that are available to them given the highly accessible location of the site.
- Aldi will undertake local infrastructure improvements to further enhance sustainable transport options in the vicinity of the site. This allied with progressive management practices and the provision of adequate infrastructure will influence and encourage staff and customers to choose sustainable transport options in preference to the private car.
- The Travel Plan will seek to achieve significant reductions in car usage for journeys to and from the store. This will produce resultant benefits in terms of air quality and

emissions and will also significantly reduce car parking demand and traffic generation associated with the development.

Consultation Statement

- Pre-application discussion has taken place with statutory bodies, stakeholders and elected members. A press release was issued and a public exhibition was held
- A free post and free phone facility was also set up to enable people to make comments.
- A total of 79 responses were received, of which 68% were in favour, 13% made comments and 19% objected.
- The statement includes a summary of the comments.
- The applicant is committed to on-going community and stakeholder engagement through meetings and newsletters.
- All comments received have been reviewed by the project team and where changes could be made, they were. Feedback was also given at the exhibition and questions answered. Many of the issues raised are covered in the application documents which accompany this response.
- Following a review of the feedback received Aldi considered the comments raised and has responded as follows.
- A new Aldi food store on the site would assist in meeting a local need as the Cheshire Town Centre Study identifies capacity for additional convenience floor space in Crewe. Because Aldi stores only sell own brand products, the store can sit side by side with existing stores already in Nantwich Road. Aldi believe that the new store would attract local customers who currently travel to one of the larger supermarkets in Crewe. This would be new life into the shopping area and complement the other shops.
- The Earl of Crewe public house has deteriorated in recent years and does not contribute to the Nantwich Road. The design of the proposed store would be high quality and would seek to provide a modern, lean and light store for the town. Aldi has carefully designed the scheme to incorporate certain features from the Earl of Crewe public house, such as the commemorative plaque to ensure that the new food store complements the existing streetscape and provides a feature on Nantwich Road.
- The new store would seek to bring a new landmark building to the street frontage with a sympathetic design to reflect the history of the site while creating a new use of the land to help draw customers to Nantwich Road.
- The principal means of access would be via the existing access off Nantwich Road. This access radii and width will be modified to allow easy access into and out of the site whilst maintaining the required visibility standards. There are no proposals for any access to be taken from Sherwin Street.
- The Earl of Crewe public house already has a private pay and display car park to the side and rear of the building. The new store would seek to continue to provide parking for customers of shops along Nantwich Road as well as customers of the new Aldi Store. The development is proposing a total of 85 car parking spaces, including four spaces for disabled customers and two parent / child spaces
- Aldi proposes that the new store car park would be free for visits up to 90 minutes giving customers time to complete their shopping in store and make further trips to the neighbouring shops. There would be no restrictions on parking out of store opening hours.

- An addendum has been submitted which states that Aldi is committed to on going public consultation by way of further meetings, press releases and a newsletter, which will be issued following submission of the revised application.

Retail Statement

- The Cheshire Town Centre Study identifies both a quantitative and qualitative need for additional convenience floorspace in Crewe.
- The site lies primarily within the defined Nantwich Road shopping area, which is a preferred location for new retail development and notwithstanding this there are no more central sites within Crewe Town Centre or Nantwich Road, which are suitable, available or viable to accommodate the proposal. It presents the most appropriate opportunity for additional retail investment of the scale proposed.
- The development is of an appropriate scale to the Nantwich Road location and the catchment area served by the centre.
- The site is well served by public transport and is readily accessible by a choice of modes of transport including, buses, rail, cycling and walking.
- The scale of the proposed store is modest and the predicted trading impact of the development is minimal and it will have no harmful effect on the vitality and viability of Crewe Town Centre or the Nantwich Road shopping area, but rather it will enhance the retail offer, widen choice for consumers and therefore improve the attractiveness of the Nantwich Road shopping area.
- There are therefore no retail considerations contrary to national and local policies such that planning permission should be granted.

Design and Access Statement

- The scheme is a contemporary modern design, which will replace a structure alien to its surroundings.
- The proposal will bring crisp materials to the streetscape whilst also enhancing existing public routes and servicing.
- The carefully chosen palette of materials will fit neatly into the urban landscape and create a sharp modern addition to Nantwich Road and the neighbouring areas.
- Enhanced landscaping levels will also be introduced to the streetscape, throughout the car park and to the boundaries
- To conclude the scheme fulfils the requirements of the policies set down at both National and Local levels and therefore should be treated in a favourable light by the Local Authority

Planning Statement

- The site is in a sustainable location and is suitable to accommodate the scale of the proposed foodstore, which is appropriate for the location. It will enhance the retail offer in the Nantwich Road shopping area and improve customer choice and will have no adverse impact on the centre, or on Crewe town centre. It will also offer the prospect of linked trips, improve the centre's car parking facilities and will contribute to urban regeneration objectives.
- The building is of good quality which respects urban design principles and is in keeping with the local context and will therefore significantly enhance the surrounding area.
- The Transport Assessment has confirmed that the traffic generation in respect of the proposed store can be satisfactorily accommodated on the highway network.

- No other issues have been identified which are adverse to the proposed development
- For all these reasons it is submitted that planning permission should be granted.

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.

Bat Survey

- No evidence was found anywhere on site to suggest that bats ever roosted here.
- The barn looked to offer the most potential from outside but internally it was obvious that the fire 2 years ago had caused extensive damage and most of the timbers were severely charred. The barn was re-roofed after the fire and if bats had been present beforehand this major disturbance is likely to have, at the very least, caused them to relocate elsewhere. However, there was no evidence to suggest that they had ever roosted there.
- The pre-fabricated garages that have been demolished were unlikely to have been attractive to bats.
- Nor do the trees on the site shown any signs of suitable roosting habitat, apart from one ivy clad tree, which in isolation within sub-optimal bath habitat is unlikely to be attractive to bats.
- However, bats do forage and roost in areas close to Crewe town centre and this site may be visited from time to time by the occasional bat or two but it is unlikely to be significant.
- In view of this a license from Natural England regarding bats is not currently required before building work commences on site.
- Mitigation measures are not required for bats
- However, if the situation changes and bats are subsequently found on site, then a license for bats may be required and mitigation measures necessary.
- If in the unlikely event that a bat is accidentally discovered during building operations, work must cease immediately in that area. The bats should be left undisturbed and a bat consultant contacted for advice.

Building Survey Report

- The property is a Victorian brick constructed public house.
- Due to its age and lack of maintenance it has deteriorated significantly
- Externally, the building has the following problems:
 - The pitched roof appears to be suffering due to numerous slipped and missing tiles, with rotten fascias and bargeboards all requiring replacement. This will require the entire building to be scaffolded, the roof stripped and the tiles re-fixed / partially replaced with new fixings.
 - All the flat roofs are nearing the end of their lives and are likely to require replacement within the next two years
 - There are areas of brickwork requiring re-pointing and isolated renewal. Chimneystacks are a health and safety risk and should be rebuilt or capped.
 - The gutters and down pipes are heavily corroded and silted requiring replacement.
 - The windows have been poorly maintained and the seals have failed with signs of advanced stages of rot to the timber frames and mullions, and will need replacement throughout.
 - Damp investigations and potential damp proofing works are required
- Internally the majority of the fittings are tired and dated. The following works are required:
 - The electrics and the plumbing comprise both old and new installations and it is likely they do not comply with current regulations. As such, they have limited life expectancy and will need to be stripped out and renewed.
 - The floorboards on the second floor are starting to fail, requiring replacement.
 - Repairs to water damaged and cracking plastered ceilings and walls.
- If the building is to be used for anything other than its current use, significant works will be required including
 - Upgrading the loading capacity and sound insulation of the floors.
 - Upgrading fire compartmentalisation both vertically and horizontally including doors, floors and staircases
 - Installation of a lift should residential conversion be considered
- The building does not comply with the Disability Discrimination Act and it is likely that the following works will be needed
 - Installation of a ramp to the main entrance
 - Upgrading the fire alarm system
 - It is understood that all asbestos has been removed from the building,
- Considerable expenditure will be required to this building to bring it up to an acceptable standard of repair internally and externally. If the use of the building is to be changed the expenditure will increase further. This is likely to be in the region of £335,000.

10. OFFICER APPRAISAL

Principle of Development

The site lies outside the town centres of Crewe and Nantwich, as defined in the Local Plan, where Policy S.10 states that major retail developments will be permitted

only if all of a number of criteria are met. According to the supporting text major proposals for the purposes of this policy will be regarded as those with a gross floorspace of over 2500 sq. m. The proposed Aldi store would have a gross floorspace of 1407sq.m and therefore it is not necessary for the developer to demonstrate that there is a proven need for the development; a sequential approach to site identification has been followed; or that the proposal, either by itself or together with other shopping proposals or developments, will not harm the vitality or viability of another shopping centre.

Furthermore, the proposed store would be located partly within the Nantwich Road Shopping Area as defined in the local plan, although some of the parking area to the rear would lie outside this area. According to Policy S9 new retail development will be permitted on Nantwich Road (as defined on the proposals map), provided it is in accordance with policies BE.1 - BE.5. The proposal is therefore acceptable in principle, subject to the consideration of more detailed matters of amenity, design, access and parking, drainage and infrastructure and compliance with other relevant local plan policies.

Locally Listed Building

The existing Earl of Crewe public house is included in Appendix 5.3 of the Crewe & Nantwich Adopted Replacement Local Plan 2011 as a building of local interest. This is an important building within the street scene in this part of the Nantwich Road in Crewe.

It was built in 1897, in the year of Queen Victoria's Diamond jubilee, and is a good building of its type with symmetrical two storey bays to either side of the front elevation which terminate in jetted gables at the third / attic floor level. These display detailed plasterwork and are supported on prominent consoles. To either side of each of these gables are tall brick external chimneys stacks each with detailed brick bands which reinforce the quality of detailing in this elevation. A third chimney of the same style can be found towards the rear.

The brick and terracotta detailing in this building is particularly good, with a continuous moulded projecting string course between ground and first floor incorporating a Tudor rose frieze detail which is also copied vertically above. The stonework surrounds to the windows and their quoins are also striking.

The height, mass and style of this fine building complements the buildings to either side and its height in particular mirrors that of others in this part of the Nantwich Road. The building and its outbuildings are, therefore, an important part of the historic character of this road and its buildings and it is for these reasons that it has been incorporated on the local list.

Policy BE13 of the Adopted Replacement Local Plan 2011 states that buildings or structures included in the non-statutory list of buildings and structures of local architectural or historic interest will be protected from inappropriate development proposals affecting the reason for their inclusion in the list.

Clearly, complete demolition of a building would be considered inappropriate development and would affect the reason for its inclusion in the list. Therefore, the Council has a clear preference for the re-use of these locally listed buildings and structures unless re-use is neither physically nor financially sustainable, or it can be clearly demonstrated that there are reasons for the development which outweigh the need to safeguard the building or structure.

The applicant argues that the original character of the building has been changed and diminished not least by the loss of the whimsical lantern tower destroyed by fire, which was original located between the two front gables. In addition the attic floor has been painted blue and a single storey extension has been added on the western side, which further detract from its appearance. The general condition of the building has also deteriorated and is in need of maintenance.

It is not considered that these are sufficient reasons to justify the demolition of the building. The painting of the attic is a cosmetic alteration, which could easily be reversed and a more comprehensive restoration, as part of a conversion to an alternative use could deal with the missing lantern and single storey extensions.

A structural report has also been submitted with the application which concludes that the building requires considerable works internally and externally due to its age and lack of maintenance. Roofing windows and guttering require replacement, brickwork should be re-pointed and the chimney stacks rebuilt. Internally the building requires redecoration, rewiring, new heating and plumbing and some ceilings need replastering. Some alternative uses may require sound insulation, improvements to floor loadings, thermal insulation, a lift and improved fire precautions. Further surveys of drains, timbers and lintels are also recommended.

Having reviewed all of the submitted information, it is not considered that the building is beyond economic repair. There is nothing to suggest that the building is unsafe or has major structural problems such as subsidence or major cracking to walls. The only significant structural problem which has been identified is the need for the roof to be replaced. This, like all of the other works required, can be considered routine maintenance, and in any event would probably be carried out as a matter of course as part of a conversion to an alternative use.

The applicant also argues that the owners of the building have been attempting to sell the business for over three years without success and have therefore sought interest for alternative uses with a similar lack of enquiries such that redevelopment has become increasingly attractive. Vacation of the building is increasingly likely in the short term leading inevitably to further deterioration and problems in respect of its appearance.

In support of these claims, a letter from the Management Company responsible for the building has been submitted. It states that due to deteriorating profitability as a public house, the Earl has been on the market since December 2007 through 3 commercial agencies. No meaningful proposal has been received either to continue use as a public house or for alternative purposes. Whilst there have been some enquiries these have been very limited in nature, due not least to the economic recessions. Further information is also provided to illustrate falling revenues from the pub and to explain that on the basis of these an estimated £366,000 refurbishment cost could not be justified. The company has 140 pub outlets across the country, but

on the basis of their industry expertise they have concluded that the Earl is no longer commercially viable and inevitably will have to close in the very near future.

Whilst the contents of this letter are noted, it is not considered that this is evidence of a concerted marketing campaign. No information has been provided as to how it was marketed, to whom it was marketed and for what uses or the intensity of the campaign. It does not provide convincing evidence that all potential alternative uses have been thoroughly investigated. The site has the benefit of being located within a mixed use area where retail, office, residential food and drink uses would be appropriate.

The scale and layout of the building, the applicant claims, are such that it does not lend itself easily to conversion and in the present economic climate costs are prohibitive. This argument is not accepted. It is considered that the building is suitable for a range of uses, which would be economically viable, particularly in conjunction with the implementation of the extant permission which exists on the land to the rear of the site. There have been recent examples within the Borough of public houses being converted to a range of uses including flats, student accommodation and restaurants. It is not considered therefore that the developer has demonstrated that re-use is neither physically nor financially sustainable.

The supporting documentation states that notable features from the original building will be incorporated within the new development. However, other than reference to a commemorative plaque details of these features have not been forthcoming. The proposal is therefore contrary to Policy BE.13 of the Local Plan.

Layout, Design and Street Scene

The proposed store has been sited at the front of the site and is orientated with the main frontage at 90 degrees to the road. Consequently the Nantwich Road frontage is formed by a long blank elevation. However, efforts have been made to add interest and detail to this elevation by wrapping the entrance around the corner and incorporating gables, brick modelling and elements of structural glazing in order to create the illusion of an active frontage.

A similarly blank elevation is presented to Sherwin Street, although the impact will be softened by proposed tree planting and again brick modelling has been introduced to the gable end.

The majority of the development along Nantwich Road, including the properties to either side of the site, is of between two and three storeys in height with a vertical emphasis and rhythm created by fenestration patterns, stops in the building line, bay windows and gables. Buildings are generally traditional in style with pitched, tiled roofs and red facing brick walls. These are features which have been replicated on the proposed store which is similar in overall height to the adjacent buildings and includes a steeply pitched roof, a vertical emphasis to the glazing and gables. Overall, therefore, it is considered that its scale, form and siting are acceptable in terms of their impact on the character and appearance of the street scene. However, it is not considered that the design of the building is of such exceptionally high quality that it in any way compensates or provides special justification for the loss of a locally listed building.

Crime and Disorder

Large scale retail proposals often raise concerns about car-related antisocial behaviour on the car park when the supermarket is closed. Such problems have been experienced at other stores in the Borough and it is therefore suggested that in the event of approval conditions should be imposed requiring the erection of gates or other physical measures to secure the site access outside store opening hours, as well as the provision of CCTV and speed humps.

Public consultation

In support of the application, the developer has submitted a Consultation Statement. The Crewe & Nantwich Borough Council 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 the need for the new store, loss of the historic building, car parking and access. Whilst the statement goes on to provide further justification for the proposal and reassurance that these matters are of no consequence, it does not appear that the scheme has been amended in any way to respond to public concerns.

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. Policy EM 18 states that "in advance of local targets being set, new non residential developments above a threshold of 1,000m² and all residential developments comprising 10 or more units should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable."

The applicant has provided a supporting statement which explains that on previous new build Aldi schemes, where there has been a planning requirement to provide 10% renewable energy, one of two solutions have been adopted. These are either an air source heat pump to provide the required 10%, or a heat recovery system, whereby the waste heat energy from the refrigeration condensers has been utilised to provide heating to the store, which is substantially in excess of the 10%. On similar sized stores to the one proposed, the predicted annual energy consumption would be in the order of 438,240kWh resulting in a 10% figure of 43,826kWh. The proposed heat pump system would generate approximately 50,483kWh per annum, with the heat recovery providing approximately 120,000kWh per annum. The provision of these systems can be secured by planning condition and on this basis it is considered that the requirements of policy EM18 (Decentralised Energy Supply) will be met.

In accordance with the principles set out in RSS Policies EM9 (Secondary and Recycled Aggregates) and EM11 (Waste Management Principles) as well as the provisions of Policy 11 (Development and Waste Recycling) of the Waste Local Plan a statement has been submitted explaining that any material derived from demolition works will be reused where possible on site. The most obvious application is reclaiming aggregates for use in pedestrian and car parking areas. Waste taken from the site will be closely monitored by the site manager. A detailed Waste Management Plan can also be conditioned.

Air Quality

The site is adjacent to an Air Quality Management Area which has been declared due to the levels of nitrogen dioxide in the area. A comprehensive air quality impact assessment of the proposal has been carried out and the Environmental Health Section are now satisfied that, subject to appropriate conditions to secure the implementation of mitigation measures, permission can be granted without any adverse impact on air quality within the area.

Amenity

The proposed store will be sited between 18 and 20m away from the properties on the opposite side of Nantwich Road and Sherwin Street, which will be sufficient to prevent any loss of light to those properties. Given the lack of glazing in the elevations fronting on to these streets, privacy is also not considered to be an issue. Distances in excess of 20m will be maintained to all of the other neighbouring dwellings.

With regard to the operation of the building the Environmental Health section have raised concerns about noise, odour and light from the premises, but are of the opinion that these can be adequately mitigated through appropriate conditions. Furthermore, compared to the existing pub use, any disturbance resulting from customer or early morning delivery activity is considered to be minimal and it is therefore considered that there are no sustainable amenity grounds for refusal.

Landscape and Ecology

The proposal involves the loss of a number of mature trees from the middle of the site. However, these were to have been removed as part of the approved scheme for residential development and in view of this fall-back position and the fact that the trees are not protected by a Tree Preservation Order, it is not considered that a refusal on these grounds could be sustained. Furthermore, a number of replacement trees are proposed within the new development and these can be secured through an appropriate landscaping condition.

A bat survey of the existing buildings on site has been undertaken but has not revealed any presence of bats on site. The Council's ecologist has examined the survey and commented that it has been carried out to a very high standard and that no further action is required in this case.

Highways and Parking

The developer has submitted a Traffic Impact Assessment with the application, which has been examined by the Strategic Highways Manager. He has raised no objection in principle to the proposed development and therefore, whilst the comments of local residents are noted, it is not considered that a refusal on traffic generation grounds could be sustained. With regard to the detail of the scheme, the Strategic Highways Manager has raised a number of concerns regarding the layout of the carpark. However, it is considered that these issues can be adequately addressed through the submission of amended plans, which have now been sought from the applicant.

Loss of Community Facility

Policy CF3 seeks to protect community facilities which make a positive contribution to the social or cultural life of a community, unless suitable alternative provision is made. Previous appeal decisions which have considered schemes that would result in the loss of a public house, have established that where there are other facilities within easy walking distance then there are no planning objections to the loss in principle. Appeal decisions make it clear that the consideration is whether there are alternative establishments in the local area not whether they offer exactly the same ambience / facilities as the one which has closed. Policy CF3 makes no reference to the need to market an establishment before it is lost or for any considerations regarding viability. Whereas the Council has used such a reason for refusal for other premises in villages, the same considerations do not apply to the loss of a public house in a town such as Crewe with other public houses within walking distance. It is therefore considered that the loss of this public house would not conflict with policy CF3 of the Replacement Local Plan 2011.

Other Matters

A significant number of letters have been received in respect of the proposal, paragraph 27 of PPS1 states that the members of the local planning authority are elected to represent the interests of the whole community in planning matters. When determining planning applications they must take into account planning considerations only. This can include views expressed on relevant planning matters. However, the paragraph concludes that local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid planning reasons.

Therefore, in considering letters of representation, Members must consider the validity of the points that have been raised and not the number of letters received.

Residents complaints about antisocial behaviour relating to the pub do not provide justification for its demolition as these are a management issue and can be address through licensing and other legislation. Furthermore, the public house could be converted to another use which would elevate these problems as well as addressing its appearance and the maintenance issue. The untidy land at the rear can also be dealt with through enforcement proceedings or the implementation of the extant residential permission.

The quality and price of Aldi products or the helpfulness of their staff are not material planning considerations.

11. CONCLUSIONS

In summary it is considered that whilst retail development would be acceptable in principle, the proposal would result in the loss of a locally listed building, the re-use of which the Local Planning Authority considers to be both physically and financially sustainable. The applicant has failed to demonstrate that there are any other reasons for the development which outweigh the need to safeguard the building and the proposal.

Notwithstanding the concern about the loss of the existing building on site, the layout, massing, and design of the proposal are now considered to be acceptable and would not, in themselves, adversely affect the character and appearance of the street scene on this part of Nantwich Road. It is also considered that the developer has adequately demonstrated how the proposal will contribute to sustainable development objectives through renewable energy, energy saving design and waste minimisation and recycling.

The proposal will not exacerbate existing air quality problems on Nantwich Road and is considered to be acceptable in terms of its impact on crime and disorder, landscape and ecology, amenity of neighbouring properties, drainage and flood risk. Subject to suitable amendments it is considered that the highways and parking issues can be resolved. Furthermore, it is concluded that the developer has complied with the Statement of Community involvement. However, these are insufficient to outweigh the concerns in respect of the loss of the locally listed building.

Therefore, in the light of the above, and having due regard to all other matters raised, it is concluded that the proposal is contrary to policies BE.13 (Buildings of Local Interest), of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and accordingly it is recommended for refusal.

12. RECOMMENDATIONS

REFUSE for the following reason -

The proposal would result in the loss of a locally listed building, the re-use of which the Local Planning Authority considers to be both physically and financially sustainable. The applicant has failed to demonstrate that there are any other reasons for the development which outweigh the need to safeguard the building and the proposal is therefore contrary to Policy BE.13 (Buildings of Local Interest) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Location Plan: Cheshire East Council Licence No. 100049045



Planning Reference No:	09/3490C
Application Address:	20 Pikemere Road, Alsager
Proposal:	Proposed Subdivision Of Domestic Curtilage To Create Additional, Separate Dwelling
Applicant:	Mr. Michael Bounford
Application Type:	Outline Planning Permission
Ward:	Alsager
Registration Date:	22-October-2009
Earliest Determination Date:	26-January-2010
Expiry Date:	17-December-2009
Date report Prepared	5-February-2010
Constraints:	None

SUMMARY RECOMMENDATION:

APPROVE subject to conditions.

MAIN ISSUES:

- Principle of Residential Development
- Policy
- Design & Character of Development
- Trees
- Residential Amenity
- Highways
- Contamination

1. REASON FOR REFERRAL

Councillor S. Jones has called the application in for consideration by the Southern Committee on the grounds that the proposed development would be un-neighbourly, would represent an overdevelopment of the site and would lead to access problems.

PREVIOUS MEETING

At the Planning Committee meeting held on 27th January 2010, members resolved to defer this application in order to undertake a site visit. Members must note that additional representations have been received from neighbouring occupiers. These comments are summarised in section 7 of this report.

2. DESCRIPTION AND SITE CONTEXT

This application relates to the side garden associated with number 20 Pikemere Road, Alsager. The existing dwelling is a large detached white rendered property situated on the southwestern side of the road adjacent to a public footpath linking Pikemere Road with Grig Place, a residential cul-de-sac located to the west. The area is predominantly residential and is characterised by a mix of dwellings ranging from large detached dwellings situated

within spacious plots to smaller detached / semi-detached properties occupying narrower plots. The site lies within the Alsager Settlement Zone Line as designated in the adopted Congleton Borough Local Plan First Review (2005).

3. DETAILS OF PROPOSAL

Outline planning permission is sought to erect a dwelling within the side garden of no. 20 Pikemere Road. Full details of access have been provided with the application with all other matters reserved for future consideration (appearance, landscaping, layout and scale).

A new-detached garage sited in front of the existing dwelling no. 20 has been omitted from the application due to concerns regarding the impact that it would have on the street scene and the character and appearance of the area. Furthermore, layout has also been removed from consideration at this stage and the indicative layout has been amended to show a dwelling with a narrower footprint.

The maximum scale parameters indicate that the width and depth of the dwelling would be 8.7m and 13.5m respectively. In terms of height, the dwelling would measure a maximum of 9m to the ridge to accord with the height of the existing dwelling no. 20.

4. POLICIES

Regional Spatial Strategy

DP1 Spatial Principles

DP7 Promote Environmental Quality

DP4 Make the Best Use of Existing Resources and Infrastructure

L4 Regional Housing Provision

Local Plan Policy

PS4 Towns

GR1 New Development

GR2 Design

GR6 Amenity & Health

GR9 Accessibility, servicing and parking provision

GR18 Traffic Generation

H1 Provision of New Housing Development

H2 Provision of New Housing Development

H4 Residential Development in Towns

NR1 Trees & Woodland

SPG2 Provision of Private Open Space in Residential Developments

Other Material Considerations

PPS1 'Delivering Sustainable Development'

PPS3 'Housing'

PPS23 'Planning & Pollution Control'

Circular 01/2006 Guidance on Changes to the Development Control System

5. CONSIDERATIONS (External to Planning)

Environmental Health:

No objection subject to the imposition of conditions restricting hours of construction/piling, and conditions relating to land contamination investigations.

Highways:

No objection.

Senior Landscape Officer (SLO):

The tree information provided on amended plan 3510/01B is limited and the information does not conform to the recommendation in British Standard 5837:2005 Trees in relation to construction. It is understood that layout and the previously proposed garage have now been omitted from this application. The omission of the garage addresses my concerns that such building would have required tree removal with associated loss of screening.

The indicative position of the dwelling on the amended plan indicates that a dwelling could be accommodated outside the root protection area of the mature Sycamore tree adjacent to the public footpath although pruning of the crown would still be necessary. The crown of this tree extends some distance into the site and would have to be radically pruned in order to accommodate the dwelling. Such pruning would affect the balance and appearance of the tree and would reduce its amenity value when viewed from the public footpath.

6. VIEWS OF ALSAGER TOWN COUNCIL

Alsager Town Council has no objections to this application but expresses concern that this is another windfall development.

7. OTHER REPRESENTATIONS

Letters have been received from neighbouring properties objecting to this application on the following grounds;

- The development would be over-intensive.
- The retention of the existing detached garage at the front would lead to an undesirable precedent and would harm the openness of the street scene.
- The existing garage should be demolished and a new one incorporated into the new dwelling.
- If the application is approved, a further application for a new garage will follow.
- The amended indicative layout shows a dwelling 6m wide and 9m deep. These measurements do not tie up with the scale parameters and this is misleading.
- The Senior Landscape Officer has made her comments on limited information.
- The excavations will inevitably lead to the removal of trees.
- It is unclear how much of the tree line will be removed.
- Views immediately surrounding no. 20 should be given priority.
- Neighbour's privacy would be harmed
- The plans show that the house will be 'shoe-horned' in.
- There are no details of recycling arrangements.
- New build will create noise
- The dwelling is white painted brick not rendered.

- It does not appear as though a site visit has been carried out.
- The limited tree information does not comply with the Council's validation requirements.
- The loss of the ornamental shrubs and trees would affect the street scene and would reduce screening.
- The application should have regard to what is most acceptable not what is most profitable.

8. APPLICANT'S SUPPORTING INFORMATION

Design & Access Statement
Amended Plans (ref 3510/01B)

9. OFFICER APPRAISAL

Principle of Development

The application site is located within the settlement zone line for Alsager where according to Policy PS4 there is a general presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies. With regard to housing development, policies H1 and H2 relate to the supply and distribution of housing land. The most recent housing land position statement for the former borough of Congleton demonstrates that the Council does not have a five-year land supply and as such proposals for residential development are being considered favourably subject to conformity with paragraph 69 of PPS3 and compliance with other material planning considerations.

Policy H4 outlines a series of criteria to be met when assessing residential development in towns. This includes the sustainability of the site and compliance with other local plan policies. The site is an accessible location on the northwesterly edge of Alsager where it is within walking distance of the town centre and is well connected to public transport and community facilities and services. The proposal would involve development of a Brownfield site within an existing settlement and as such the principle of residential development on the site is considered to be acceptable.

Design & Character of Development

The area is characterised by a mix of dwellings ranging from large detached dwellings situated within spacious plots to smaller semi-detached properties occupying narrower plots. With regard to the proposed scale parameters, the maximum depth and width of the dwelling would reflect some of those properties found further along the street and the ratio between the plot size and the dwelling would be consistent with these other examples. In terms of height, an overall ridge height of 9 metres is proposed which would be no higher than the existing property no. 20. Having regard to this pattern of development, it is considered that the provision of a dwelling on the site would not harm the character of Pikemere Road and would reflect the existing grain of development.

Highways & Parking

The existing dwelling benefits from a dual access. The first access is positioned towards the left hand side directly in front of no.20 and the second is located 10 metres further towards north. The proposed dwelling would utilise the second access. The gap between

the boundary of the site and edge of the road would enable sufficient visibility for vehicles emerging from each access in both directions. The Strategic Highways Manager has not raised any objection to the proposals and given that both dwellings would benefit from more than 2 off-street parking spaces, it is not believed that any detriment would be caused to highway safety.

Trees

To facilitate the provision of a new dwelling on the site, some existing trees would have to be removed within the site. Those specimens that would require removal are ornamental shrubs and conifers, which are not protected and are not of any great amenity value and therefore their loss would not be detrimental. Elsewhere, there is a single Sycamore specimen located outside of the site close to the western boundary that partly overhangs the site. This specimen would need to be pruned to accommodate a dwelling on the site; however, the amended indicative layout showing a slightly narrower property would reduce the extent of pruning required. Whilst the Sycamore tree is visible from the public domain, the specimen is not protected and is not worthy of TPO and the side that would be affected faces into the site and is not prominent from the adjacent footpath or the street scene. As such, the side of the tree that does offer some amenity value would be unaffected and therefore the proposal is deemed to be acceptable with regard to Policy NR1.

Residential Amenity

Given that the application has reserved appearance, layout and scale for subsequent approval, full consideration cannot be given to the impact on neighbouring properties. Nonetheless, the provision of a dwelling on the site would allow sufficient separation distances to be achieved between the proposed dwelling and the existing dwellings surrounding the site in accordance with the requirements of policy GR6 and SPG2 'Provision of Private Open Space in Residential Developments'. In terms of private amenity space, the existing and proposed dwelling would benefit from more than 60 sq metres in accordance with the SPG2.

Contamination

Paragraph 2.42 of PPS23 'Planning & Pollution Control' states that sufficient information should be required to determine the existence or otherwise of contamination, its nature and the risks it may pose and whether these can be satisfactorily reduced to an acceptable level. This will require a risk assessment that identifies the sources, pathways and receptors (pollutant linkages) and as such a condition requiring a desktop survey is recommended.

Other Issues

Neighbouring occupiers have raised concerns that the retention of the existing garage would set an undesirable precedent for garages in front of dwellings. Each application is assessed on its own merits and on a site-by-site basis and in this case the garage is an existing structure and is well screened by the planting along the frontage. The proposed dwelling would allow this planting to be retained. The SLO has viewed the amended plan and her comments reflect this. In terms of the requirements from a tree survey the Council's relevant validation checklist only requires a full tree survey where the proposal is likely to

affect a tree protected by Tree Preservation Order or is in a Conservation Area. There are no protected trees and the site is not within a Conservation Area.

With regard to the amended indicative layout, the claims that this shows a dwelling only 6m wide and 9m deep are incorrect. The amended plan is to scale and shows a dwelling with a maximum width and depth of 8.7m and 13.5m respectively.

10. CONCLUSIONS AND REASONS FOR THE DECISION

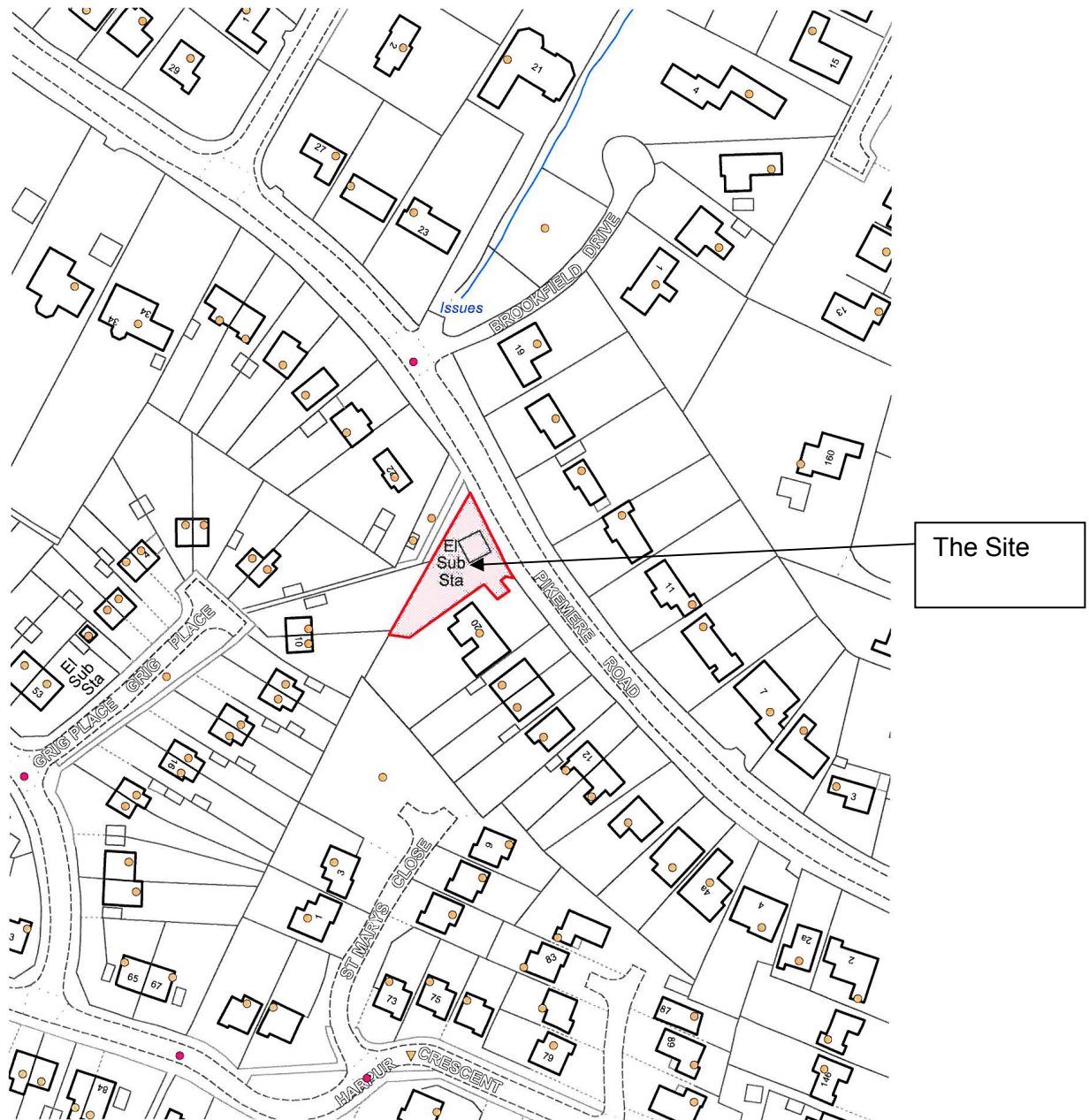
In land use terms, there is a presumption in favour of development in this location and as such the principle of the development is deemed to be acceptable having regard to the use, intensity and the indicative scale parameters. The development could be accommodated on the site without causing detriment to the amenities afforded to nearby properties. Sufficient off street parking would be achieved and the proposed access arrangements would not give rise to traffic problems in the area. As such the outline proposals are deemed to be in compliance with relevant development plan policies and therefore the application is recommended for approval.

11. RECOMMENDATION

APPROVE subject to the following conditions:

- 1. Commencement of development within 3 years or within 2 years of approval of the last of the reserved matters.**
- 2. Approval of reserved matters to be obtained prior to commencement of development.**
- 3. Full details of access are approved by virtue of this consent.**
- 4. Accordance with maximum scale parameters and amended details received 11th January 2010.**
- 5. Submission of a phase 1-land contamination assessment prior to commencement of development.**
- 6. Protection from noise during construction (hours of construction).**
- 7. Details of method and timing of pile driving if required.**
- 8. Materials to be submitted and approved.**
- 9. Tree protection measures**

Location Plan: Cheshire East Council Licence No. 100049045



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Planning Reference No:	09/0930C
Application Address:	38 Pikemere Road, Alsager.
Proposal:	Two residential units to rear of 38 Pikemere Road, on existing rear garden land
Applicant:	Mr Andrew Chatterton
Application Type:	Full Planning Permission
Ward:	Alsager
Registration Date:	25 th June 2009
Earliest Determination Date:	11 th August 2009
Expiry Date:	19 th August 2009
Date report Prepared	3 rd February 2010

SUMMARY RECOMMENDATION:

Approve with conditions.

MAIN ISSUES:

- Principle of the development
- Impact on trees
- Layout and design

1. REASON FOR REFERRAL

Called in by Councillor S Jones for reasons of overdevelopment of the site and adverse impact on neighbouring properties.

PREVIOUS MEETING

At the Planning Committee meeting held on 9th December 2009, members resolved to defer this application in order to undertake a site visit. The application was again deferred on 6th January 2010 in order to allow for the submission of amendments to the scheme.

A revised plan has been submitted for consideration, which sites the proposed dwellings further from the trees and the removal of the Elm tree (203). This is explained below in the Officer Appraisal section of this report.

Further information has been submitted relating to Great Crested Newts and the Nature Conservation Officer considers that they are not 'reasonably likely' to be present for the purposes of the advice given in Planning Policy Statement 9: Biodiversity and Geological Conservation. As such this addresses the previous recommendation for refusal on the grounds of insufficient information.

2. DESCRIPTION AND SITE CONTEXT

The application relates to a site, which is currently part of the large rear garden of 38 Pikemere Road, Alsager. The land is designated in the local plan as being within the settlement zone line of Alsager.

3. DETAILS OF PROPOSAL

The proposal is for the erection of two residential units in the rear garden of 38 Pikemere Road, Alsager. They would consist of two large detached dwellings with detached double garages. Access would be taken adjacent to the boundary with number 36 Pikemere Road, which was granted consent by Committee, for 2 dwellings in the rear garden in January of this year.

4. RELEVANT HISTORY

07/0111/FUL Approval for porch 2007
22388/3 Approval for garage extension 1990
18584/3 Approval for extensions 1987
13783/3 Approval for garage 1981
9914/3 Approval for extension 1979
8097/1 Refusal of outline application for dwelling and garage 1978

5. POLICIES

National Guidance

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPS9 – Biodiversity and Geological Conservation

Congleton Local Plan 2005

PS4 – Plan strategy
GR1 - General criteria for new development
GR2 - Design
GR6 – Amenity & health
GR9 - Highways safety & car parking
H1 – Provision of new housing development
H2 – Housing supply
H4 – Residential development in towns

6. CONSIDERATIONS (External to Planning)

Environmental Health:

The desk top assessment concluded that there were no issues relating to contaminated land, having studied this it is not envisaged that any further issues would arise in relation to the potential for contaminated land within this application, based upon the applicant's submitted information.

Conditions are recommended relating to the hours of construction and piling.

Highways

Initially recommended refusal of this application, as the access would not meet the desired standards, subsequently a revised plan was submitted and the Strategic Highways Manager has agreed the proposed access subject to informatives relating to the vehicular crossing and entering into a S278 agreement.

Senior Landscape and Tree Officer

Biodiversity

The submission includes an Ecological Scoping survey by Apex Ecology dated June 2009. The survey included a habitat assessment and inspection of a garage and a pond for their potential to support protected species. The site is assessed as having potential for bats, breeding birds, Great Crested Newts, hedgehog and invertebrates.

Bats - No evidence found in the garage of roosting bats but some potential for access identified. The local area is considered to provide good foraging. A precautionary approach is recommended for demolition of the garage.

Breeding birds - It is recommended that any clearance works be timed to avoid the breeding season.

Originally a report was submitted relating to Great Crested Newts, however this was not considered to be adequate. Further information has been submitted relating to Great Crested Newts and the Nature Conservation Officer considers that they are not 'reasonably likely' to be present for the purposes of the advice given in Planning Policy Statement 9: Biodiversity and Geological Conservation. As such this addresses the previous recommendation for refusal on the grounds of insufficient information.

Trees

The amendments provide some improvement to the levels of residential amenity for the rear gardens of the proposed new plots. The layout has been altered, and this in addition to the proposed reduction in height of the conifer hedge to the south, would allow more natural light to enter Plot 1. The proposed removal of the Elm tree on the south east corner of the site would remove a dominating feature to Plot 2. Whilst the loss of this tree would be regrettable, the view has been taken previously that none of the trees on the site are considered to be sufficiently prominent to have significant public amenity value as to merit the protection afforded by a Tree Protection Order.

The proposed garage block would encroach partly within the root protection area of a retained Elm tree located off site close to the southern boundary. It could be argued that the encroachment is within the tolerances cited in British Standard 5837:2005 Trees in relation to construction. The issue remains that although the house would be outside the tree crown spread, due to its orientation in relation to Plot 2, this tree will result in shading of the garden and rear elevation.

In the event that the proposals are deemed acceptable, appropriately worded conditions would be required to ensure measures are taken to protect retained trees, with details of tree works, protective fencing, special engineering measures for the sections of the driveway which fall within tree root protection areas and appropriate

supervision. A landscape condition would be appropriate to ensure replacement tree planting is achieved.

Spatial Planning

The Regional Spatial Strategy, 5 year supply figures appear to be exceeded, however, the RSS requests an average only and it is considered, that in this case, approval of this application would not materially affect the housing land supply figures.

7. VIEWS OF TOWN/PARISH COUNCIL

The Town Council has concerns regarding over intensification of the site and possible un-neighbourliness from the proposed development overlooking bungalow properties in College Road. The Town Council has also ask for site inspection before any decision is made.

8. OTHER REPRESENTATIONS

One letter objection has been received in relation to this application raising the following issues:

- Proximity of large building adjacent to the boundary
- Loss of privacy
- Damage to trees
- Proximity of the properties resulting in loss of privacy
- Overdevelopment of the site

9. APPLLCANT'S SUPPORTING INFORMATION

- Contaminated land survey
- Ecological scoping survey
- Arboricultural survey and constraints report
- Design and Access Statement

10. OFFICER APPRAISAL

Principle of Development

This application seeks a development of 2 detached dwelling houses in the rear garden of 38 Pikemere Road. The site is designated as being within the settlement zone line of Alsager and as such the presumption is in favour of development, provided that the development complies with the relevant policies in the adopted Local Plan. Policies H1 and H2 relate to housing land supply and distribution. There has been for some years an over supply of housing within the borough when compared with Structure Plan targets. Local Plan policy H1 sought to limit housing development to 200 units per annum. However with the introduction of Planning Policy Statement 3 the Council now has to ensure that it has a deliverable five year supply of land for housing and if this is not the case the Council should consider favourably suitable applications for housing. In the absence of any objection from the Spatial Planning Section on housing land supply grounds; it is considered that the development is acceptable in principle.

Highways

Initially the Strategic Highways Manger recommended refusal of this application on the grounds that the access would not meet the required standards. Subsequently amended plans have been submitted that address the issues raised and it is now considered that the proposal would not have an adverse impact on highway safety and would be in compliance with Policy GR9. The proposed scheme can co-exist with the outline approval at No.36.

Ecology - Protected Species & Nature Conservation

An objection is raised on the grounds that insufficient information has been submitted in support of this application. An ecological scoping survey was submitted that concludes that there was no evidence of bats in the garage, but a precautionary approach is recommended during demolition of the garage. It is also recommended that any clearance works take account of the breeding bird season.

Having regard to the issue of Great Crested Newts, the initial report states that the pond is capable of supporting the species and recommends a search of the local biological records is undertaken and dependant on the results a targeted survey for Great Crested Newts may have to be undertaken. There was no record of a search being undertaken and no comprehensive survey had been submitted, therefore it was not possible to assess potential impacts on the species. Subsequently a new report was submitted and the Nature Conservation Officer has stated that this shows that Great Crested Newts are not likely to be present and as such the development should not have an adverse impact on this protected species.

Landscape

The site contains several trees, none of which are protected and in addition there are trees subject to protection orders on land to the west and east. The arboricultural assessment rates several of the trees as highly desirable or desirable to retain and recommends that development should be located not to impact on root protection zones. In the original proposal the house on Plot 2 would have been within the crown spread of an Elm tree and the garage would be within the crown spread and root protection zone of a second mature Elm tree off site. As such it was considered that two mature Elm trees would dominate and cause significant shading to the rear gardens and rear elevations of both plots to the detriment of the amenities of the occupiers.

The amended plan submitted proposes the removal of the Elm tree (203) and replacement planting with more suitable species and siting. The garage would now be a shared double unit and has been removed from the root protection zone of the off site Elm tree and only encroaches marginally into the crown spread. It is considered that the removal of this tree would render this plot as acceptable in terms of useable private amenity space as the garden would not now be completely overshadowed. As previously stated, the loss of this tree would be regrettable, however as it is not considered to merit being the subject of a Tree Preservation Order, a refusal on these grounds is not considered to be sustainable.

Layout

The proposal is for two detached dwellings, with a shared double garage, all to the rear of the existing dwelling. Plot 1 would be just over 10m from the rear boundary of the site and Plot 2 within 6.5m and the shared double garage would be site between the two plots.. Access would be taken from one of the existing accesses adjacent to number 36, which has now been granted consent for two dwellings in the rear garden. The original proposal, due to its

size, layout and the impact of trees was considered to comprise a cramped form of development, however it is considered that the amendments have addressed this issue and the proposal is now considered to be acceptable in terms of its layout.

Appearance

Both dwellings would be two storeys with half-hipped roofs. Plot 1 would have two gables to the front elevation, with a single gable and two dormer windows to the rear elevation. Plot 2 would have a single gable and single dormer to the front elevation with the same to the rear. In terms of design they would not be out of keeping with the area as there is such a large variety of property types in the vicinity, the proposal is therefore considered to be in compliance with Policy GR2 in terms of appearance.

Impact on the Amenity of Neighbouring Properties

Policy GR6 requires that proposals should not result in loss of privacy, sunlight/daylight, visual intrusion, environmental disturbance or pollution or traffic generation, access and parking. The proposed dwellings would maintain the recommended separation distances between dwellings, laid down in PPG2 and it is considered that there would be no significant adverse impact on the amenities of neighbouring dwellings and is therefore considered to be in compliance with Policy GR6. To the east is number 36 Pikemere Road, which has a conservatory to the rear and concerns have been expressed regarding loss of privacy to this part of the property. The nearest window in Plot 2 would only be approximately 18m away from the proposed conservatory, however it is considered that that given the angles of view involved there would not be a significant loss of privacy to the property.

11. CONCLUSIONS AND REASONS FOR THE DECISION

In conclusion, it is considered that the amendments to the proposal have adequately addressed the reasons for the previous recommendation for refusal of the scheme, and as such approval of this application is recommended.

12. RECOMMENDATION

Approve subject to the following conditions:

- 1. Standard time limit.**
- 2. Development in accordance with the approved plans.**
- 3. Submission of tree protection scheme.**
- 4. Submission of landscaping scheme.**
- 5. Implementation of landscaping scheme.**
- 6. No tree or hedgerow works during the breeding season.**
- 7. Construction hours limited to 7.30hrs to 18.00hrs Monday to Friday, 7.30hrs to 14.00hrs Saturday with no working on Sundays and Bank Holidays.**
- 8. Submission of details of any piling to be undertaken.**

Location Plan: Cheshire East Council Licence No. 100049045



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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:	22 nd January 2010
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: Approve with conditions

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. The application was included onto the agenda of the Southern Planning Committee on the 26th August 2009 although was deferred to enable members to carry out a site visit and also for further consideration of the need for a workers dwelling. Subsequently the applicant has submitted additional financial information and has also removed the proposed timber dwelling, replacing it with a mobile home and a separate similar structure to provide for officing.

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. As originally submitted the proposal included a temporary timber dwelling which measured 18m by 12.3m and a height to ridge of 7.5m. However, subsequent to the application being deferred at the Southern Planning Committee meeting of the 26th August 2009 the applicant has removed this element from the scheme and instead proposes two mobile homes which will measure approx 18.3m by 6.1m. One of the units would provide living accommodation for the applicant and the second unit will provide for office accommodation for the business. 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

Adjacent Site - 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)

PPS4 (Planning for Sustainable Economic Growth)

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.

Report on the acceptability of the proposed temporary dwelling (Prepared by I.D. Williams BSc. (Hons), M.A., AIEMA, Reading Agricultural Consultants – Instructed by Cheshire East Borough Council).

Comments on Original Scheme

As outlined in the agenda report the Council have instructed Reading Agricultural Consultants to carry out a desk based assessment and advise on the acceptability of the proposed temporary dwelling and specifically whether it is considered, based on the information submitted in support of the application to comply with the requirements for functional workers dwellings in Annex A of PPS.7 and the Local Plan Policy RES.5.

Main points of the report are:

- Applicants have made a significant investment in purchasing the land and in preparing the planning application which can be considered partial evidence of an intention to develop the business
- No mention is made of appointing a manager for the development and assistance from consultants cannot replace the experience required when dealing with large amounts of valuable stock
- In the absence of any demonstrable experience on behalf of the applicants and bearing in mind this is a desk based assessment, cannot conclude that the applicant's have the necessary ability to develop the proposed business

Functional Test

- Rapid response is required to monitor the equipment and deal with common problems such as predators and to monitor oxygen and water levels in the ponds
- It is considered that the proposed development would be very labour intensive and that a key worker should be readily available on the holding at all times – the functional test is therefore met

Financial Test

- Application must be self sustaining and capable of producing a return on capital invested
- Supplied budget gives a Net revenue of £29,021 for the third year of operations and equates to a gross profit less 'harvesting and indirect costs'. The term 'harvesting and indirect costs' is very vague and appears calculated on the basis of being 20% of the gross profit of the business. This does not provide clear evidence of being planned on a sound financial basis and not a very accurate way of producing a budget for such a business

- Concerned that the figures are too vague and that limited credence can be placed on the accuracy of the three year budget for the proposed business
- Whilst the budgeted profit shows an excess of some £2000 over the notional costs of the business, the basis upon which the costs have been determined are vague
- It is not accepted that proper evidence has been provided to show that the proposal has been planned on a sound financial basis

Other matters

- Proposed dwelling is larger than the floor area defined in Policy RES.5
- Cost of temporary dwelling is considerable for a temporary building which would normally be required to be removed from the site after three years
- Upper floor of the proposed dwelling is only accessible from the private quarters and need for additional office space must be questioned given that office space is already identified in the hatchery building
- Proposed structure is not designed to be temporary and falls foul of the requirement in Annex A of PPS.7
- Although the dwelling is intended for another fishery use in due course, this presupposes that the venture will be viable which cannot be assured at this stage
- Previous appeal decision referred to where a proposed log cabin was not deemed to be a temporary building due to the works required to remove it being considerable.

Comments on Amended plans and additional information

The main points are:

- The applicants have attempted to address the concerns relating to the size, scale and nature of the temporary dwelling by replacing the large two-storey log cabin with two wood-clad mobile homes. The structures are clearly of a temporary nature, being supported by legs or small wheels and would satisfy paragraph 12 to Annex A of PPS7 in that they can be easily removed from the site
- The original temporary dwelling conflicted with the size requirement of Policy RES.5. The new proposal is more reasonable being some 6.1 metres x 18.3 metres
- A similarly sized office suite is now proposed adjacent to the temporary dwelling. This would be in addition to the 'wet office' facilities in the hatchery building. The mobile home office would be used as an administration centre for the business whilst the wet office would be used to record data from the hatchery; dual use being incompatible due to operating conditions
- In terms of the issue of experience, a letter from Mr Bruno Broughton (Fisheries Management Consultant) has largely allayed these concerns as his experience would be available to the applicants as the unit is developed. The letters of support demonstrate that the applicants have considered their proposals thoroughly from a business perspective
- The applicants have also provided details of the items included in 'harvesting and indirect costs' which was an all encompassing phrase used in the original report. The term is stated to include a wide range of costs including; seasonal and casual labour, delivery costs, repairs and maintenance, advertising and marketing, office costs and telephone, professional fees, insurance, business rates and sundry costs
- It had been accepted that the proposed business was financially viable under the budgeted costs presented in the original application. The applicants have now demonstrated that their original budgeted revenue was underestimated, thereby producing a larger than previously expected budget profit. The reviewed budget is considered to be acceptable
- The applicant has also submitted a Geology Report following soil investigations by Whitchurch-based contractor D R Swain & Son. This is in response to local objectors who

believe that the soil will not sustain ponds or lakes due to its porous nature. The report concludes that there is '*a continuous layer of clay beneath the top soil*' which is capable of sustaining the proposed ponds and lakes. However this is not backed up by any data obtained from trial pits or detailed geological maps which would be expected. In a response to these questions it is stated that the trial pit soil was not analysed by a soil laboratory but reliance was made of the on-site visual assessments by the contractor who '*was in no doubt that the clay was of excellent quality and suitable for the lake-construction exercise*'. The sites suitability was reinforced by the presence of other lakes in the vicinity and consequently it was '*not considered necessary to remove samples of excavated material for a more detailed analysis*'. This omission is quite surprising given the cost and depth of information supplied for other aspects of the lake and fishery development

- In spite of some areas of vagueness over some of the costs and the lack of empirical data for the soils, the application appears to satisfy all aspects of PPS7 concerning temporary dwellings and is in accordance with Policy RES.5 of the Borough of Crewe and Nantwich Replacement Local Plan 2011

7. VIEWS OF THE PARISH / TOWN 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, The Beeches, Coole Lane, Newhall, Old Hall Farm, Coole Lane and 1 anonymous letter

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
- Recent permission for a marina is a few hundred yards along the Lane
- Development will involve in loss of a considerable amount of prime farmland which will not assist in reducing milage food must travel to the table
- Proposed temporary dwelling will in turn lead to a permanent proposal on adjacent land and will be an obvious and unattractive intrusion
- No new houses have been permitted in Coole Lane for over 25 years
- Polytunnels will reflect sunlight and other buildings will be inappropriate
- If approved conditions should be attached regarding noise levels from machinery and also for the site to be restored should the business fail
- Area is becoming over developed with no benefit to local economy
- Large number of issues in the agenda report that are disputed
- 100% of the patrons of the facility would arrive by car and not cylce as no-one will strap equipment to their cycle and travel along Coole Lane

- Lane is in an appalling state and cannot cope with existing traffic. To subject it to more traffic is foolhardy
- Road is never repaired but only patched with a shovel full of inferior aggregate which fails at the first sign of inclement weather
- Pinch points include at the bridge at Finnaker Brook which has been repaired on countless occasions and this is a few yards of the entrance to the fish farm
- Other issues that local residents have raised have been brushed aside and the report pays lip service to a number of important issues
- If the project fails there will be a brownfield site remaining
- No benefit to the local community and project is a major sacrifice of yet more agricultural land
- Back door method of approving a dwelling on agricultural land
- Flooding
- Security problems
- Requirement for CCTV
- The land should be used for growing food and reducing food miles
- No contingency plan if a lack of rainfall leads to the water level of the lakes falling
- The revised temporary dwelling is not in keeping with the character of the area
- Calculations show that the lakes will take almost 2 years to fill naturally with rainfall

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

Appraisal Report titled: Justification for a Manager's Temporary Dwelling (Prepared by Dr Bruno Broughton B.SC (Hons), Ph.D, F.I.F.M., C.Env (Fisheries Management Consultant).

Main points are:

- Report provides an appraisal of the need for a managers temporary dwelling
- During the first five years all water bodies on the site will be devoted to fish rearing with excess sold for commercial purposes to other fisheries
- At year six fish stocks should have attained specimen sizes for anglers

- Dr Broughton holds a degree in zoology and has been an independent fisheries consultant for 21 years. He has prepared numerous assessments of the viability of new and existing commercial fisheries
- For the fish rearing to be successful fish will require a 'life support' system which will provide food, oxygen, water filtration etc
- 24hr presence is required to ensure immediate action can be taken should the equipment fail and involves routine monitoring during daylight and after dark
- Automatic water quality monitoring equipment will be necessary to provide immediate visual and audible indication of any malfunctions or equipment failure. Such systems can be linked to telephone systems so if they are activated and not cancelled within a short period, a telephone alert takes place
- Alerts to off site locations do not provide sufficient time for intervention. Failure to take action within about 15 minutes leads to stress in fish and large or total mortalities
- Security presence is also required – there is a real risk that people will gain access to the banks and surrounding areas with intention of committing illegal activity
- Security threats can be reduced with extensive perimeter fencing, high specification security gates and other deterrents but these are inappropriate given the rural setting
- Fish are costly to replace and organised thefts are less easy to control than casual removal of fish – there is a growing trend for criminal gangs to target fish farms and heavily stocked lakes
- Perimeter fencing and CCTV can reduce the risks of thefts but a permanent presence on site is the most effective deterrent
- 24 hour presence will enable routine dawn patrols of lakes to prevent predation of fish from birds during their peak feeding period shortly after dawn

Additional Response to Reading Agricultural Consultants Appraisal (Prepared by Brian Reilly & Bianca S Seipp received 22nd December 2009)

Main points are:

- One of main criticism within Readings report is that budget figures are too vague
- Earlier submission was not intended as a detailed business plan or detailed budget
- Business has been planned in fine detail over many month and working with David Hughes Agricultural Consultancy Ltd
- Component elements of the 'Harvesting and Indirect Costs' category include use of seasonal labour, road delivery of fish, cleansing and maintenance, advertising and marketing of fish for sale, general repairs, office costs, professional fees, insurance and business rates, sundry costs
- Review of figures indicates that they are very conservative assessments of income
- Revised figures show that projected gross profit rises

Response in regard to Geology & Water retention in the lakes & ponds and Brine Contamination (Prepared by Brian Reilly & Bianca S Seipp received 22nd December 2009)

Main points are:

- Site was thoroughly assessed prior to purchase to determine its suitability for the creation of water bodies for carp growth
- Existing ponds adjacent to the site retain water throughout the year which is clear evidence that the local geology is suitable for the formation of water bodies
- Seven temporary trial holes were dug across the site on 17th July 2009 to ascertain the nature of the substrate. Each hole was excavated to a depth of 3m below the level of each proposed pond

- In each case there was a continuous layer of clay beneath the top soil
- No evidence of brine contamination has been detected by any of the surveys of the site
- Presence of clay will mean that the lakes will fill with surface and sub-surface water only
- Adjacent waterbodies have been surveyed and fish populations within these have been found to be empty

Supporting letter (Prepared by Dr Bruno Broughton – Fisheries Management Consultant)

Main points are:

- Recognise there may be concerns about the lack of necessary experience of applicants to manage fish rearing facilities
- During last 3 years I have spent hundreds of hours in discussion with applicants and they possess the professional expertise to plan, oversee and drive projects to completion and I have no reservations regarding their ability to manage the scheme
- My professional input will continue during the construction and development phases as well as when the facility is operational
- There may be occasional but crucial periods when applicants may be unaware or unsure of remedial procedures and for this reason I am committed to be on call to respond to unforeseen emergencies

Supporting e-mail (Prepared by Rex Brockway received 22nd December 2009)

Main points are:

- Earlier proposed wooden temporary agricultural dwelling and office is replaced with two mobile homes
- With regard to concerns about possible supply of electricity the applicant has obtained a quote from SP Manweb of £29,658.62 (exclusive of VAT). In the submitted fiscal projections the sum of £20, 000 is allowed for this and the additional cost is allowed for as part of the 20% contingency sum of £84, 000

Supporting e-mail (Prepared by Rex Brockway received 15th January 2010)

Main points are:

- The trial hole exercise was carried out by the Whitchurch-based contractor D R Swain & Son, which has over 50 years of expertise in the construction of water bodies (lagoons/pools/lakes) and considerable knowledge of the site itself and the surrounding areas. The company was in no doubt that the clay was of excellent quality and suitable for the lake-construction exercise.
- The trial hole exercise was undertaken to facilitate a visual analysis of the sub-surface geology. This was an element of a wider, full-site inspection focused upon overall site topography and the positioning of the various elements of the proposed development. The on-site evaluation of the sub-surface geology (by all parties present) provided adequate substantiation of the assumptions previously made (i.e. that the underlying clay of the site was of excellent type and ideal for the construction of the lakes as proposed). This conclusion is supported by the presence of the water-filled ponds to the immediate south-east of the site and other ponds in the vicinity. For these reasons, it was not considered necessary to remove samples of excavated material for more detailed analysis.
- Assuming the proposed temporary mobile unit is purchased new, an internet review exercises (and additional verbal discussions) provide indicative 'high-end' ex-VAT costing of about £60 - £75K for the temporary dwelling unit. This indicative range does not include any potential negotiable discount, which should be available given the prevailing economic climate. It is also clear from a review exercise that there is a considerable market in the

UK for pre-used mobile home units (or cancelled order or end-of-range opportunities), with some very significant cost savings to be achieved, cost savings could potentially be in the region of 50% of cost of comparable new buildings. Therefore, the capital cost of the temporary dwelling unit should be considered to fall within the range £40 - £75K, subject to the underlying principle/intention that this project will always pursue opportunities to ensure that any capital costs are minimised to the greatest extent possible

- Based upon the internet reviews conducted across a number of mobile home manufacturers' sites, the central theme is that with regard to the means of construction, "the unit will comply fully to the caravan act and the Definition of a Mobile Home (park home) and to BS3632". It is also clear that: "the unit may be built on site but can also be built off site and transported in to position". With regard to the removal from site, this would be by road, either by towing or transported (in one or two parts) on a motor vehicle or trailer.

- The office facility in the hatchery building needs to be considered as a 'wet office', dedicated to the operational requirements of the hatchery function. There is a requirement to separate the functions of the hatchery and the wider administration and operation of the overall business and fishery for the following reasons;

1. The 'wet office' in the hatchery is solely for the use of personnel who are engaged in hatchery maintenance and operation, and this facility will not be available to those staff operating on an administrative or fishery level.

2. There will be a requirement in the hatchery to enter and record electronic data, this will be via a remote (wireless connected) terminal in the hatchery 'wet office', with all principal IT and telecommunications equipment and facilities being located in the central office suite.

3. The central office suite will house the main core administrative functions of the business (i.e. main offices, meeting room, central IT & telecommunications facilities, as well as support functions such as photocopying, document storage etc).

- The temporary dwelling unit and the office suite will be separate, wholly independent units, sited in very close proximity simply to facilitate prompt transit between the two units. There is no intention that these units will be joined in any way.

- Four supporting letters of support have also been provided from the following fishing bodies; Fisheries Accreditation Scheme, Professional Anglers Association, Angling Trust, and the Angling Trade Association

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 PPS4 and PPS.7. 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 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. Policy EC7 of PPS4 states Local Planning Authorities should support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which utilise and enrich rather than harm the character of the countryside.

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 as amended would be single storey and would sit to the immediate south of the main operational area. 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 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 has 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 would measure 111.6sq.m externally which is less than the size of 140m² as set out in the supporting text to Policy RES.5 of the Replacement Local Plan.

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. A rapid response is required to monitor the equipment and deal with common problems such as predators and to monitor oxygen and water levels in the ponds. 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. It is considered that the proposed development would be very labour intensive and that a key worker should be readily available on the site at all times and the functional test has been met.

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. The document as first submitted was assessed by Reading Agricultural Consultants who concluded that the data was too vague in places and particularly in its reference to 'Harvesting and Indirect Costs'. Since then the applicant has provided further information which breaks down what this involves and the figures have been accepted by the Agricultural Consultants who state that *'Overall, whilst I accepted that the proposed business was financially viable under the budgeted costs presented in the original application, the applicants have now demonstrated that their original budgeted revenue was underestimated, thereby producing a larger than previously expected budget profit. Having seen the explanation, I find the budget acceptable'*. It is therefore considered that the financial test has been met.

The agricultural consultants were also concerned about the experience of the applicants to operate the proposed facility. This issue has been addressed as a letter has been supplied from Dr Bruno Broughton (Fisheries Management consultant) which states that he will provide input and support which will continue during the construction and development phases as well as when the facility is operational. Dr Broughton has also stated that he will be available on call should any emergencies arise.

Reading Agricultural Consultants were also concerned about the size and form of the proposed temporary dwelling which was a two storey unit and exceeded the size thresholds for workers dwellings as defined by Policy RES.5 of the Local Plan and was considered not to be temporary in nature. Since then the applicant has amended the scheme, replacing this with a single storey mobile home which is considered to be temporary in nature. The proposed dwelling would measure 111.6sq.m externally which is less than the size of 140m² as set out in the supporting text to Policy RES.5 of the Replacement Local Plan.

Finally concerns were also raised by local residents that the applicant had underestimated the costs of providing an electricity supply to the site, reporting the experience of nearby developments. The applicant has stated that a detailed quote has been obtained from the utility company and that the increase above the figure originally budgeted for can be accommodated within the contingency budget.

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 has 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 intervisible 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.

Concerns were raised by local residents that the site has not been assessed to check that it is suitable for the creation of water bodies and that ponds in the area have drained naturally. The applicant has responded with a statement that they have undertaken several trial holes throughout the site and claim that the substrate consists of naturally occurring clay which will hold the water in the proposed lakes. It is also stated that this prevents any potential brine contamination of the water. The trial hole exercise was carried out by Whitchurch based contractor D R Swain & Son which has over 50 years expertise in the construction of water bodies (lagoons/pools/lakes) and considerable knowledge of the site itself and surrounding areas and the company was in no doubt that the clay was of excellent quality and suitable for the lake construction exercise. The applicants have also pointed to water filled ponds to the immediate south-east of the site and other ponds in the vicinity which they state supports this conclusion. Given the analysis undertaken by an experienced contractor it is considered that the ground conditions are appropriate for the formation of fishing lakes and ponds.

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 following the receipt of additional information it is considered that the proposal meets the tests as contained with Annex A of PPS7 and as a result permission should be granted for the temporary dwelling for a 3 year period.

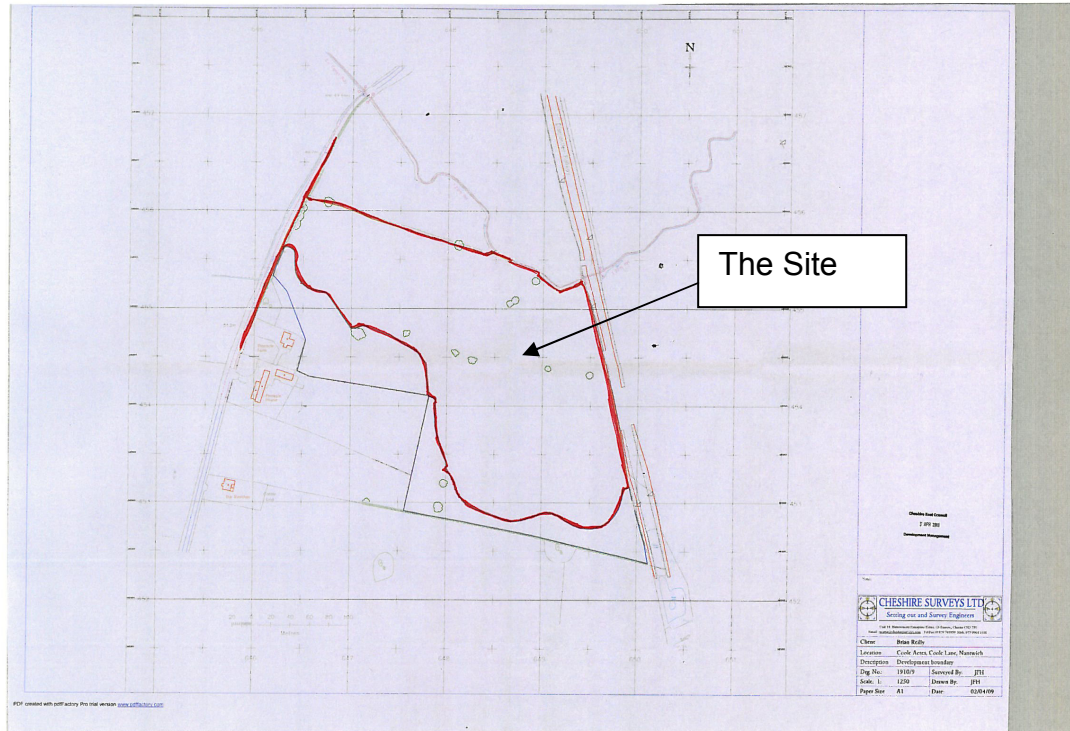
12. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard**
- 2. Materials of the temporary dwelling and office to be submitted and approved in writing**
- 3. Materials of the hatchery building to be submitted and approved in writing**
- 4. Materials of the polytunnels to be submitted and approved in writing**
- 5. Materials of the toilet block to be submitted and approved in writing**
- 6. Surfacing materials to be submitted and approved in writing**
- 7. Access to be a width of 5.5m for the first 15m from Coole Lane with 10m radius**
- 8. Visibility splays of 2.4m x 120m to be provided and retained prior to the temporary dwelling is first being occupied**
- 9. Prior to the commencement of development a scheme of passing places along the access shall be submitted and approved. The approved details shall be implemented in accordance with a time table to be submitted and approved**
- 10. Setting back of gates 10.5m from Coole Lane and gates to open inwards only**
- 11. Width of access to be 3m wide apart from first 15m which shall be constructed in accordance with Condition 4**
- 12. 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**
- 13. Landscape implementation to be carried out in accordance with a timetable to be submitted and agreed**
- 14. Design of overflow channel screening to be submitted and approved in writing**
- 15. Details of any lighting to be submitted and approved in writing**
- 16. Any ancillary mounted equipment in connection with the temporary dwelling, fish rearing pools and hatchery building shall be acoustically attenuated in accordance with a scheme to be submitted and approved**
- 17. The location of mobile mechanical plant shall not be audible at the façade of the nearest noise sensitive premises**
- 18. Temporary dwelling (3 years only)**
- 19. Occupation of dwelling restricted to the fishing and angling centre use of the site**
- 20. Removal of PD for extensions/alterations for temporary dwelling**

21. Phasing plan for the development to be submitted and approved in writing
22. Final site levels to be submitted and agreed in writing
23. Biodiversity management plan to be submitted and approved in writing
24. Drainage details to be submitted and approved in writing
25. Storage and disposal of waste details to be submitted and approved in writing
26. A scheme of bird nesting boxes and bat boxes to be submitted and approved and provided
27. The development to be subject to a Green travel plan which shall be submitted and approved in writing
28. Details of covered cycle parking to be submitted and approved and to be provided prior to lakes becoming open to fishing
29. Development to be carried out in accordance with the approved plans

LOCATION PLAN:



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Planning Reference No:	09/3724N
Application Address:	High Ash Farm, Cappers Lane, Brindley, Nantwich, Cheshire, CW5 8HX
Proposal:	Outline Application for New Agricultural Machinery Shed, New Slurry Holding Tank, New Organic Calf Rearing Shed, New Milking Parlour, and Standing Stock Shed, New Grain Towers and Grain Dryer
Applicant:	High Ash FLimited
Application Type:	Outline
Grid Reference:	357706 354459
Ward:	Cholmondeley
Earliest Determination Date:	30 th December 2009
Expiry Dated:	22 nd March 2010
Date of Officer's Site Visit:	18 th January 2010
Date Report Prepared:	3 rd February 2010
Constraints:	Open Countryside

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

Impact of the development on

- Principle of the development
- Character and appearance of the area
- Amenity
- Highways
- Ecology
- Public Rights of Way

1. REASON FOR REFERRAL

This application is to be determined by the Development Control Committee it is a major development of over 1000sqm.

2. DESCRIPTION OF SITE AND CONTEXT

The application relates to an agricultural complex that is located within the Open Countryside. The site comprises a mixture of traditional brick and more modern agricultural buildings and a large three storey farm house. The site is currently accessed by Brindley Lea Lane to the east. However a new access from cappers Lane to the north east is currently under construction.

3. DETAILS OF PROPOSAL

Outline planning permission, with all matters reserved, is sought for the principle of the development of four agricultural sheds and associated farming structures. The scheme includes the construction of:

- A) New Milking Parlour and Standing Shed measuring 42m x 23.5m (987sqm), 7.4m in height,

- B) Calf Rearing Shed measuring 60m x 25m (1500sqm), 7.6m in height,
- C) Winter Feedstore and Open Bay Feedstore measuring 18m x 24m (432sqm), 9.3m in height, and;
- D) Open Bay Machinery Shed measuring 60m x 25m (1500sqm) , 7.6m in height

The scheme also includes a new slurry tank, three grain towers and a grain dryer. A number of existing, poor quality buildings are to be demolished. The masterplan for the farm also includes the conversion of two existing buildings to be utilised as a cheese making facility, the conversion of a stable block for farm workers accommodation and the extension and alteration of the farm house. These elements are the subject of separate applications which are currently under consideration.

4. RELEVANT HISTORY

09/2823N – GDO Application determined that details not required for a new access on 2nd October 2009.

P94/0469 – GDO Application determined that details not required for agricultural shed on 29th June 1994.

5. POLICIES

National policy

PPS 1: Delivering Sustainable Development
Planning and Climate Change: Supplement to Planning Policy Statement 1
PPS 7: Sustainable Development in Rural Areas

Local Plan policy

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

6. CONSULTATIONS (External to Planning)

Environmental Health – No objection

Natural England – Information provided identifies that breeding birds will be affected by the proposal. Recommend that the Local Authority considers the requirements of protected species in the determination of this application. Birds are protected during the breeding season (March to August). Works should occur outside this season, if works occur during this season then a search should be done for breeding birds and if a nest found it should not be disturbed.

Nature Conservation – Object to this application. No evidence of protected species was recorded. However, most trees on site were identified to support protected species. , no evidence was provided as to which trees have this potential. A number of trees are

proposed to be removed. A bat and barn owl survey is required for any tree to be removed.

United Utilities – No objection

Highways – No objection

Public Rights of Way - The development is to affect Public Footpath No. 5 Brindley, as recorded on the Definitive Map of Public Rights of Way. The footpath is currently obstructed by the farm building and this situation needs to be resolved. As the development will permanently affect the right of way the developer must apply for a diversion of the route under the TCPA 90 as part of the planning application. The PROW unit wish to object to this planning application until an application to divert the footpath is made.

7. OTHER REPRESENTATIONS

None received at time of writing report

8. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement (Prepared by MMi Architectural Design, dated November 2009):

- High Ash Farm extends to 215 acres and until recently was tenanted from the Faddiley estate. There has been little capital investment and improvement in the buildings and many buildings have reached the end of their useful life.
- The proposals will modernise the farming operations

Justification Statement (Prepared by CDN Planning, dated November 2009):

- The condition of all the buildings with the exception of the single large shed, is inadequate for their existing and proposed use as an integral part of a mixed use arable and dairy farm.
- The former dairy cannot be brought up to current stringent hygiene standards and the capacity of the buildings fall short of what is required to accommodate a dairy herd up to 250 cattle and young stock
- Site identified in the Cheshire Landscape Character Assessment as "Rolling Farmland", with large to medium sized arable fields.
- Its visibility from public roads and neighbouring farms is limited to long distance views only available from Brindley Public Footpaths 12 and 13 which pass close to the farmstead. The topography of the land is such that the farmstead sits below the level of the higher ground.
- It is considered that replacing the current unattractive and dilapidated farm buildings with new modern buildings combined with the retention of the existing traditional buildings will improve the character and appearance of the farmstead.
- National and Local Policy supports the principle of the redevelopment of the farmstead as the development is essential for the continued economic viability of the farm.
- The buildings are sited within or immediately adjacent to the existing farm complex and there are no other suitable alternative sites on the farm for the buildings of this scale and nature
- Topography provides for buildings to sit below the higher ground
- Operationally the buildings are sited for ease of use

- Improved amenity for the farmhouse
- Those buildings that can be repaired and reused are retained. However a substantial built area of 1102sqm will be removed as those buildings are no longer fit for purpose. Shed in the courtyard is removed for ease of movement within the farm
- Two buildings to the west of the farm house are not wind or water tight

Biodiversity Report (Prepared by Curious Ecologists dated October 2009):

- Report concludes that most trees had cavities or other features, which could provide roost sites for bats. The majority of trees are to be retained within the development.
- No evidence of Great Crested Newts, Bats or badgers were found.
- No active bird nests found during the survey although there were plenty of suitable nesting sites present and some of the buildings had recent swallow nests in them.

Response to Ecologist Consultation (Prepared by MMi Architectural Design dated 1st February 2010):

- Confirmation that all trees shown to be removed, with the exception of the Cherry Tree on front of the existing range barn, have been removed. These include 1 x apple tree, 1 x pear tree, 1 x yew tree and 2 x leylandii.

Letter of Justification (Prepared by MMi Architecture, dated 27th January 2010):

- 204 (Holstein) Milking cows, 142 head followers to milking herd (81 Heifers, 61 Bull Calves), 127 Beef Sucklers, Sheep Flock of 82 and 6 rams
- Building A – New Milking Parlour with capacity for double sided milking based on 12 cows per side with 24 standing cows in the parlour at each section. All cows in the milking regime will be loose in a sectioned bay area either side of the parlour before and after milking. The parlour will be set central to the shed to allow all cows to be standing undercover. Area of the shed allows 200 standing cows on one side of the parlour pre milking and 200 standing post milking. 24 cows can be milked at one time. Parlour measures 25m x 8m.
- Building B – Stock Rearing Shed provides for loose standing of all stock held for rearing, comprising 142 followers with split shed bays between age group of 0-6 months, 6-12 months and 12-30 months with an average of 3m²/head provided. There is spare capacity to allow expansion to approximately 180 head. Shed also provides loose wintering of milking herd of 204 cows based on 5m²/head
- Building C – Winter feed store has been sized to provide storage for 300 large silage bales, 500 tonnes of barley, 200 tonnes of cattle cake
- Building D – Machinery Shed has been sized to store all farm machinery, 400 large straw bales, 275 tonnes chopped maize, 300 tonnes of fertilizer.
- Slurry store has been sized to cater for 1 million gallons of farm effluent and dirty water and replaces the existing slurry pit.

9. OFFICER APPRAISAL

Principle of development

The scale of agricultural operations proposed means that the proposed development cannot be determined under the Prior Notification Procedure. Policy NE.14 of the Crewe and Nantwich Borough Local Plan states that proposals for the erection, alteration or extension of agricultural buildings will be permitted where:

- The proposal is required for, and is ancillary to, the use of the land for agricultural purposes
- The development is essential either to the agricultural operation or comply with environment and welfare legislation
- The development is satisfactorily sited in relation to existing buildings, in order to minimise the impact on the landscape
- The development is sympathetic in terms of design and materials
- Adequate provision is made for the disposal of foul and surface water drainage and animal wastes
- Adequate provision is made for access and movement of machinery and livestock
- The proposal is of appropriate location, scale and type so as to not be detrimental to the amenities of any nearby residential properties
- The proposal is not of a design and construction which makes it easily convertible to residential use.

The main issues in the consideration of this proposal are therefore, whether the development is required for and essential to agriculture, the visual impact of the proposal, access and movement, and the impact on the amenity of nearby residents. The proposals are in outline only with all matters reserved. However, it is important to consider wider issues such as ecology and public rights of way.

Justification for Development

The enterprise at High Ash Farm comprises mixed activities of arable and dairy farming. The pastoral enterprise comprises 204 (Holstein) Milking cows, 142 head followers to milking herd (81 Heifers, 61 Bull Calves), 127 Beef Sucklers, Sheep Flock of 82 and 6 rams. It has been stated by the applicant that some of the existing buildings on the site are to be demolished as they are dilapidated or have exceeded their usefulness. This amounts to 1102sqm of agricultural floorspace. Furthermore, the existing milking parlour and feedstore is to be converted to form a cheese making complex. An application has also been submitted to convert the existing stable block to form a farm workers dwelling, whilst the existing range barn, of traditional construction, is inadequate for modern farming operations. The only existing building to be utilised for the farming operation is the large stock shed.

With the scale of operations proposed and the removal of existing dilapidated sheds it is considered that the proposed development is required for farming operations and essential for the farming operation which will also help to bring the farming enterprise up to modern farming standards.

Visual Impact

The site is located entirely within the Open Countryside as identified by the Local Plan Proposals Map, there are no other designations affecting the site. Building D will be sited immediately adjacent to the existing Milking parlour. The land is slightly lower than the existing shed and the proposed 7.6m high building would be read against the backdrop of this building without forming a prominent form of development in the open countryside. Building C will be sited immediately adjacent to the existing hardstanding silage clamp, 30m to the east of the existing stock shed, and will therefore be read against the backdrop of the existing complex when viewed from the east. The land to the east is higher than the location of this building which would contribute towards screening the development. Buildings A and B, and the grain towers and grain dryer will be sited on a field adjacent to

the existing complex, with the nearest point of the building being located 20m to the north east of the existing stock shed, and will form a significant amount of development at a maximum height of 7.6m. The topography of the land on which these buildings would be sited slopes away in a northerly direction and the buildings will sit lower than the existing complex and higher ground which also rises to the east. It is considered that these buildings will be well screened by the topography of the land when viewed from the east and south, and screened by existing buildings and vegetation from the west. Given the topography of the land it could mean that without the buildings being set into the bank the development could appear more prominent. Details of how the buildings will be graded into the slope are therefore suggested as a condition to ensure that the LPA has control over the prominence of the development when viewed from the north. Given the scale of operations proposed it is also suggested that a scheme of landscaping be conditioned to further reduce the impact on the development, which will be in accordance with Local Plan Policy.

There are no public highways in close proximity to the site from which the development would be visible. The development would be visible and prominent from Brindley Footpath's 5 and 11, and Spurstow Footpath 13. Agricultural buildings are not uncommon structures within such settings and it is therefore considered that the development would not have a significantly detrimental impact to the visual amenity of the area.

This is an outline application with all matters reserved. However, the full details of the appearance, scale and layout of buildings have been submitted. The proposed layout and scale of buildings, as outlined above, is considered to be justified and appropriate. The appearance detail submitted is for a mixture of low level concrete panelling, Yorkshire boarding and box profile metal sheeting for the elevations, and natural grey coloured cement fibre roofing. These are considered to be appropriate materials in this setting.

Amenity

There are residential properties in close proximity to the site that would be adversely affected by the proposed development. There have been no objections raised from Environmental Health.

Highway Safety

The site is to be accessed from a new access off Cappers Lane which is currently under construction. It is not considered that the proposed development would give rise to any significant adverse impact on highway safety. Buildings are sited to allow safe internal movement within the farm complex.

Ecology

Concern has been raised by both Natural England and the Local Authority Ecologist that the development could have an impact on protected species within trees that are to be removed. These include 5 trees within the curtilage of the farmhouse and a single tree within the courtyard. The applicant has indicated that those trees within the curtilage of the dwelling have been removed and the tree within the courtyard is now to be retained. Whilst these trees are outside the extent of the application site, they form part of the wider masterplan redevelopment of the farm complex.

The development is not located within the close proximity to any ponds or badger setts and it is therefore unlikely that Great Crested Newts or Badgers will be detrimentally affected by the proposed development. No objection has been raised by the Ecologist with regard to these protected species.

Public Rights of Way

The PROW unit have indicated that existing development on the site is obstructing Brindley Footpath No.5, and the proposed development will also obstruct the footpath as shown on the definitive map. Therefore a footpath diversion is required to allow the development to commence. It is considered that this can be secured by an appropriately worded condition requiring the footpath diversion to be applied for and approved by the Local Planning Authority prior to the commencement of development.

10. CONCLUSIONS

It has been demonstrated that the proposed development is for agricultural purposes and required for the agricultural operation. The buildings are appropriately sited given the proximity of existing structures, the topography of the land and natural screening, and they would not have a significantly detrimental impact on the character and appearance of the Open Countryside. The proposed development would not result in a loss of amenity to neighbouring properties or highway danger. While concern is raised over the impact on protected species, these trees fall outside of the application site. A diversion of Brindley Footpath No.5 is also required, but this can be secured by condition. It is therefore considered that the proposed development would be in compliance with Policies NE.2 (Open Countryside), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), NE.14 (Agricultural Buildings Requiring Planning Permission), BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Parking and Access) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

11. RECOMMENDATIONS

APPROVE subject to the following conditions

1-3 Standard Outline

4 Removal of buildings identified on plan

5 Landscaping scheme to be submitted

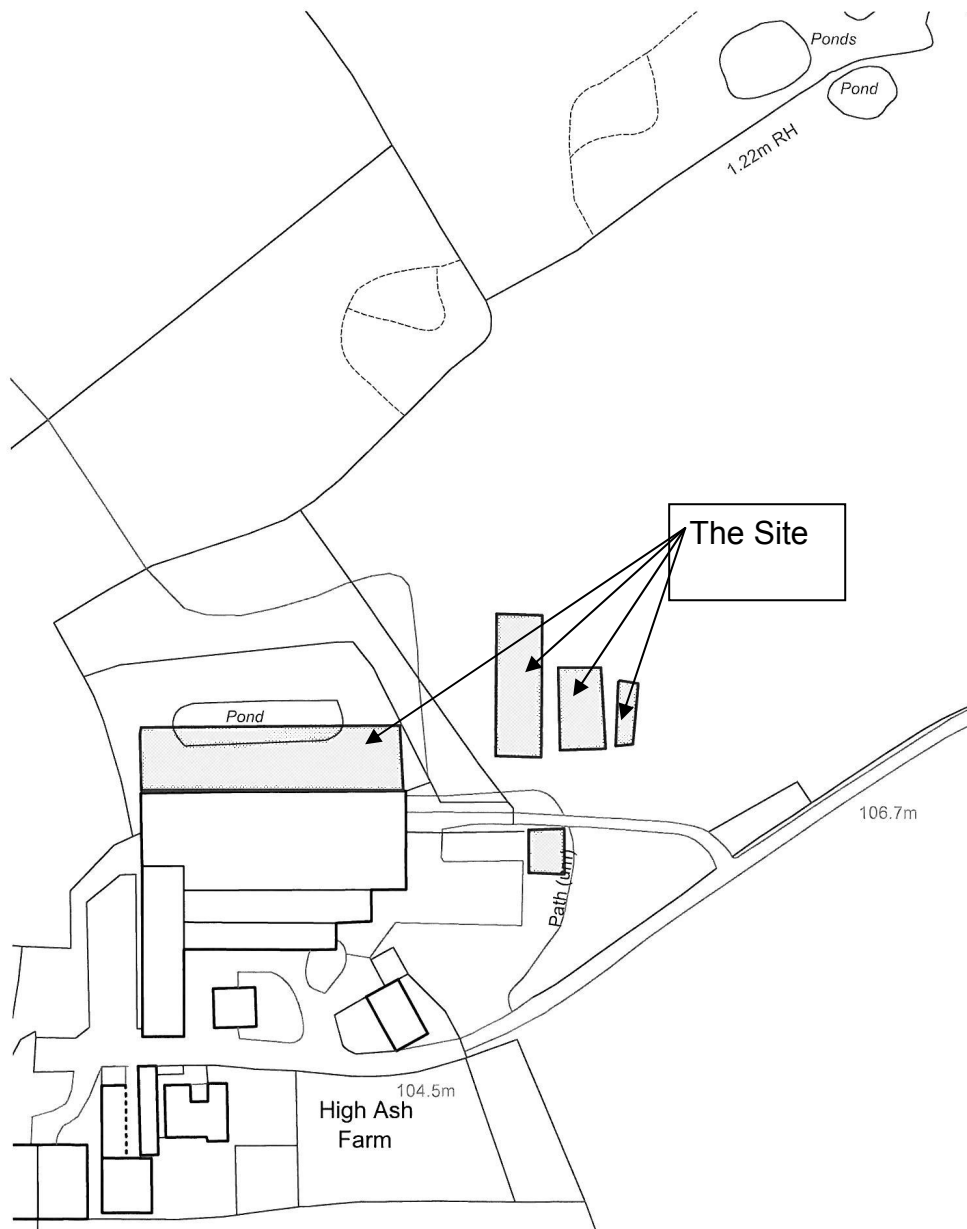
6 Landscaping scheme to be implemented

7 Diversion of public footpath to be submitted to, agreed and implemented prior to commencement of development

8 Materials and finish to be submitted

9 Details of grading of Buildings A and B into bank

LOCATION PLAN: Cheshire East Council Licence No 100049045



Planning Reference No:	09/3905N
Application Address:	Footway to Queens Park, Wistaston Green Road, Wistaston, Crewe
Proposal:	Application for a New Greenway from Wistaston Green Road to Queens Park Crewe. Proposal Includes a 3 Metre Wide Surfaced Path Together with Associated Engineering and Landscaping Works
Applicant:	Cheshire East Council
Application Type:	Full Planning
Grid Reference:	368106 355518
Ward:	Crewe West
Earliest Determination Date:	3 rd February 2010
Expiry Dated:	23 rd February 2010
Date of Officer's Site Visit:	8 th January 2010
Date Report Prepared:	29 th January 2010
Constraints:	Flood Risk Zone, Open Countryside, Green Gap, Sites of Local Importance for Nature Conservation & Protection of Open Space with Recreational or Amenity Value

SUMMARY RECOMMENDATION

Approve With Conditions

MAIN ISSUES

Impact of the development on:-

- The impact upon the character and appearance of the area
- Protected Species
- Highways implications

1. REASON FOR REFERRAL

This application is referred to the Southern Area Planning Committee as it involves development that exceeds 1000sq.m.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is an area of land which extends from Queens Park to Wistaston Green Road. The majority of the site lies within the Crewe Settlement Boundary although a small proportion to the west is located within the Green Gap. The path runs around the King George V playing fields and to the west of Queens Park Golf Course before following Valley Brook to Wistaston Green Road.

3. DETAILS OF PROPOSAL

This is a full planning application for the construction of a new 3 metre wide surfaced path linking Queens Park, Coppenhall Lane and Victoria Avenue with Wistaston Green Road.

4. RELEVANT HISTORY

The site has no relevant planning history

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.

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
DP7 – Promote Environmental Quality
DP9 – Reduce Emissions and Adapt to Climate Change
RDF2 – Rural Areas
RT2 – Managing Travel Demand
RT9 – Walking and Cycling
EM1 (B) – Natural Environment
EM1 (D) – Trees, Woodlands and Forests
EM3 – Green Infrastructure
MCR4 – South Cheshire

Local Plan Policy

BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.21 – Hazardous Installations
NE.2 – Open Countryside
NE.4 – Green Gaps
NE.5 – Nature Conservation and Habitats
NE.8 – Sites of Local Importance for Nature Conservation
NE.9 – Protected Species
NE.20 – Flood Prevention
RT.1 – Protection of Open Spaces with Recreational or Amenity Value

Other Material Considerations

Planning Policy Statement 1 (Delivering Sustainable Development)
Planning Policy Statement 7 (Rural Areas)
Planning Policy Statement 9 (Biodiversity and Geological Conservation)
Planning Policy Statement 25 (Development and Flood Risk)

6. CONSULTATIONS (External to Planning)

Sustrans: Sustrans is working with Cheshire East on the planning of the Connect2 scheme to provide a greenway between Queens Park and Nantwich riverside avoiding Middlewich Road. Sustrans are very pleased to see this application by the Council for the first phase. In particular Sustrans support the specification for the surface of the route, at 3 metre width with a machine laid bitmac finish and that maximum gradients should be 1:15. This is to

ensure that pedestrians and cyclists can share the route and the maintenance requirement is kept to a minimum in future years.

Sport England: Will not be able to make a full assessment of the application without a site layout plan for the King George V playing fields which shows existing pitch markings for the football pitches in relation to the new cycle route. This will need to include safety margins and run-offs for the pitches.

Environment Agency: Initially objected due to the lack of a Water Vole and Otter survey. Following receipt of this additional information this objection has been removed and the Environment Agency has now made the following comments; Parts of this section of the proposed Crewe to Nantwich Greenway route are in the vicinity of Valley and Wistaston Brooks. The Environment Agency's Flood Maps show that the relatively low-lying land adjacent to the brooks is at risk of fluvial flooding. Parts of the path are located adjacent to Valley Brook. It is recommended that this is moved back away from the Brook to prevent the path being undermined/eroded. Two informatives are requested to be attached to any decision notice.

Ecology: Initially raised objection to the application due to the lack of a Water Vole and Otter survey. Amended comments are that the Otter and water Vole survey is acceptable. No evidence of either species was recorded and so these two protected species do not present a constraint on the proposed development.

Public Rights of Way: The public rights of way team at Cheshire East Council are in full support of the proposal to create an off-road, multi-user route between Nantwich and Crewe, of which the proposal will form a crucial section. The route will offer a safe alternative for walkers and cyclists travelling between the two towns, with associated health and environmental benefits. The concept was identified through the former Cheshire County Council's Rights of Way Improvement Plan, a statutory document assessing the rights of way network of the time and the aspirations of the public for that network in the future. The proposal will also offer residents an improved path network for leisure purposes in their local area.

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

Disability Resource Exchange: No comments received at the time of writing this report

7. VIEWS OF THE PARISH COUNCIL

Minshull Vernon & District Parish Council: No comments received at the time of writing this report

Wistaston Parish Council: The Council agree to the above application in principle, however, consideration needs to be given to the provision of litter bins and dog dirt bins.

8. OTHER REPRESENTATIONS:

One letter of representation received from the occupants of 140 Queens Park Gardens raising the following point;

- It is unclear what will happen to the old car park to the rear of Queens Park Gardens. Will this be retained or will it be turned into a public footpath?

9. APPLICANT'S SUPPORTING INFORMATION

Extended Phase 1 Habitat Survey produced by TEP

- Potential constraints to the three bridge crossings covered by this survey are largely limited to the potential for Water Vole burrows to be present within and adjacent to the working areas. We therefore recommend that a Water Vole survey of the watercourses (50m upstream and 50m downstream) is carried out. This survey should also include a search for otter field signs and holts
- There is a potential for some trees to support roosting bats. It appears that trees are unlikely to be removed during the bridge crossing works but if any tree removal is required then an inspection by a licensed bat ecologist will be required
- The watercourses have large areas of Himalayan Balsam, which is a non native invasive species. Control of this plant is recommended as part of improvements to the river habitat. However given the current spread of the plant it is unlikely that any localised control associated with the bridge works would have any impact on the overall spread of Himalayan Balsam within the survey area

Ecological Assessment produced by TEP

- A Water Vole and Otter survey of three 100m stretches of brook associated with the three crossing points was undertaken in early August 2009. No seasonal constraints affected survey, although vegetation was dense in places. No evidence of water vole or otter use or passage along the watercourses was identified during inspection of the crossing points or the extended upstream and downstream survey areas. There is very little marginal vegetation most favoured by water voles, so food availability within the surveyed stretches of brook is very limited. Dog accessibility, primarily at Crossings 2 & 3, will create a disturbance effect, which will reduce the suitability of the crossing points and adjacent habitats for otter use (particularly for breeding but also for resting and laying up).
- The proposed works are not likely to have a significant impact on the watercourses, as the existing bridges will be lifted and a new bridge will be placed from bank top to bank top with anchor points up on the bank top. At Crossing 1, the new bridge will be placed similarly from top of bank to top of bank, creating negligible impact upon the profile or character of the watercourse.
- There are no obligations or implications with respect to Water Vole or Otter for the crossing works. Given the relatively poor vegetation present along the brooks within the surveyed areas, it is considered that there is only a low risk of Water Voles colonising this section of the brooks. However, best practice measures are recommended, given the known presence of Water Vole and Otter in the wider area. At least 1 week prior to the onset of the bridge works, vegetation on the bank face and bank tops should be trimmed to 150mm above ground level within the footprints of the works and creating a minimum 5m buffer around the works. Following the vegetation cut, the bank tops and bank face within the works and buffer areas should be re-inspected for any evidence of colonisation by water vole (or otter).
- The watercourses within the survey areas are generally dominated by Himalayan Balsam, which is a non-native invasive species. This reduces the biodiversity value of the watercourses for water voles and many other riverine and aquatic species such as birds

and invertebrates. Control of this invasive plant is recommended. However, given the current spread of this plant, it is unlikely that any localised control associated with the bridge works alone would have any significant impact on the overall spread of Himalayan balsam within the survey area. Control measures are therefore recommended to be implemented on a wider scale, as part of improvements to the riverine habitats within the overall Greenway project area. Himalayan balsam is an annual and spreads by seed. Eradication is normally carried out by cutting the plant down before it seeds, ideally in May or June when the plant is in flower and easily recognisable. Cutting should also be carried out each season for a few years following the first cut, to ensure that the plant

10. OFFICER APPRAISAL

Principle of Development

The site extends across a large area of land and parts of the site are located within the Crewe settlement Boundary, the Open Countryside, Green Gap, and Flood Zones 2 and 3. The site is also in close proximity to a Site of Local Importance for Nature Conservation and a number of sports playing pitches at King George V Playing Fields.

This is the first phase of a scheme that would result in the creation of a cycle/pedestrian link between Queens Park, Crewe and Nantwich Riverside which avoids Middlewich Road. The proposal is considered to be acceptable in principle and accords with Local and Regional Policy as the development would create a link that would be accessed via sustainable modes of transport.

Design and impact upon the character and appearance of the area

The proposal would mainly follow existing footpaths which would be widened and re-surfaced. Given the scale of the proposal it is not considered that the proposal would have a detrimental impact upon the character and appearance of the area or Open Countryside.

A small section of the proposed development would be located within the Green Gap and the proposal could result in an erosion of the physical gaps between the built up areas (Nantwich and Willaston). However the proposal would be limited and it is not considered that there is a suitable alternative location. It should also be noted that the development would result in benefits such as a sustainable transport link between Crewe and Nantwich and an improved cycle link that would help to tackle obesity and increase participation in recreational activities.

Amenity

There are a numerous residential properties that back onto the application site. However it is not considered that the proposed development would have a detrimental impact upon residential amenity as the application site and surrounding land is an existing area of open space which is used for recreational uses. The proposed development would not have such a greater impact upon residential amenity in terms of noise and disturbance as to warrant the refusal of this application.

Ecological issues

The main species that could be affected by the proposed development would be Otter and Water Voles and objections were originally received from the Councils Ecologist and the Environment Agency in relation to the lack of a survey in relation to these species.

The Protected Species Survey which was produced identified took place over three 100 metre stretches of the brook associated with the 3 new crossing points. This survey found no evidence of water vole or otter use and as a result the development. As a result the objection from the Environment Agency has been withdrawn and further comments are awaited from the Councils own Ecologist. It is anticipated that this objection will also be withdrawn and as a result the development is considered to be acceptable in terms of the impact upon protected species. A condition will be attached to ensure that if protected species are found works should stop and an Ecologist should be contacted.

A Site of Local Importance for Nature Conservation is located within close proximity of the site. However it is not considered that this would be affected by the proposed development as the footway would pass on the opposite side of Valley Brook at this point.

Impact upon Open Spaces with Recreational or Amenity Value

The site runs around the King George V playing fields and to the west of the Queens Park Golf Course. It is considered that the proposed development affects only land that is incapable of forming part of a playing pitch and does not result in a loss of or inability to make use of any playing pitch and as a result the development would not conflict with Policy RT.1. Sport England has requested further information in terms of the layout of the playing pitches and any additional comments in relation to this issue will be reported as part of the Update Report.

Flood Risk

Part of the site is located within a Flood Risk Area and given that the Environment Agency has not objected to the application, it is considered that the development is acceptable in terms of flood risk issues.

Trees

The route also encompasses two TPOs, TPO88 Old Gorse Covert and TPO 106 Penbrook Close, Old Gorse Farm. Although protected trees may be adjacent to the works in a number of situations, no trees should be under threat of removal from the works. Conditions will be attached regarding tree protection measures to ensure that the trees are protected as part of the proposed development.

11. CONCLUSIONS

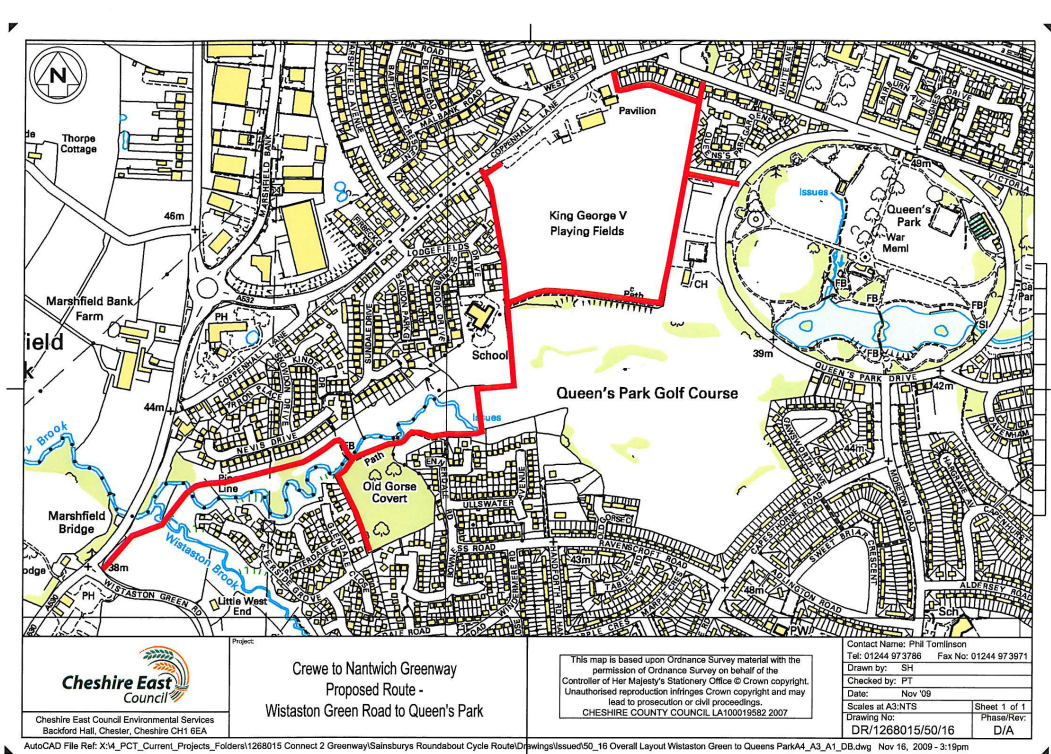
The proposed development is considered to be acceptable in principal and would not have a detrimental impact upon the Open Countryside, Green Gap, residential amenity or protected species. However at the time of writing this report negotiations were continuing over the impact upon the King George V playing fields, it is not considered that this issue would result in the refusal of this application and the results of the ongoing discussions regarding this issue will be reported as part of the late report.

12. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1 Standard**
- 2 Plans**
- 3 Tree protection**
- 4 Works to stop if protected species found**

Location Plan



Planning Reference No:	09/4145N
Application Address:	Calveley Green Farm, Cholmondeston Road, Calveley, Tarporley, Cheshire, CW6 9LF
Proposal:	Erection of a Gaia 133 11KW Wind Turbine on an 18m Tower
Applicant:	Mrs K M Daley
Application Type:	Full Planning
Grid Reference:	360716 359870
Ward:	Cholmondeley
Earliest Determination Date:	11 th Feb 2010
Expiry Dated:	5 th March 2010
Date of Officer's Site Visit:	2 nd February 2010
Date Report Prepared:	3 rd February 2010
Constraints:	Open Countryside

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

Impact of the development on

- Principle of the development
- Character and appearance of the area
- Amenity
- Highways
- Ecology

1. REASON FOR REFERRAL

This application was to be determined under delegated powers. However, the application has been called in by Cllr Davies to allow the "assessment of scale and relationship with existing buildings".

2. DESCRIPTION OF SITE AND CONTEXT

The application relates to an area of agricultural land, laid to pasture, located to the west of Calveley Green Farm, within the Open Countryside. There are no national or local landscape designations affecting the site. Calveley Footpath 6 is located approximately 300m to the south of the site, running east to west, Calveley Footpath 8 is located approximately 500m to the west running south to north, and Calveley Footpath 5 is located 500m to the east of the site.

3. DETAILS OF PROPOSAL

Planning permission is sought for the erection of a single Gaia 133 11K wind turbine. The turbine will have a maximum height to the tip of the blade of 24.8m with a tower height of 18m.

4. RELEVANT HISTORY

None

5. POLICIES

National policy

PPS 1: Delivering Sustainable Development
Planning and Climate Change: Supplement to Planning Policy Statement 1
PPS 7: Sustainable Development in Rural Areas
PPS 22: Planning for Renewable Energy
Planning for Renewable Energy: A Companion Guide to PPS 22

Regional Spatial Strategy

EM1 – Integrated Land Management
EM17 - Renewable Energy

Local Plan policy

NE.2 (Open Countryside)
NE.19 (Renewable Energy)
BE.1 (Amenity)
BE.2 (Design Standards)

6. CONSULTATIONS (External to Planning)

Civil Aviation Authority – None received at time of writing report

Manchester Airport – None received at time of writing report

Ministry of Defence – None received at time of writing report

Environmental Health – No objection.

Landscape Consultant – In principle no objection to the erection of a wind turbine. However consider that an area of works together with a route to and from the site for works machinery should be identified on a plan. Access to the site through existing field gateways should be utilised to minimise any damage to hedgerows and trees. May be necessary to fence the route and works compound to discourage stockpiling of excavated and building material. Ecology statement (within D&AS) concentrated on birds and bats and there appears to be ponds within 100m of the site.

7. OTHER REPRESENTATIONS:

None received at time of writing report

8. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement (Prepared by Natural Energy dated December 2009):

- Turbine should be capable of generating 25,000kWhrs per annum, approximately 60% of the energy demand of the business. The turbine will be grid connected so the business can draw from the grid when insufficient energy is generated whilst exported to the grid when generating a surplus.

- Turbine on a tubular tower is considered to offer an aesthetically acceptable solution
- Twin bladed turbine on a galvanised steel mast with 5m² reinforced concrete base, blades have a diameter of 13m giving a total height of 24.8m.
- Principal source of noise is from the blades and will generate noise output of 56dB(A) at base, 50dB(A) at 30m from the tower, 45dB(A) at 60m from the tower and 40dB(A) at a distance of 100m from the tower.
- Ecology – Little evidence of wildlife being affected by small scale wind turbines. Risk to wind turbines to most species of bird is very low. It is good practice to site turbines over 50m from trees, hedgerows and water bodies which could be used for foraging and commuting routes for bats. The turbine is sited over 50m from any tree, hedgerow or water body. Turbine will have little or no impact on bats.
- Siting has had regard to amenity value of properties and rural landscape
- Size, colouring and positioning of the turbine will ensure that the structure has minimal impact on the landscape and should not affect the enjoyment of private residential properties in the locality or views from public highways.
- Will not appear out of scale or dominant in the landscape
- Delivery of the turbine will be by a single flat bed lorry which gain access through the applicants property

9. OFFICER APPRAISAL

Principle of development

Policy NE.19 of the Crewe and Nantwich Borough Local Plan states that proposals for the generation of power from renewable energy sources will be permitted where:

- The development would cause no significant harm to the character and appearance of the surrounding area;
- Highway safety standards would not be adversely affected;
- The development would have no unacceptable impact on the amenities of neighbouring residential occupiers by reason of noise, disturbance, pollution, visual intrusion or traffic generation; and
- The proposal includes effective measures to safeguard features or areas of particular landscape or nature conservation interest.

The main issues in the consideration of this proposal therefore, are the visual impact of the proposal, highway safety, amenity and nature conservation.

PPS22: Planning for Renewable Energy states that small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally and that planning authorities should not therefore reject planning applications simply because the level of output is small.

Visual Impact

PPS22 states that wind turbines are likely to have the greatest visual and landscape effects and that, in assessing planning applications, local authorities should recognise that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved, and that these impacts may be temporary if conditions are attached to planning permissions which require the future decommissioning of turbines.

The site is located within the Open Countryside as defined by the Local Plan. However there are no national or local landscape designations that affect the site. The overall height of the proposed turbine would be 24.8m to the tip of the blades and as a result it would be visible at a considerable distance when viewed from some directions. There is little infrastructure development within the immediate area, such as overhead power lines, pylons or telegraph poles. The landscape is relatively flat in this locality and land to the south-west is higher than the application site and the turbine would be more visible from Public Footpaths from this aspect. However, the turbine will be afforded an element of screening from mature field hedgerows and trees from Long Lane to the north, and to the south and south-east it will be largely screened by an established copse. The turbine is to be sited approximately 250m to the west of the Calveley Green farm complex. The turbine would be set against the backdrop of those agricultural buildings which are sited in the distance which would contribute towards reducing the prominence of the development from the south west.

Whilst the proposed development would undoubtedly have an impact on the character and appearance of the landscape it is not considered that the overall impact would be significant given the scale of the development proposed, the colour finish of the turbine, and also the absence of any national or local landscape designation which would afford greater protection. PPS22 also states that Planning Authorities should also take into account the cumulative impact of wind generation projects in particular areas. The proposed development would be the only wind turbine in this locality and would not contribute towards any cumulative impact on the landscape.

It is also suggested that a condition be applied to any permission to ensure the removal of the turbine once redundant.

Amenity

There are numerous relatively isolated residential properties and farm holdings located in the vicinity of the site. However, the proposed turbine is over 340m from the nearest residential property and the associated equipment does not produce any significant noise at these distances. Given the limited width of the turbines, the large distance from neighbouring properties, it is not considered that the proposal will have a detrimental impact on residential amenity in terms of over domination, visual intrusion and noise pollution.

In the absence of any objection from Environmental Health, it is not considered that a refusal on amenity grounds could be sustained.

Highway Safety

The site is located over 400m from the nearest public highway and it is not considered that there are any highways reasons for refusal.

Ecology

On inspection of the application documentation, aerial photography and the LPA's GIS it would appear that there are no ponds within 100m of the proposed siting of the wind turbine. There is therefore no requirement for the submission of a Great Crested Newt survey to determine the developments impact. The proposal is also sited at a distance of approximately 80m from a copse to the south. A buffer zone of 50m is normally

recommended to further reduce any potential for the development to have an adverse impact on wildlife.

Other Issues

The Civil Aviation Authority, Manchester Airport, and the Ministry of Defence have all been consulted on the proposals. However no comments have been received to date from these consultees.

10. CONCLUSIONS

There is broad support at both national and regional level for renewable energy proposals and wind turbine. Local Plan policy is also permissive provided that certain criteria are met. For the reasons stated above, and having due regard to all other matters raised, it is concluded that the proposal complies with the local plan policy and in the absence of any other material considerations to indicate otherwise it is recommended for approval.

11. RECOMMENDATIONS

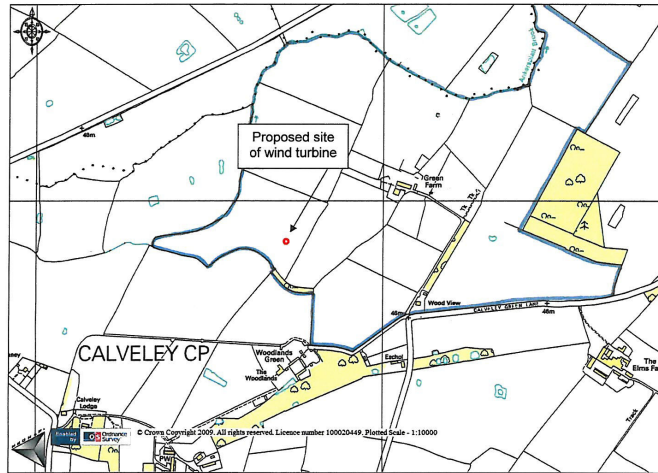
APPROVE subject to the following conditions

- 1. Standard**
- 2. Approved drawings**
- 3. Removal when no-longer required for electricity generation purposes**

LOCATION PLAN:

LOCATION PLAN

Wind Turbine Site At
Calveley Green Farm
Cholmondeston Road Tarporley
CW6 9LF



Application Ref: PP00901949



Scale: 1: 10000

Planning Reference No:	09/4195C
Application Address:	3 High Street, Congleton, CW12 1BN
Proposal:	Change of use of ground floor from retail (A1) to an adult gaming centre (Sui Generis) and erection of a discreet CCTV facility.
Applicant:	Highline Products Ltd
Application Type:	Change of Use
Ward:	Congleton Town West
Registration Date:	17 th December 2009
Earliest Determination Date:	11 th February 2010
Expiry Date:	11 th February 2010
Date report Prepared	2 nd February 2010
Constraints:	Conservation Area and adjacent to Listed Buildings

SUMMARY RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

MAIN ISSUES:

- Principle of the development
- Amenity of neighbouring properties
- Impact on the character of the adjacent Listed Buildings and the Conservation Area
- Highway safety.

1. REASON FOR REFERRAL

Called in by Councilor R Domleo on the grounds that the application was controversial and that there would be the loss of a retail unit in the town centre.

2. DESCRIPTION AND SITE CONTEXT

The building is a double fronted red brick shop unit with a glass canopy and large display windows. The site is within Congleton town centre but not the principal shopping area as designated in the adopted local plan. It is also contained within the Congleton Conservation Area and there are Grade II Listed Buildings to both sides and opposite the site.

3. DETAILS OF PROPOSAL

The proposal seeks to change the use of this existing retail unit in order that it can operate as what is described as an adult gaming centre. The only external alterations proposed would be a small CCTV camera that would be sited under the existing glass canopy to the front of the building. It should be noted that there is a separate application for Advertisement Consent at the site.

4. RELEVANT HISTORY

There is no relevant planning history relating to this site.

5. POLICIES

National Guidance

PPS4 – Planning for Sustainable Economic Growth

Congleton Local Plan 2005

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

PS4 – Towns

GR1 – New Development

GR2 – Design

GR6 – Amenity and Health

GR9 – Parking and Access

S5 – Town Centre Areas

6. CONSIDERATIONS (External to Planning)

Spatial Planning

The proposal would need to accord with policy S5, whereby proposals for non retail uses at ground floor level will be permitted where the development is for, amongst other things leisure or entertainment uses. The proposal would also need to be in accordance with the listed criteria, which relate to amenity and the town centre function of the area. The proposal would appear to be in conformity with these.

PPS4

Policy **EC10** lists impact considerations for assessing applications for economic development against. These are:

1. whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change.
2. the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured.
3. whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions.
4. the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives.
5. the impact on local employment.

In assessing the proposal against the criteria it is found that:

1. No mention has been made with regards to climate change and the reduction of carbon dioxide emissions within the application;

2. The site is located within Congleton Town centre and is therefore accessible by a choice of means of transport;
3. The site is located within a conservation area and therefore the design of the frontage should take this into account;
4. Granting approval would bring back into use a vacant unit;
5. 4.5 full time equivalent positions would be provided.

Taking the above into account, I have no policy objections to this proposal.

Environmental Health:

The Environmental Health section has requested that conditions are imposed relating to hours of opening and the acoustic enclosure of any fans or compressors with the potential to generate noise.

Cheshire Police Crime Reduction Advisor:

With regards to the above plans the Police Advisor would like to make the following comments:-

- I am fully in support of the CCTV on the front canopy, it is very refreshing to see such detailed specifications included in the plans!
- My main concern regarding the interior is that the plans give the impression that there will in effect be a separate room within the main area (i.e area that leads off to the kitchen). I am concerned that this may limit surveillance of the rest of the games area.
- Is the kitchen area going to be restricted to staff or are public going to be allowed in this area? If this area is going to be restricted I would recommend having an access controlled door into it and looking at the possibility of a hatch area that could be used to serve the drinks and refreshments through.
- Is there any possibility of having an alternative exit out of the back of the workspace, as at the moment there is no alternative exit out of this area and concerned there would be the possibility of people being trapped in the kitchen area in the event of fire / robbery.
- Consideration should be given to the installation of internal CCTV
- Signage should be clearly displayed at the entrance stating the conditions of using the facility and also a reminder about the CCTV.

Highways:

The Strategic Highways Manager has no objections to the proposal.

Conservation Officer

The Conservation Officer objects to the proposal on the grounds that the window display would be unlikely to change over time therefore resulting in a sterile window display which would do little for the character of the Conservation Area.

7. VIEWS OF TOWN/PARISH COUNCIL

Recommend refusal of the application on the grounds that it is an inappropriate use in a town centre and Conservation Area and traffic generation. Concerns were also raised about appropriate signage, however the Town Council have recommended approval of the application for Advertisement Consent.

8. OTHER REPRESENTATIONS

One letter of objection has been received citing the following grounds:

- Not convinced that the proposal will attract clients for other businesses in the town centre
- No evidence that the users of this facility would use public transport
- Levels of noise and litter
- Smoking outside the building
- Inappropriate location

9. APLLICANT'S SUPPORTING INFORMATION

- Design and Access Statement
- Planning Statement

10. OFFICER APPRAISAL

Principle of Development

The site is within the town centre of Congleton but not the Principal Shopping Area; as such the key policy that the proposal should be assessed against is Policy S5. This Policy requires that proposals for non-retail uses at ground floor level will be permitted where the proposed use is a commercial, leisure, entertainment, community or civic use appropriate to the town centre. This is subject to it not being detrimental to the overall town centre function, or the amenities of adjacent properties. The use proposed would comprise leisure/entertainment and it is not considered that it would detract from the town centre function. The proposal is therefore considered to be acceptable in principle.

Design

There is only one minor alteration to the external elevations of the property, and this is the addition of a small CCTV camera. The camera would be sited beneath the existing glass canopy and would have no impact on the character and appearance of the building or the Conservation Area. The Conservation Officer has objected to the proposal on the grounds that there would be a sterile window display that would do nothing to enhance the Conservation Area. On balance however it is considered that the occupation of the unit would be preferable to an empty and deteriorating building, as the owner has been unable to attract alternative tenants. The proposal is therefore considered to be in compliance with Policies GR2 and BH9 of the adopted local plan.

Amenity

The site is within the town centre where a use of this type is considered to be acceptable. It is adjacent to an existing public house and the Town Hall, which also provide leisure/entertainment facilities and it is considered that subject to limits on the opening hours, there would be minimal impact on the amenities of neighbouring properties.

The Cheshire Police Crime Reduction Advisor has welcomed the inclusion of the CCTV camera as part of the proposal. A recommendation is also made that internal CCTV is provided and it is recommended that an informative be included with the decision, advising the applicants to contact the crime reduction advisor for guidance. Comments were also made with regard to an alternative exit from the kitchen in the event of fire or robbery and it is considered that an informative should also be included relating to this issue.

A gaming centre premises licence has been granted for this business, which contains several conditions both mandatory and additional ones imposed by the local authority. These include the installation of a CCTV system as recommended by the Cheshire Constabulary guidance and limits on hours of opening. It is recommended that the hours of opening on the licence should be reflected on the planning approval should it be granted.

The Environmental Health Section have requested conditions relating to hours of opening and the acoustic enclosure of fans and other equipment with the potential to create noise. This is considered to be necessary in order to protect the amenities of neighbouring properties.

Highways

The site is within the town centre and benefits from good parking provision and access to public transport. It is considered that this in addition to the fact that the Strategic Highways Manager has stated that there are no objections to the proposal means that it is acceptable in terms of highway safety and traffic generation.

11. CONCLUSIONS AND REASONS FOR THE DECISION

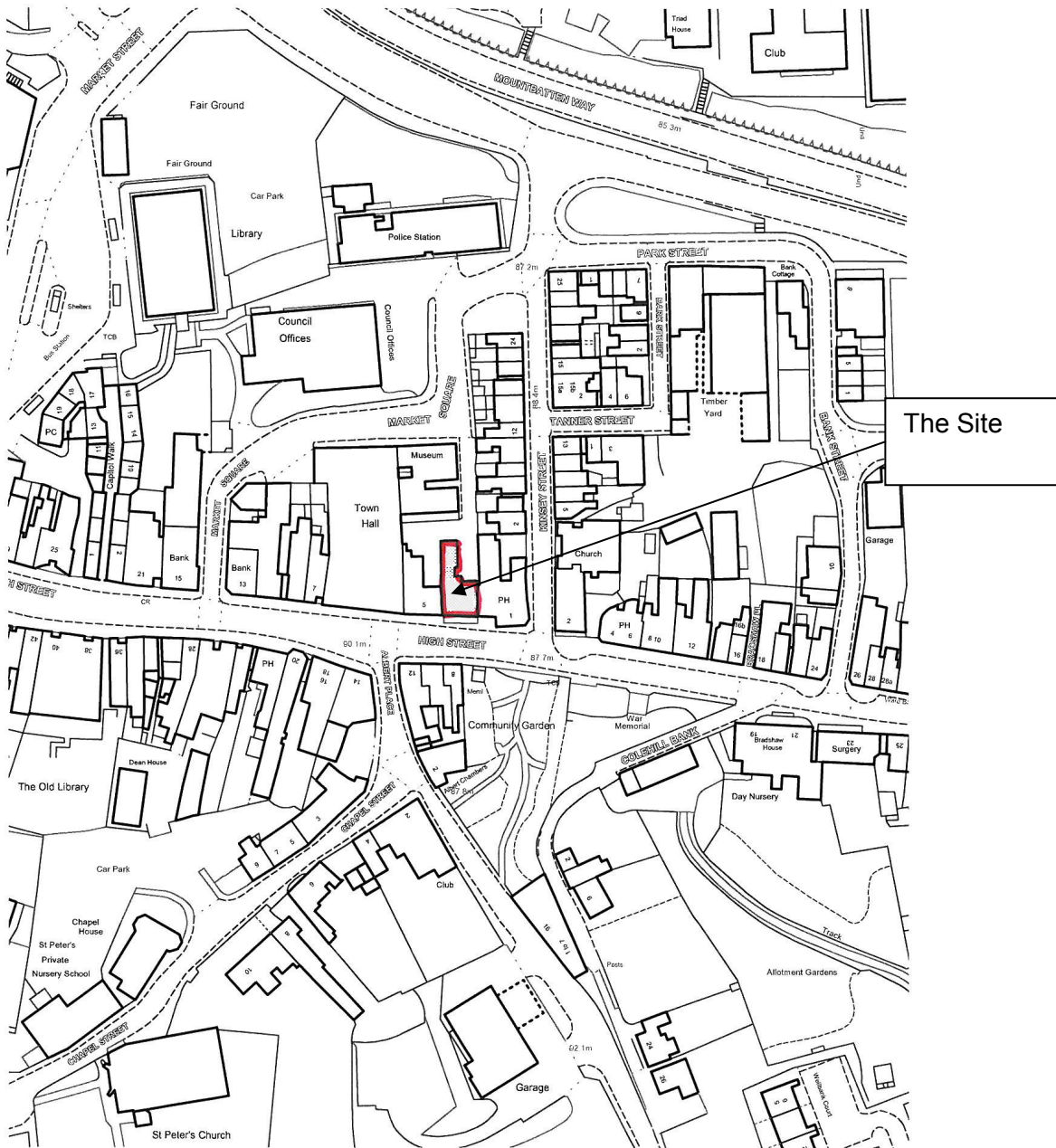
In conclusion, it is considered that the proposal meets the requirements of the national policy and the development plan in terms of the issues addressed above and therefore approval of this application is recommended subject to the following conditions.

12. RECOMMENDATION:

Approve subject to the following conditions:

- 1. Standard time limit**
- 2. Compliance with the approved plans**
- 3. Hours of operation limited to 10.00 to 21.00 Monday to Saturday and 11.00 to 20.00 on Sundays and Bank Holidays**
- 4. Submission of a scheme for the enclosure of any acoustic fans**

Location Plan: Cheshire East Council Licence No. 100049045



CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date of meeting: 17th February 2010

Report of: Adrian Fisher, Head of Planning and Policy

Title: Wyche Lane, Bunbury

1.0 Purpose of Report

- 1.1 To consider a proposed variation to the Section 106 Agreement attached to planning permission P07/0867 for 10 affordable houses at Wyche Lane, Bunbury, approved by Crewe and Nantwich Borough Council.

2.0 Decision Required

- 2.1 To agree to the proposed amendments and to instruct the Borough Solicitor to prepare a Deed of Variation.

3.0 Background

- 3.1 Full planning permission was granted in March 2009 for an affordable housing development of ten houses along the frontage of the former football field, situated between the village centre and the area of Higher Bunbury to the east.
- 3.2 The scheme comprises 3 pairs of semi-detached dwellings fronting onto the road and a single larger detached dwelling at 90 degrees to the road. A further block of 3 mews houses is located to the rear of the site. A parking court has been provided in the centre of the site, with areas of open space to the rear corners. Vehicle access to the parking court is from a single T junction midway along the site frontage.
- 3.3 The current Section 106 Agreement identifies the split as 7 affordable rented units and 3 shared ownership units.

4.0 Proposals

- 4.1 Muir is very keen to progress and get this scheme started on site within the coming year. Discussions with the HCA suggest that they remain very keen to see this rural scheme come forward as deliverable rural schemes in Cheshire are very much a rarity and the need for affordable housing in such locations remains extremely high.

- 4.2 Muir wish to invite tenders for this scheme in early 2010 and to appoint a contractor but there is one major issue which affecting it's progression, which unless it is addressed it may jeopardise the entire scheme.
- 4.3 The Section 106 Agreement does not contain a Mortgagee in Possession clause. As such the potential purchasers of the shared ownership units might not be able to secure mortgages.
- 4.4 Muir has proposed two options to take this forward. A Mortgagee in Possession clause for the shared ownership units could be included or the Section 106 agreements could be amended to provide 100% target rented across the scheme, with no shared ownership units. The former would not be acceptable to the Council as this is a rural exceptions site which requires affordable housing in perpetuity, i.e. even after repossession by a mortgagee. Furthermore, the latter is Muir's preferred option, for the following reasons:
 - 4.5 Firstly, it is still considered that the need for affordable rented units is till the highest priority within this area. This has been confirmed by the Councils housing section. Secondly, even if a mortgagee in Possession Clause could be included; there would remain a question of affordability of the shared ownership units. Notwithstanding the impact of the credit crunch and the restriction in values noted in the Section 106, the Open Market value (OMV) of the dwellings could be in excess of £190k. Total costs of ownership including the rental element of shared ownership would take costs to 70% of an outright sale, this would equate to a mortgage of £133k and it is questionable whether this can be considered to be truly affordable.
 - 4.6 The issues raised by Muir have occurred on a number of sites since the credit crunch as there are not many mortgage deals on the market for properties with restrictions, as the mortgage lenders are reluctant to lend against them. The effect of this is that those lenders who are prepared to lend on a shared ownership basis, with a restriction on total purchase in place, charge a higher rate of interest than those without such a restriction in place. Thus the shared ownership purchaser is penalised to such an extent that in many cases, the shared ownership units cannot be sold. This clearly cannot be desirable.
 - 4.7 The most important consideration must be to ensure that affordable housing is provided and that it is accessible to those people who are in housing need and if the terms of the legal agreement are prohibitive to achieving those objectives there is justification, in relation to this site, for the amendment.
 - 4.8 Furthermore, it is noted that that the Council's Housing Section have supported the view expressed by Muir and raised no objection to the proposals in respect of this site. On this basis, they are considered to be acceptable.

5.0 Conclusion

- 5.1 On the basis of the above, the proposed changes to the Section 106 are considered to be appropriate and acceptable.

6.0 Recommendation

- 6.1 That the Committee resolve to instruct the Borough Solicitor to prepare a Deed of Variation in respect of the Section 106 Agreement attached to planning permission P07/0867 to modify the mix of tenure on the site from 7 affordable rented units and 3 shared ownership units to provide for all affordable rented units.

7.0 Financial Implications

- 7.1 There are no financial implications.

8.0 Consultations

Borough Solicitor

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

Housing Section

- 8.2 The housing section have commented that advice on the affordable housing mix within this development was provided when people in housing need could access mortgages for shared ownership and did not need a deposit. In the current economic climate and because of the high demand for social rented housing in areas with high value housing such as Bunbury they would support the request from Muir Group for this scheme to be changed to all social rented.

Parish Council

- 8.3 Bunbury Parish Council expresses concern at the proposal to make all ten homes in the development for rental rather than the original proposal to create a mixed development of rental and shared ownership properties.
- 8.4 At a public meeting called by the Parish Council and held on 19th July 2007 at which representatives of Muir were present. It was made clear by views expressed from the floor that a good many people in the village were in favour of affordable homes and in particular shared ownership homes. The original scheme allowed for a 50/50 split between rental and shared ownership subsequently changed 7/3 in favour of rentals. The proposal to move to 100% rental is a clear breach of the promise made by Muir Homes to provide shared ownership properties in the village and is made imply to suit the

developer rather than the needs and requests of those who live in the village.

- 8.5 The Parish Council believes that 7.3 split is still the most desirable option and asks that the development go ahead on this basis.

9.0 Risk Assessment

- 9.1 There are no risks associated with this decision.

10.0 Reasons for Recommendation

- 10.1 To ensure that an approved scheme for essential affordable housing within the rural area is delivered.

For further information:

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

Background Documents:

Application P07/0867