

# Southern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 21st April, 2010</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>Lecture Theatre, Crewe Library, Prince Albert Street, Crewe, Cheshire CW1 2DH</b>

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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 31 March 2010.

4. **Public Speaking**

Please contact Julie Zientek on 01270 686466  
E-Mail: [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies, requests for further information or to arrange to speak at the meeting

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

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

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

5. **10/0392C Erection of steel fence approximately 2.5 metres high above existing brick boundary wall, Sandbach Car and Commercial Dismantlers, Moston Road, Sandbach, CW11 3HL for Mr A Boote, Sandbach Car and Commercial Dismantlers Ltd** (Pages 7 - 10)

To consider the above planning application.

6. **10/0665N Two Retail Units Including Associated Parking, servicing and Site Access. A unit of 371 sq. m to be used for Class A1 and a Unit of 93 sq. m to be Used for any Use Within Use Classes A1, A2, A3 or A5, Former George Hotel West Street Crewe for Pochin Developments & Malahat Properties** (Pages 11 - 22)

To consider the above planning application.

7. **10/0947N Proposed Residential Development Comprising of 9 no. 2 Storey Dwellings including Associated Parking & Vehicle Access, Former George Hotel West Street Crewe for Pochin Developments & Malahat Properties** (Pages 23 - 30)

To consider the above planning application.

8. **08/1236/OUT Outline application for residential development, close care /retirement units and care home with access sought for approval at outline stage, land at Brook Street/Mill Street, Buglawton, Congleton for Mottram Ventures Limited** (Pages 31 - 50)

To consider the above planning application.

9. **10/0283N Industrial New Build Development Consisting of Six Units, together with Infrastructure, Ancillary Works and New Agricultural Access Track, Land at Drome Farm, Wardle Industrial Estate, Green Lane, Wardle, Nantwich for Mr P Posnett** (Pages 51 - 60)

To consider the above planning application.

10. **10/0461C Demolition of existing mill and erection of 12no 100% affordable houses, The Bromley Centre, Bromley Road, Congleton CW12 1PT for Plus Dane Group** (Pages 61 - 70)  
  
To consider the above planning application.
11. **10/0643N Change of Use from Agricultural Land to Allotment Purposes for the Use of the Residents of Weston and Basford, land North West of Weston Lane, Crotia Mill Road, Weston, Crewe for Weston and Basford Parish Council, Malt Kiln Cottage, Englesea Brook Lane, Barthomley, Crewe, CW2 5QW** (Pages 71 - 78)  
  
To consider the above planning application.
12. **10/0678N Erection of a Poultry Shed as an Extension to an Existing Poultry Unit, Brindley Farm, Wrexham Road, Burland, Nantwich, CW5 8NA for RM & K Whittaker** (Pages 79 - 88)  
  
To consider the above planning application.
13. **10/0712N Use of Existing Agricultural Building to House Livestock, Land at Moss Lane, Warmingham, Crewe for Mrs L Mountford** (Pages 89 - 94)  
  
To consider the above planning application.
14. **10/0739C 1 Storey Brick Extension Comprising Ground Floor Kitchen and Entrance Hall, 1 Old Hall Cottages, Sandbach for Mr Owen Smith** (Pages 95 - 100)  
  
To consider the above planning application.
15. **10/0747C 1 Storey Brick Extension Comprising Ground Floor Kitchen and Entrance Hall, 1 Old Hall Cottages, Sandbach for Mr Owen Smith** (Pages 101 - 106)  
  
To consider the above planning application.
16. **10/0796N New Dwelling, Land Adj To Siloan, Marsh Lane, Ravensmoor, Cheshire for Mr & Mrs K Allman** (Pages 107 - 114)  
  
To consider the above planning application.
17. **10/0842N Demolition of Existing Garage and sheds and Erection of Replacement Garage, The White House, Dig Lane, Acton, CW5 8PB for Mr A Williams** (Pages 115 - 120)  
  
To consider the above planning application.

18. **10/0843N Agricultural Workers Dwelling, Field Off Coole Lane, Newhall, Nantwich for Mr D Johnson** (Pages 121 - 128)

To consider the above planning application.



**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 31st March, 2010 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

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

Councillors T Beard, M Davies, S Davies, S Furlong, L Gilbert, B Howell,  
J Jones, A Kolker, R Walker and J Weatherill

**OFFICERS PRESENT**

Rachel Goddard (Senior Lawyer), David Malcolm (Southern Area Manager -  
Development Management) and Paul Moore (Principal Planning  
Officer)

**Apologies**

Councillors D Bebbington, S Jones and S McGrory

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

Councillor G Merry declared that in calling in application number 10/0392C she had expressed an opinion and therefore fettered her discretion. Councillor Merry exercised her separate speaking rights as a Ward Councillor and withdrew from the meeting during consideration of this item. Councillor Merry also declared a personal interest in respect of the application on the grounds that she was a member of Sandbach Town Council, which had been consulted on the proposed development.

All Members of the Committee declared that they had received correspondence in relation to application number 10/0010C.

**148 MINUTES**

RESOLVED – That the minutes of the meeting held on 10 March 2010 be approved as a correct record and signed by the Chairman.

**149 10/0196N CONSTRUCTION OF OLD PERSONS RESIDENTIAL CARE  
HOME COMPRISING 46 SINGLE BEDROOMS AND 20  
INDEPENDENCY UNITS, OF 2 STOREYS PLUS ATTIC DORMERS,  
LAND ADJOINING THE BRIDGE INN, BROAD STREET, CREWE FOR  
TWO DALES LTD**

Note: Mr T J Bentley-Jordan (on behalf of the applicant) attended the meeting and addressed the Committee on this matter. Mr J Warters (the applicant) had registered his intention to address the Committee on this matter but did not speak.

The Committee considered a report regarding the above planning application.

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

1. Standard time years
2. Materials to be submitted and approved
3. Surfacing materials which shall be permeable to be submitted and approved
4. Landscape scheme to be submitted t o be submitted and approved
5. Landscape scheme to be completed in accordance with the approved details
6. Boundary treatment to be submitted and approved
7. Provide car parking as shown on the approved plan
8. Drainage details to be submitted and approved
9. Contaminated land condition
10. Access to be constructed to CE spec
11. Footpath link to front of site
12. Access to 175 Broad Street to be retained
13. Approved plans
14. Obscure glazing to be provided and retained
15. Noise mitigation measures to be provided
16. Window reveals of 55mm to be provided to all windows and doors
17. Restrict use of the site to use class C2 (Residential Institutions)
18. Details of any external furniture to be submitted and approved
19. Cycle parking details to be submitted and approved
20. Gas Absorption Heat Pump to be provided and retained
21. Detail of window design to be submitted and approved

150 **10/0010C CONSTRUCTION OF NEW FOODSTORE WITH ASSOCIATED SERVICING FACILITIES AND ALTERATIONS TO EXISTING CAR PARK, LAND AT WEST HEATH SHOPPING CENTRE, SANDBACH ROAD, CONGLETON FOR HOLLINS MURRAY GROUP LTD & ALDI STORES LTD.**

Note: Mr M Pawezowski (objector) and Mr M Hewlett, Aldi Stores Ltd, (the applicant) attended the meeting and addressed the Committee on this matter.

Note: During consideration of this application, Councillor E Howell left the meeting and returned, and 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.

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

1. 3-year time limit
2. Development in accordance with the approved plans
3. Development in accordance with the materials specified on plan
4. That planning permission relates solely to Aldi foodstores and not any other retail operator
5. That the net retail floorspace within the proposed building be restricted to the proposed 940m<sup>2</sup> as specified by the applicants
6. That a restriction be placed on the net retail floorspace to restrict and control the types of good sold from the new development which shall be restricted to 80% convenience goods and 20% comparison goods
7. Restriction on the hours of opening to  
*8am – 8pm Mon – Sat and 10am to 5pm Sundays*
8. Restriction on the hours of delivery to  
*7.45am – 8pm Mon – Sat and 9.45am to 5pm Sundays*
9. Precise details of the acoustic fence for the HGV docking bay area to be submitted for approval prior to the commencement of development
10. Implementation of noise attenuation measures preventing use of reversing alarms, HGV refrigeration units, acoustic fencing and to ensure all loading and unloading deliveries take place through the docking bay entrance
11. Contaminated land (Investigation and Mitigation)
12. Air quality condition
13. That precise details of external lighting be submitted and approved
14. Scheme to secure 10% renewable energy
15. Details for the provision of cycle parking facilities
16. Provision of a replacement pedestrian crossing at the southern entrance to the site, on Sandbach Road.

151 **10/0100N EXTENSION TO TIME LIMIT ON APPLICATION NUMBER P06/1282 (CREWE AND NANTWICH) FOR ERECTION OF 7 TWO STOREY TERRACED PROPERTIES AND THE CONVERSION OF BARN TO THREE RESIDENTIAL PROPERTIES, LAND AT REAR OF THE EARLE OF CREWE (PH) NANTWICH ROAD, CREWE FOR JACSAC PROPERTIES LTD.**

The Committee considered a report regarding the above planning application.

RESOLVED

(a) That the application be APPROVED subject to the following conditions:

1. Standard Time Limit (a further 3 years)
2. Plans
3. Materials including surfacing
4. Garages
5. Drainage
6. Boundary Treatment
7. Landscaping Submitted
8. Landscaping Implemented
9. Services Underground
10. Construction Workers Vehicles
11. Loading/Unloading Materials
12. Remove PD Rights
13. Car Parking Standards
14. Windows
15. Chiller Units
16. Bin Storage
17. Access
18. Door and window details
19. Conservation rooflights
20. Bat and barn owl survey
21. Rainwater goods.

(b) That the Head of Planning and Policy be granted delegated authority to add a condition to address any issues arising from the outstanding comments from Environmental Health regarding air quality.

152 **10/0279N DEMOLITION OF A SINGLE STOREY TEACHING/AMENITY BLOCK AND ERECTION OF A NEW TWO STOREY FOOD CENTRE OF EXCELLENCE FOR BUSINESS AND RESEARCH AREAS, REASEHEATH COLLEGE, MAIN ROAD, WORLESTON, NANTWICH FOR REASEHEATH COLLEGE**

The Committee considered a report regarding the above planning application.

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

1. Standard time
2. Plans
3. Materials
4. Surfacing materials
5. Landscaping scheme
6. Implementation of landscaping
7. No activities in field containing ancient monument
8. Implementation of drainage works
9. Scheme for external lighting
10. Work to proceed in accordance with recommendations for bat and birds and advice to personnel in bat survey

11. Site (including trees) to be checked for nesting birds if development commences in bird nesting season
12. Details of source separation, recycling and storage of waste for Food Centre
13. Travel Plan plus additional cycle parking facilities if necessary
14. No demolition or works of any description until a Waste Audit is submitted in relation to the demolition of the existing areas of the rebuilding and recycling/ re-use of materials as far as reasonably practical
15. Development to incorporate the sustainable development measures specified in the Design and Access Statement

153 **10/0392C ERECTION OF STEEL FENCE APPROXIMATELY 2.5 METRES HIGH ABOVE EXISTING BRICK BOUNDARY WALL, SANDBACH CAR AND COMMERCIAL DISMANTLERS, MOSTON ROAD, SANDBACH, CW11 3HL FOR MR A BOOTE, SANDBACH CAR AND COMMERCIAL DISMANTLERS LTD.**

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

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

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be 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 3.10 pm

Councillor B Dykes (Chairman)

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<b>Planning Reference No:</b>	10/0392C
<b>Application Address:</b>	Sandbach Car and Commercial Dismantlers, Moston Road, Sandbach, CW11 3HL.
<b>Proposal:</b>	Erection of steel fence approximately 2.5 metres high above existing brick boundary wall.
<b>Applicant:</b>	Mr A Boote, Sandbach Car and Commercial Dismantlers Ltd.
<b>Application Type:</b>	Full Planning Permission
<b>Ward:</b>	Sandbach
<b>Registration Date:</b>	9 <sup>th</sup> February 2010
<b>Earliest Determination Date:</b>	11 <sup>th</sup> March 2010
<b>Expiry Date:</b>	6 <sup>th</sup> April 2010
<b>Date report Prepared</b>	7 <sup>th</sup> April 2010
<b>Constraints:</b>	Within the Settlement Zone Line

**SUMMARY RECOMMENDATION: APPROVE WITH CONDITIONS**

**MAIN ISSUES:** The amenity of neighbouring properties and the character and appearance of the area.

## 1. REASON FOR REFERRAL

Called in by Councilor G Merry on the grounds that it is against Policy GR2 and is not sympathetic to the surrounding area, and in particular is overbearing to the properties to the rear and alongside.

## 2. PREVIOUS MEETING

At the Planning Committee meeting held on 31<sup>st</sup> March 2010, members resolved to defer this application in order to undertake a site visit. No further correspondence or information has been received since the report laid out below was prepared.

## 3. DESCRIPTION AND SITE CONTEXT

The site is an existing vehicle dismantlers situated on the western side of Moston Road, Sandbach. There are commercial properties to the north, south and east and residential properties to the west.

## 4. DETAILS OF PROPOSAL

The proposal seeks approval for the erection of a steel fence approximately 2.5m high above the existing brick boundary wall.

## **5. RELEVANT HISTORY**

26122/3 1994 Refusal for storage building

25926/3 1994 Refusal for storage building

20587/3 1989 Refusal for change of use to scrap yard and erection of building

20189/3 1988 Refusal for change of use to scrap yard and erection of building

18198/3 1987 Approval for use as land for car dismantling and recovery and sale of spares

## **6. POLICIES**

### **National Guidance**

PPG24 – Planning and Noise

### **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

## **7. CONSIDERATIONS (External to Planning)**

### **VIEWS OF TOWN/PARISH COUNCIL**

No objections.

## **8. OTHER REPRESENTATIONS**

None received at the time of report preparation.

## **9. APPLICANT'S SUPPORTING INFORMATION**

Letters of support from neighbouring properties

Design and Access Statement

## **10. OFFICER APPRAISAL**

The main issues to be considered in relation to this application are the impact on the amenities of the neighbouring properties and the impact on the character and appearance of the area.

### **Amenity**

Currently there is a brick wall, which varies between 2 and 3 metres in height on the boundary, and sections of this have steel mesh 2.5 metres in height above this. This proposal seeks to install this to the whole of the side and rear boundaries, this is in order to ensure that flying objects do not damage the neighbouring properties and put people at



risk. The occupier of 29 Milton Way has submitted a letter in support of the application, stating that on several occasions his property and garden have suffered damage caused by items from the dismantling yard and that the fence would help to prevent this. Elements of fencing have already been erected at the site and two of the neighbouring commercial properties have submitted letters stating that since these had been in place they had no longer suffered damage caused by debris from the yard.

Certain areas of the site are limited in how high they are allowed to stack the vehicles, however the area to the rear of Milton Way is not restricted. As such there are vehicles stacked up to at least 3m in height which appears very overbearing when viewed from Milton Way and it is clear to see how items could enter the gardens and cause damage.

It is considered that raising the height of the boundaries would limit the adverse effects that the dismantling yard has on the neighbouring properties and as such it is considered to be acceptable.

### **Design**

The site is within an industrial area with residential properties immediately to the rear and it is considered that the fencing proposed on the northern and southern boundaries would not be out of character with the area. Having regard to the boundary with the residential properties on Milton Way, the steel mesh fencing would not ordinarily be considered to be in keeping with the character of these residential properties. However the overbearing impact of the current view of scrap vehicles piled at least 3 metres in height, immediately adjacent to the boundary is considered to have a significant visual impact and it is considered that the proposed fence would improve this situation as well as contributing to making the area safer. The proposal is therefore considered to be in compliance with Policy GR2 of the adopted local plan.

## **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. Details of the colour and finish of the fence to be submitted for approval.**



<b>Planning Reference No:</b>	10/0665N
<b>Application Address:</b>	Former George Hotel West Street Crewe
<b>Proposal:</b>	Two Retail Units Including Associated Parking, servicing and Site Access. A unit of 371 sq. m to be used for Class A1 and a Unit of 93 sq. m to be Used for any Use Within Use Classes A1, A2, A3 or A5.
<b>Applicant:</b>	Pochin Developments & Malahat Properties
<b>Application Type:</b>	Full Planning Permission
<b>Grid Reference:</b>	368135 355944
<b>Ward:</b>	Crewe West
<b>Earliest Determination Date:</b>	30 March 2010
<b>Expiry Dated:</b>	19 April 2010
<b>Date Report Prepared:</b>	9 April 2010
<b>Constraints:</b>	Settlement Boundary

**SUMMARY RECOMMENDATION:****APPROVE** subject to conditions**MAIN ISSUES:**

- Impact on the vitality and viability of West Street/ Crewe town centre
- Impact on Highway Safety
- Impact on Nature Conservation
- Impact on Neighbouring Amenity
- Impact on the Character and Appearance of the Area

**1. REASON FOR REPORT**

This application is included on the agenda of the Southern Planning Committee because it has been called in by Councillor Cartlidge due to concerns regarding highways issues, over domination and the impact of the hours of business on neighbouring residential amenity.

**2. DESCRIPTION OF SITE AND CONTEXT**

The application relates to the site of the former George Hotel located on the northern side of West Street which is within the built up area of Crewe. The site is a little over 2km to the west of Crewe town centre. To the north of West Street is an extensive area of housing. To the south there is King George V Playing Fields. There is also a Fitness First gym and Leisure Centre. Further to the south of Coppenhall Lane there is a further area of housing. Marshfield Bank Employment Park lies further to the west. There is also an extensive employment area, including the Bentley car plant, located to the north of the residential area adjacent to the application site.

The site itself measures 0.41ha and did comprise a vacant public house, its car park and beer garden. This building has however since been demolished. The site is bounded by a low boundary wall to the front, with concrete panelling to 2a Sunnybank Road and shrubs and hedging to 639 West Street. There is a prominent willow tree located in the former beer garden area,

### **3. DETAILS OF PROPOSAL**

The proposals relate to the erection of two retail units; one of which is anticipated to be a convenience store measuring 279 sq. m and a smaller unit of 91 sq. m floor area. The site layout shows a new point of access and a car parking and servicing area. The site is subdivided into three sections; the corner closest to Sunnybank Road and adjacent to 639 West Street are the subject of a separate planning application for residential development which is included elsewhere on this agenda.

### **4. RELEVANT HISTORY**

None relevant

### **5. POLICIES**

#### **Development Plan Policies**

##### **Regional Policy**

DP2 Promote Sustainable Communities  
DP3 Promote Sustainable Economic Development  
DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility  
DP7 Promote Environmental Quality  
DP9 Reduce Emissions and Adapt to Climate Change  
W5 Retail Development

##### **Local Plan Policy**

The principal issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

NE.5 Nature Conservation and Habitats  
BE.1 Amenity  
BE.2 Design Standards  
BE.3 Access and Parking  
BE.4 Drainage, Utilities and Resources  
BE.6 Development on Potentially Contaminated Land  
TRAN.9 Car Parking Standards  
S.8 Existing District and Local Shopping Centres

#### **Other Material Considerations**

PPS1 Delivering Sustainable Development  
PPS4 Planning for Sustainable Economic Growth  
Cheshire Town Centre Study 2006-2021

### **6. CONSULTATIONS (External to Planning)**

**Cheshire Fire and Rescue Service:**

Recommends conditions in respect of access for fire service, water supplies, means of escape and recommends that the applicant consider the inclusion of an automatic water suppression system.

**Environmental Health:**

No objections but recommends conditions in respect of acoustic attenuation, odour extraction, hours of operation, lighting scheme, storage of waste material and car park closure at night. An advisory note in respect of construction hours was also attached.

**Strategic Highways Manager:**

No highways objections subject to the following conditions;

-The location of tactile pave, droppers and surface materials to be agreed prior to construction.

-No development shall take place until detailed drawings outlining the site's access arrangements have been submitted to and approved by the LPA and no part of the development shall be occupied until the access has been constructed in accordance with approved drawings.

And the following informative:

- The applicant will need to obtain the consent of the highways authority (CEC) for any work in, or that may affect the public highway. The applicant should contact Crewe area office (CEC) before constructing or altering any access. This work should be carried out under a section 184 licence.

**7. OTHER REPRESENTATIONS:**

Letters of representation have been received from the occupiers of 7 Bilton Way and 2B Sunnybank Road, 3,18 & 24 Coppenhall Lane, 627 West Street, 14 Deva Road, 4 Merrills Avenue, of 639 West Street, 2B, 18 Sunnybank Road, 9 & 11 Primrose Hill, 5 Bilton Way, 15 Burlea Close, 3, 16 Coppenhall Lane and 4 Merrills Avenue making the following points:

- Positive use of space
- Convenience store would help
- In need of quick development
- Need to restrict parking for residents and double yellow lines
- Pavement curbs need realigning
- Highway safety; concerns regarding additional on street parking
- Amenity; litter, conflict between use of smaller unit and residential properties,
- Request removal of willow tree due to anti social behaviour
- Request houses no more than 2 storeys
- Request provision of post office
- Will enhance the area
- Opening hours need restricting
- Houses should be no more than 2 storeys
- Houses are too close to the retail units
- Will need policing in the evenings

- Drainage issues need to be addressed as during heavy rain flooding occurs along the road
- Concerns about noise and volume of traffic
- Concerns about antisocial behaviour at night time
- Problems with speeding traffic will be exacerbated.

## **8. APPLICANT'S SUPPORTING INFORMATION:**

### **Design and Access Statement**

Provides details on the pre-application discussions undertaken and information on the use, amount, layout, scale, landscaping, appearance, access and sustainability of the proposals. The pertinent points made are that the proposals will provide a neighbourhood convenience store which will enable people who currently drive to food stores to carry out their shopping on foot. The site is located on a bus route and provision will be made for cyclists.

### **Report on Retail Issues**

Sets out a justification for the proposals including an assessment against the relevant criteria in PPS4 which includes sequential testing and an impact assessment. The sequential site selection process was based on the catchment area agreed with the LPA and is based on suitability, availability and viability. The impact assessment looked at quantitative need, qualitative need and the impact upon existing retail commitments and future investment opportunities. The estimated turnover of the store, available expenditure within the catchment area and likely trade draw indicate that there would be a limited impact upon existing nearby foodstores. As the store would serve an unmet localised convenience goods need there is a qualitative need for the development and the scale, nature and location of the proposed development would negate any impact upon existing retail commitments in or close to Crewe town centre.

## **9. OFFICER APPRAISAL**

### **Retail Planning Issues**

The proposals relate to the provision of a 371 sq. m convenience store/ small supermarket and a 93 sq. m retail unit. The site lies approximately 190m from the nearest retail unit along West Street; West Street is defined as a local centre within the Local Plan.

Policy S10 deals with shopping proposals and sets out a number of criteria which must be met for "major" developments, which the plan defines as those exceeding 2,500 sq.m, situated in out of centre locations. This proposal is for the creation of 464sq.m and therefore there is no requirement to meet the tests set out in Policy S10. The Local Plan covers the period to 2011 and the policies have been saved. As a result it is concluded that the proposal is in accordance with the up-to-date development plan.

It should however be noted that PPS4, which sets out Government Planning Policy in respect of retail development has been published after the adoption of the Local Plan and is therefore a material consideration. PPS.4 sets out a number of tests which must be met in respect of retail proposals in out-of-centre locations. However, these only apply to those developments which are not in accordance with an up-to-date plan, which is not

the case with the current proposal. Notwithstanding this point, the applicant has submitted information to address these tests.

Policy EC.14 of the PPS states that for all applications outside of a centre and not in accordance with the development plan a sequential assessment is required. Policy EC.16 requires a need assessment to be undertaken for proposals either over 2,500 sq. m or where they have an adverse impact on an existing centre. Policy S.8 defines West Street as a local centre and given the decline in the retail offer along West Street due to the closure of several businesses and the conversion of shop units to residential properties, it is considered that West Street represents a vulnerable centre. Furthermore given that the proposed convenience store is significantly larger than the vast proportion of retail units along West Street the applicant has sought to address any concern that the provision of the supermarket would have a disproportionate impact upon West Street.

### *Sequential Assessment*

The applicant has submitted a Retail Impact Assessment which indicates that the convenience store would serve a predominantly local need and the vacant units along West Street could not accommodate the type of retail offer proposed even allowing for flexibility in store format. Sites in Crewe town centre have been discounted because of the distance from the town centre and the size of the store with reference to its likely trade draw.

In respect of the smaller unit, whilst this could be accommodated within one of the vacant units along West Street, these units lie outside of the defined catchment area and therefore these vacant units would not be able to fulfil the localised need surrounding the proposed location.

### *Impact Assessment*

Taking into consideration the estimated turnover and available expenditure from the catchment area there will be only limited trade draw from Morrisons (Dunwoody Way) Asda (Crewe town centre) and the existing Co-operative stores (Badger Avenue and West Street). The proposals would have a limited impact upon existing retail commitment or future investment due to the scale and nature of the proposals.

PPS4 states that quantitative needs assessments should be based upon up to date town centre health checks. The Cheshire Town Centre Study 2006-2021 was undertaken in 2005 and a recent appeal decision (APP/R0660/A/08/2086349) at Grand Junction Retail Park for a mezzanine floor indicated that as the economic climate has changed significantly since the study was published it would be unsafe to base an assessment on the earlier expenditure forecasts which were produced before the significant downturn in the economy. Rising unemployment, lack of credit to existing businesses, falling house prices and less disposable income all affect the retail sector. As such, the assessment of these proposals has been based on the suggested methodology within the companion guide to PPS4 rather than the figures suggested within the Cheshire town centre study.

To further protect West Street the use of the larger A1 unit could be restricted to convenience goods shopping to prevent other types of retailers who could potentially have a significant adverse trade draw from occupying the unit.

### *Other Retail Matters*

It should also be noted that an existing retail unit (albeit A5 use) stood on the site previously, which could have been converted to an A1, A2 or A3 without consent. Whilst this building was demolished earlier this year, it did nevertheless have a floor area of approximately 240 sq. m and therefore the convenience goods store proposed, represents only a small increase in retail floorspace. The additional impact of the proposals in the context of what could have been undertaken at the site without planning permission is a material consideration. However as noted above, based on the criteria within PPS4 the impact of the proposals on the vitality and viability of West Street as a local shopping centre would be limited.

### *Summary*

It is considered that having due regard to the provisions of Policy S10, the proposal is in accordance with the development plan. Therefore there is no requirement under PPS4 to undertake a formal impact assessment. Notwithstanding this point, mindful of local concerns about the impact on the West Street local centre, the developer has provided a retail statement which demonstrates that the proposal complies with the tests contained within PSP4. It is therefore concluded that there are no sustainable retail impact grounds for refusing the application.

### **Nature Conservation**

There is a large and prominent willow tree located in the north east corner of the site. This is outside the site boundary for the retail element of the proposals and therefore this issue will be considered in more depth in the accompanying application 10/0947N. However it would be prudent to impose a condition in respect of tree protection measures given that the site is within the applicants control and may be utilised by contractors, during the construction phase of the development, when the tree could be vulnerable to damage.

### **Highway Safety**

The Design and Access Statement indicates that the former pub car park had 55 spaces and the retail units will have 16 new spaces including dedicated spaces for disabled and parents with children. The new car park will be laid out to provide adequate space for delivery vehicles to reach the service areas

Dropped kerbs are to be provided and bollards which will prevent vehicles encroaching onto the pavement area. It is possible for customer cars and normal service vehicles to enter the site, turn around, and exit the site in a forward gear and the proposals do not affect the existing kerb line. All units will benefit from level access for wheelchair users.

The site has excellent public transport links with an existing bus stop immediately adjacent to it on Sunnybank Road providing access links to Crewe town centre and the local and national rail network.

Whilst the concerns of neighbours in respect of the proposals exacerbating existing on street car parking problems are noted, given the highly sustainable location and the nature of the goods sold, which would be predominantly 'convenience' goods, a refusal on parking grounds could not be sustained. Moreover PPG13 seeks to promote



diminished levels of car parking in sustainable locations to promote sustainable travel patterns and linked trips. However, the details of surfacing materials and construction of the access will be conditioned accordingly.

Whilst it is acknowledged that a convenience store would generate more vehicle movements than the former public house, the number of vehicles on site at any one time will be considerably less. Vehicle movements to and from the site are more likely to be spread throughout the day whereas the public house would be subject to “peak” flows at opening and closing times. The unit is within a walkable radius of the catchment area and West Street, and will serve predominantly local needs, particularly if the recommended “comparison goods only” condition is applied. Furthermore, the access and visibility splays are considered to be up to an appropriate standard to accommodate the additional vehicle movements.

### **Design Standards**

PPS1 seeks to encourage high quality, inclusive design which takes the opportunity to improve the character of the area.

Policy BE.2 adds to this that proposals should respect the character, pattern and form of the surroundings, not adversely affect the streetscene and deter vandalism and crime.

The existing buildings surrounding the site are mostly residential and are of varying ages and architectural styles. Most of the houses are two storeys high with some single storey properties along West Street. There are more utilitarian buildings such as the Fitness First leisure centre within the locality.

There is a functional need for the building to be single storey with minimal structural intrusion to maximise the retail floor area. The mono pitch roof will keep the massing of the building low to allow the new proposals to sit comfortably within the context of the surrounding built environment.

Articulation of the elevations is provided through horizontal insulated metal panels which seek to break up the bulk and massing of the building. Following recommendations made during preapplication discussions, the corners will be enhanced with projecting parapets. These will provide strong architectural features at the most visible points on the front elevation. Vertical emphasis is created with projecting piers and the choice of facing materials seeks to reduce the mass of the elevations.

The buildings are proposed directly opposite the convergence of Sunnybank Road and West Street, thereby creating a focal point, whilst the layout of the store with the entrance at the front creates an active frontage. There is also minimal parking proposed at the front of the site which ensures the development does not appear to be car dominated.

The provision of security measures coupled with the likely natural surveillance occurring due to the provision of an active frontage and the adjacent residential proposals will deter vandalism and anti social behaviour.

### **Amenity**

Policy BE.1 states that proposals should be compatible with surrounding land uses. Environmental Health has raised no objections to the provision of a retail use adjacent to

residential properties. However they have recommended conditions in respect of acoustic attenuation, odour extraction, hours of operation, a lighting scheme, storage of waste material and car park closure at night. These are considered reasonable conditions as acoustic attenuation, odour extraction, hours of operation and storage of waste material for the convenience store and retail unit will minimise disturbance to residents and the conditions in respect of a lighting scheme and closure of the car park will minimise opportunities for anti-social behaviour and vandalism.

Whilst they have indicated that they would be willing to accept a condition limiting the use of the large unit to A1 retail, the applicant has requested that permission be given for use Classes A1, A2, A3 or A5 (shops, financial and professional services, restaurants, and hot food takeaways) in respect of the smaller unit. Whilst this will be adjacent to the new residential properties, the scale of the unit coupled with the requirement via condition for acoustic attenuation, odour extraction and the restriction of the hours of operation should ensure that any of the requested uses would not have an adverse impact upon residential amenity.

The buildings are sited in the middle section of the site, 18m from 2a Sunnybank Road and 55m from 639 West Street. This is considered to be sufficient to avoid visual intrusion, overlooking or overshadowing. Whilst the proposed dwellings will be close to the retail units a combination of the change in topographical levels, staggered building height and the provision of two storey properties on the site will ensure that the new dwellings proposed will not be adversely affected by reason of overdomination or overshadowing.

### **Other Matters**

Access for fire service and means of escape are covered by Building Regulations Legislation and therefore it is not considered necessary to condition these details in accordance with circular 11/95. The recommendation that the applicant consider the inclusion of an automatic water suppression system shall be added as an informative and the condition in respect of water supplies will be included within the condition relating to the drainage details to be submitted.

## **10. CONCLUSIONS AND REASONS FOR DECISION**

The applicant has demonstrated that whilst the site lies in an edge of centre location the provision of a convenience store and a smaller retail unit would not have an adverse impact on the vitality and viability of nearby centres. In addition the proposals will not raise any concerns for neighbouring amenity, highway safety or nature conservation and the design and scale of the buildings and the proposed layout will not have an adverse impact on the character and appearance of the area. The proposal therefore complies with the requirements of Local Plan policy and PPS4 and accordingly is recommended for approval.

## **11. RECOMMENDATION**

**APPROVE subject to conditions**

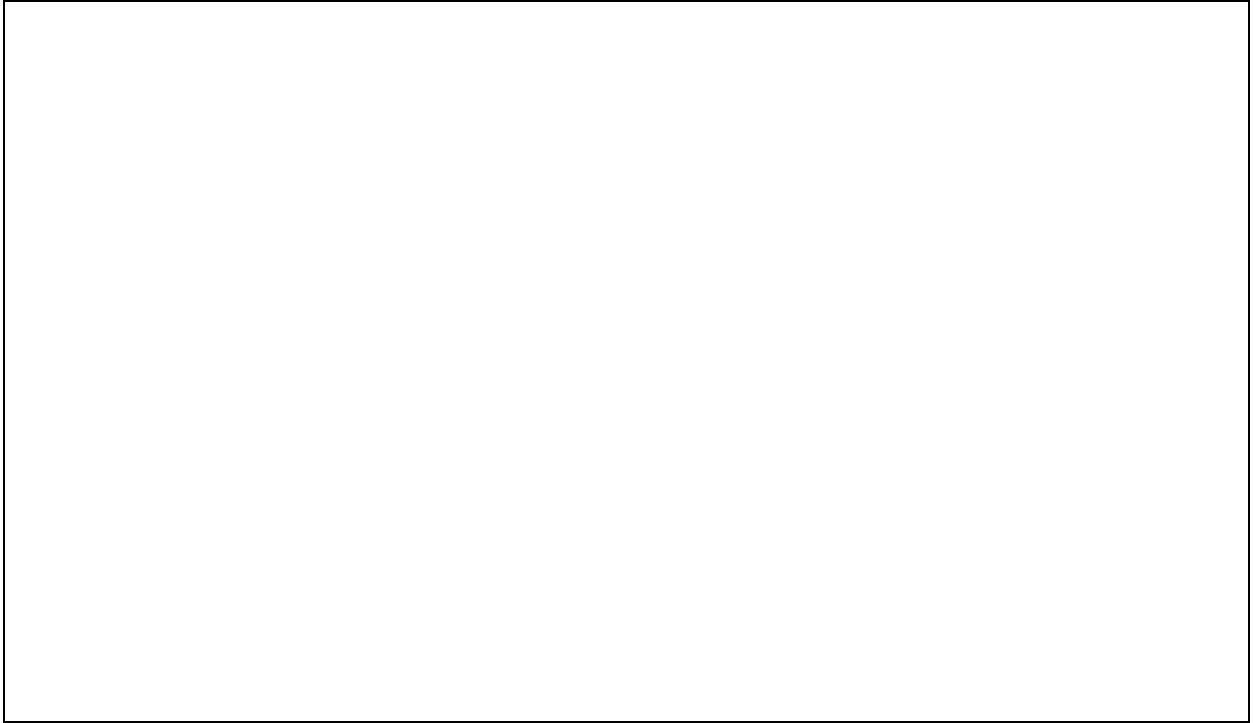
- 1. Standard Time Limit – 3 years**
- 2. Materials**
- 3. Approved plans**

4. Restriction of large unit to convenience goods retail only
5. Restriction of small unit to use classes A1, A2, A3 or A5 only
6. No subdivision of units
7. Provision of cycle parking
8. Submission, approval and implementation of acoustic attenuation
9. Submission, approval and implementation of odour extraction
10. Opening hours to be restricted to 7am to 11pm – Monday to Sunday
11. Delivery times to be restricted to 8am to 7pm Monday to Saturday with only newspapers to be delivered (via the front door) before 8am on any day.
12. Submission and approval of external lighting scheme
13. Disposal of construction waste
14. Details of recycling / bin storage
15. Details of physical means of car park closure at night
16. Carpark to be closed 1 hour after store closing and opened 1 hour before opening
17. Drainage and water system
18. Implementation of approved access and parking
19. Surfacing materials
20. Submission, approval and implementation of boundary treatment
21. Submission and approval of landscaping
22. Landscaping Implementation
23. Submission and approval of tree protection measures
24. Implementation of tree protection

Location Plan: Cheshire East Council Licence No. 100049045



The Site



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<b>Planning Reference No:</b>	10/0947N
<b>Application Address:</b>	Former George Hotel West Street Crewe
<b>Proposal:</b>	Proposed Residential Development Comprising of 9 no. 2 Storey Dwellings including Associated Parking & Vehicle Access
<b>Applicant:</b>	Pochin Developments & Malahat Properties
<b>Application Type:</b>	Outline Planning Permission
<b>Grid Reference:</b>	368157 355955
<b>Ward:</b>	Crewe West
<b>Earliest Determination Date:</b>	28 April 2010
<b>Expiry Dated:</b>	7 May 2010
<b>Date Report Prepared:</b>	9 April 2010
<b>Constraints:</b>	Settlement boundary

### **SUMMARY RECOMMENDATION**

**Delegated Authority to APPROVE subject to conditions and no new issues being raised**

#### **MAIN ISSUES:**

- Impact on Highway Safety
- Impact on Nature Conservation
- Impact on Neighbouring Amenity
- Impact on the Character and Appearance of the Area
- Contaminated Land

## **1. REASON FOR REPORT**

This application is included on the agenda of the Southern Planning Committee as the application has been called in by Councillor Cartlidge due to concerns regarding highways issues, over domination and the impact on neighbouring residential amenity.

## **2. DESCRIPTION OF SITE AND CONTEXT**

The application relates to the site of the former George Hotel located on the northern side of West Street within the built up area of Crewe. The site is a little over 2km to the west of Crewe town centre. To the north of West Street is an extensive area of housing. To the south there is King George V Playing Fields and a Fitness First gym and Leisure Centre. Further to the south of Coppenhall Lane there is an additional area of housing. Marshfield Bank Employment Park lies further to the west. There is also an extensive employment area, including the Bentley car plant, to the north of the residential area adjacent to the application site.

The site itself measures 0.41ha and did comprise a vacant public house, its car park and beer garden. This building has however since been demolished. The site is bounded by a low wall to the front of the site, with concrete panelling to 2a Sunnybank Road and shrubs and hedging to 639 West Street. There is a prominent willow tree located in the former beer garden area.

### **3. DETAILS OF PROPOSAL**

The proposals relate to an outline application with all matters reserved for proposed residential development comprising nine 2 storey dwellings and associated car parking and vehicle access.

It is proposed to position a pair of semi-detached two storey family houses on the smaller plot and two blocks of housing on the larger plot. The latter would comprise one pair of semi-detached two storey houses and a row of 5 two storey terraced houses fronting onto West Street.

### **4. RELEVANT HISTORY**

None relevant

### **5. POLICIES**

#### **Development Plan Policies**

##### **Regional Policy**

DP2 Promote Sustainable Communities  
DP3 Promote Sustainable Economic Development  
DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility  
DP7 Promote Environmental Quality  
DP9 Reduce Emissions and Adapt to Climate Change

##### **Local Plan Policy**

NE.5 Nature Conservation and Habitats  
BE.1 Amenity  
BE.2 Design Standards  
BE.3 Access and Parking  
BE.4 Drainage, Utilities and Resources  
BE.6 Development on Potentially Contaminated Land  
TRAN.9 Car Parking Standards  
RES.2 Unallocated Housing Sites  
RES.3 Housing Densities  
CF.3 Retention of Community Facilities  
E.7 Existing Employment Sites

##### **Other Material Considerations**

PPS1: Delivering Sustainable Development  
PPS3: Housing  
SPD Development on Backland and Gardens

### **6. CONSULTATIONS (External to Planning)**

None received at the time of report preparation



## **7. OTHER REPRESENTATIONS**

Letters of representation have been received from the occupiers of 7 Bilton Way and 2B Sunnybank Road, 3, 18 & 24 Coppenhall Lane, 627 West Street, 14 Deva Road, 4 Merrills Avenue, of 639 West Street, 2B, 18 Sunnybank Road, 9 & 11 Primrose Hill, 5 Bilton Way, 15 Burlea Close, 3, 16 Coppenhall Lane and 4 Merrills Avenue making the following points:

- Positive use of space
- Convenience store would help
- In need of quick development
- Need to restrict parking for residents and double yellow lines
- Pavement curbs need realigning
- Highway safety; concerns regarding additional on street parking
- Amenity; litter, conflict between use of smaller unit and residential properties,
- Request removal of willow tree due to anti social behaviour
- Request houses no more than 2 storeys
- Request provision of post office
- Will enhance the area
- Opening hours need restricting
- Houses should be no more than 2 storeys
- Houses are too close to the retail units
- Will need policing in the evenings
- Drainage issues need to be addressed as during heavy rain flooding occurs along the road
- Concerns about noise and volume of traffic
- Concerns about antisocial behaviour at night time
- Problems with speeding traffic will be exacerbated.

## **8. APPLICANT'S SUPPORTING INFORMATION**

In support of the proposal the applicant has submitted a Design and Access Statement (DAS) which provides details on the pre-application discussions undertaken and information on the use, amount, layout, scale, landscaping, appearance, access and sustainability of the proposals.

## **9. OFFICER APPRAISAL**

The main issues in this case concern the principle of residential development, the impact of the development on the amenities of adjacent residential properties, the appearance of the locality, access and parking provision and nature conservation.

### **Principle of Residential Development**

The site lies within the settlement boundary of Crewe and is classed as an unallocated Brownfield site. Policy RES.2 of the Local Plan states that development on such sites will be permitted subject to policies BE.1- BE.5. Residential development on the site is therefore acceptable in principle, subject to details matters of design, amenity car parking, access and drainage considerations.

In terms of density policy RES.3 suggests between 30-50 dph where the quality of the local environment is not compromised and provided that this is on a scale in keeping with

the character of the area. The Supplementary Planning Document: Development on Backland and Gardens states that developments which look cramped or fails to comply with appropriate spacing and open space guidelines will not be permitted.

In this instance, the proposals achieve a density of 45dph which accords with national guidance and is synonymous with the existing character of the area.

### **Loss of Community Facility**

The public house is located within Crewe, although it is outside the town centre boundary. Demand for public houses has declined- 56 (of which 80% are in urban areas) close each month. The building had been vacant for some time prior to demolition. Given that the use ceased some time ago, the building has been demolished and the proposals represent an opportunity to re-establish a business use at the site it would be unreasonable to require any kind of marketing in respect of the re-use of the site for a public house.

In addition it should be noted there are a considerable number of other public houses within a short walking distance of the site and public houses within urban areas have been going into decline due to a lack of demand for such facilities.

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. Information received in support of other similar proposals has demonstrated that, in line with other appeal decisions which would result in the loss of a public house, 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.

### **Loss of Employment Site**

The former public house also constituted an employment site, which local plan policies seek to protect. However, given that a parallel application is under consideration for the redevelopment of another part of the site to provide 2 retail units it is considered that overall the number of jobs provided on the site is likely to increase over the number associated with the previous use. Consequently there is no conflict with these policies.

### **Amenity**

The redevelopment of the site for housing is considered to be an appropriate land use as the site is surrounded by residential development.

The site is capable of accommodating a residential development of 9 units in accordance with the Councils guidelines relating to new housing sites. In particular a distance of 21m can be retained between the existing properties along Sunnybank Road and Primrose Hill and the new houses. A development can also be accommodated within the site without adversely affecting the garden area or principal windows of No.2a Sunnybank Road and 639 West Street.

There will not be any conflict between the retail units proposed under 10/0665N and the new dwellings, provided that the conditions suggested by Environmental Health in respect of that application are imposed. A condition in respect of boundary treatment should eliminate the opportunity for overlooking of garden areas from the retail units.

The Council's Supplementary Planning Document: Development on Backland and Gardens recommends the provision of 50 sq. m of private amenity space per dwelling. The proposed layout appears to provide sufficient garden space for the units although, as proposed, the presence of the existing willow tree will cause an amenity issue for the residents of plot 9. However this is an outline application with all matters reserved and it is considered that an amended site layout plan could resolve this matter.

## **Design Standards**

PPS1 seeks to encourage high quality, inclusive design which takes the opportunity to improve the character of the area.

Policy BE.2 adds to this that proposals should respect the character, pattern and form of the surroundings, not adversely affect the streetscene and deter vandalism and crime.

The existing buildings surrounding the site are mostly residential and are of varying ages and architectural styles. Most of the houses are two storeys high with some single storey properties along West Street. There are more utilitarian buildings such as the Fitness First leisure centre within the locality.

The SPD states that *'a development which looks out of place and doesn't respect the positive characteristics of immediate surroundings will not be permitted. Although new development should have its own sense of identity this should not be at the cost of the surrounding built environment. Housing may take a similar form and appearance to that in the surrounding area, but it is equally possible that a design allowing a more or less dense development might be appropriate'*

As this is an outline application no elevational details have been supplied. The indicative site layout plan shows two pairs of semi-detached dwellings and a row of five terraced properties. Given the variety of different building styles and types within the locality it is considered there is sufficient variation to ensure that the footprints shown would not result in a form of development out of keeping with the prevailing character of the area.

The properties proposed are two storey, respect the established building line and address the road frontage. As such the layout would appear to respect the prevailing character and pattern of development within the locality.

## **Highway Safety**

Appendix 8.1 of the Local Plan stipulates that a minimum of two car parking spaces per dwelling should be provided. The indicative layout shows that the proposals are capable of according with this standard and as such will not exacerbate parking problems within the locality.

It is considered that this small residential development will not unacceptably exacerbate existing traffic volumes or in the locality, particularly given the established use of the site as a public house.

The point of access will be shared with the retail units. However there is a clear demarcation between car parking for the residential properties and car parking for the customers and staff of the retail units. There is sufficient visibility at the access to negate any conflict between users and in the absence of any objection from the Strategic Highways Manager it is not considered that a refusal on highway safety grounds could be sustained.

### **Nature Conservation**

There is a large and prominent willow tree located in the north east corner of the site.

The landscape architect has independently inspected the tree and considers that it makes an important contribution to the character of the area and has an aesthetic amenity value to the public realm, and should be retained.

Whilst the indicative layout proposed would result in an unsatisfactory relationship between the tree and unit 9, as this is an outline application with all matters reserved, it is considered that an amended site layout would enable both the retention of the tree and the provision of a garden area for plot 9 which would not suffer from overshadowing. Furthermore the development could be constructed without undermining the longevity and subsequent long term retention of the tree.

Local residents have expressed concern about the impact of the tree on their properties. However, the tree in question is 12m from the nearest residential property at 11 Primrose Hill and the Councils Landscape Architect has concluded that any amenity issues for neighbouring properties resulting from the presence of the tree are insufficient to warrant its removal.

Concerns have also been raised in respect of the tree providing a focal point for anti-social behaviour. However it is considered that this issue would be addressed through securely enclosing the tree within the private garden area of plot 9. It is recommended therefore that the tree should be retained and a condition imposed to ensure that adequate tree protection measures are provided.

### **Other Matters**

Given that residential development is a sensitive end use it is considered necessary to condition a contaminated land assessment.

The earliest determination date for this application is 28<sup>th</sup> April 2010. In order to ensure that the application is determined within the statutory timescales and performance target are met, the recommendation is that delegated powers be granted to the Head of Planning and Policy to determine the application following the expiry of the consultation period, provided that no new material considerations are raised.

## **10. CONCLUSIONS AND REASONS FOR DECISION**

The principle of residential development on the site is acceptable as the site lies within the settlement boundary of Crewe where there is a presumption in favour of development. The indicative site layout represents a form of development which would respect the prevailing character and pattern of development within the locality and as such would not have an adverse impact on the character and appearance of the area. In addition the proposals will not raise any concerns for neighbouring amenity, highway safety or nature conservation.

## **11. RECOMMENDATION**

**Resolve to GRANT DELEGATED AUTHORITY to the Head of Planning and Policy to APPROVE the application subject to no new issues being raised and the following conditions:**

- 1. Standard Outline Condition**
- 2. Submission of Reserved Matters**
- 3. Materials**
- 4. Approved Plans**
- 5. Tree to be Retained**
- 6. Tree Protection Measures**
- 7. Contaminated Land**



<b>Planning Reference No:</b>	08/1236/OUT
<b>Application Address:</b>	Land at Brook Street / Mill Street, Buglawton, Congleton.
<b>Proposal:</b>	Outline application for residential Development, close care /retirement units and care home with access sought for approval at outline stage.
<b>Applicant:</b>	Mottram Ventures Limited.
<b>Application Type:</b>	Outline Planning Permission
<b>Ward:</b>	Congleton
<b>Registration Date:</b>	11 <sup>th</sup> August 2008
<b>Earliest Determination Date:</b>	12 <sup>th</sup> September 2008
<b>Expiry Date:</b>	30 <sup>th</sup> October 2008
<b>Date report Prepared</b>	8 <sup>th</sup> April 2010
<b>Constraints:</b>	Within the Settlement Zone Line E11 Owner Specific Employment Sites NR4 Wildlife Corridor Flood Zones 1, 2 and 3a

#### **SUMMARY RECOMMENDATION**

Grant outline planning permission subject to conditions and S106 Agreement

#### **MAIN ISSUES**

Principle of Development  
Loss of an Employment Site  
Housing Need  
Flood Risk  
Drainage  
Design  
Environmental Health Related Issues  
Open Space  
Highways  
Ecology and Trees

## **1. REASON FOR REPORT**

The application proposes major development on a site in excess of 1ha.

## **2. DESCRIPTION OF SITE AND CONTEXT**

The application site is located within the Buglawton, in close proximity to the town centre. The site comprises 3.6ha of largely previously developed land split into two discrete equally sized parcels intersected by Dane-in-Shaw Brook which cuts through the site in an east to west direction before merging with the River Dane that meanders around the northern and western boundary of the site.

The northern parcel, which has been vacant for a significant period, contains an area of unmade ground, hard standing and small collection of older mill buildings which are now in a dilapidated state. The area was last used for general storage and overspill parking in connection with industrial uses on the southern parcel of land; the two parcels being connected by a steel and pre-cast concrete bridge.

The southern parcel contains approximately 6800m<sup>2</sup> industrial floorspace split between six units varying in size. Two buildings account for the majority of this floorspace however and these are currently let on short-term leases and at low rents of approximately £1sqft. Whilst the buildings and site appear to have been reasonably well maintained, they are showing signs of age having been constructed in the years between 1950 and 1975.

Both parcels contain a large number of trees, the majority of which line the banks of the River Dane and Dane-in-Shaw Brook. However, there are a number of ornamental trees in the southern half of the site adjacent to buildings and along the site boundary to Brook Street.

Pedestrian and vehicular access to the site can be gained from either Brook Street, via an access off Bridge Row, or from a smaller access off Mill Street in the sites northeastern corner.

The surrounding area is characterised by long established industrial uses to the north and east, by residential to the south and Congleton Park to the west although this is separated from the site by the River Dane. Small pockets of existing residential development do however exist on the sites immediate eastern boundary along Bridge and Mill Street.

Due to the sites proximity to both the River Dane and the Dane-in-Shaw Brook the site is identified, to varying degrees, within flood risk zones 1, 2 and 3 and has been known to flood (the last event having occurred in 1998).

### **3. DETAILS OF PROPOSAL**

The application seeks outline planning permission for residential development and a care home. Detailed approval is sought for means of access with a new junction proposed directly onto Brook Street.

The application proposes up to 74 dwellings in the form of apartments, semi-detached and detached houses and a 72-bed carehome with 36 retirement associated close care apartments with associated public open space, landscaped riverside area and children's play equipment.

It is proposed to locate the care home and retirement apartments on the northern parcel, served by an access off Mill Street, and housing on the southern parcel in turn served by the proposed new junction directly onto Brook Street.

Whilst layout, scale and appearance are reserved for future consideration, the applicants indicate that the units would comprise a mix of 2, 2½ and 3-storey units



which is supplemented by an indicative layout plan which is discussed in more detail further into the report.

Two large areas of public open space are proposed cut into platforms approximately 1m below the development footprint. These areas have been designed to provide extra flood capacity during storm events which would serve to protect the site during extreme events. The application proposes to connect these two areas of POS by a footbridge with a further bridge also proposed to connect the site to Congleton Park.

#### **4. RELEVANT HISTORY**

No applications relevant to the current proposed scheme.

#### **5. POLICIES**

##### **National Policy**

PPS1 'Delivering Sustainable Development'

PPS3 'Housing'

PPS4 'Planning for Sustainable Economic Development'

PPS5 'Planning for the Historic Environment'

PPS9 'Planning and Bio-diversity'

PPG13 'Transport'

PPS23 'Planning and Pollution Control'

PPG24 'Planning and Noise'

PPS25 'Development and Flood Risk'

##### **Regional Spatial Strategy**

DP1 'Spatial Principles'

DP2 'Promote Sustainable Communities'

DP3 'Promote Sustainable Economic Development'

DP4 'Make the Best Use of Existing Resources and Infrastructure'

DP5 'Manage Travel Demand; Reduce the Need to Travel, and increase accessibility'

DP7 'Promote Environmental Quality'

W1 'Strengthening the Regional Economy'

W3 'Supply of Employment Land'

W4 'Release of Allocated Employment Land'

L4 'Regional Housing Provision'

EM17 'Renewable Energy'

##### **Local Plan Policy**

PS4 'Towns'

GR1 'New Development'

GR2 'Design'

GR3 'Design'

GR6 'Amenity and Health'

GR7 'Amenity and Health'

GR8 'Amenity and Health'

GR9 'Accessibility, Servicing and Parking Provision'

GR14 'Cycling Measures'

GR17 'Car Parking'

GR18 'Traffic Measures'  
GR22 'Open Space Provision'  
E10 'Re-use or Redevelopment of Existing Employment Sites'  
E11 'Owner Specific Employment Sites'  
H2 'Provision of New Housing Development'  
H4 'Residential Development in Towns'  
H13 'Affordable and Low Cost Housing'  
NR1 'Trees and Woodland'  
NR2 'Statutory Sites'  
NR3 'Habitats'  
NR4 'Non-statutory Sites'  
NR5 'Opportunities to Improve and Enhance Nature Conservation'  
NR6 'Reclamation of Land'

**Other Material Considerations**

SPG1 'Public Open Space'  
SPG2 'Private Open Space'  
SPD6 'Affordable Housing and Mixed Communities'  
2006 Congleton Housing Needs Survey  
Annual Monitoring Report 2008/09  
Cheshire and Warrington Rural Workspace Study (March 2009)  
Strategic Housing Land Availability Assessment (Congleton) 2009

**6. CONSIDERATIONS (External to Planning)**

**Highways:**

No objection subject to conditions and subject to a S106 Agreement which secures the interim travel plan and financial contributions towards management of the travel plan and to improve local sustainable links including existing footways and bus services.

**Environmental Health:**

No objection to the proposed development on the grounds of contamination, noise or air quality subject to the imposition of a number of conditions.

**Trees and Ecology**

*Natural England*

Commented that the two additional surveys recommended by the applicant's ecology consultants had not been undertaken.

*Senior Landscape Officer*

No objection but noted that the cut and fill operations would require the removal of trees within the mid-section of the site and that further consideration was required to ensure that trees along the riverside corridor can be protected.

**Local Plans and Economic Policy**

Three consultation responses have been received from the Local Plans section over the life of the application. The latest, and most up-to-date response received in February this year, expresses reservations about the proposed development for a

number of reasons having particular regard to employment land issues and the fact the site remains in active employment use, that the supply of employment land in [the former borough of Congleton] is skewed [in terms of supply towards Mid-point 18, Middlewich] and has been decreasing in recent years and that the sites loss may be contrary to policy W4 of RSS. It is recommended however that the case officer may consider loss of the site is justified when balanced against a range of other issues including the sites viability.

Consultation responses in the early part of the application from the former Cheshire County Waste and Planning Section objecting to the proposed development on the grounds of loss of employment land and the fact that the applicants have not submitted an operation statement for the proposed care home although it was then suggested that this matter can be addressed by way of a suitably worded condition.

### **South East Cheshire Enterprise**

Object to the proposed development. They see the site as an important industrial area in close proximity to the town centre and residential area.

SECE recognise the current building deficiencies and advise that the site would benefit from redevelopment with a modernised and redeveloped commercial use and not residential before referring to evidence of high levels of out-commuting and low job densities within the former borough.

### **Greenspace**

The consultation response notes that a shortfall exists in the quantity of children and young persons equipment and that a requirement for new equipment exists. The provision of on-site facilities is welcomed and would need to be secured by a S106 Agreement. In addition, the Council would need to adopt the equipment thereby necessitating a maintenance sum of £53,834 which would also need to be secured by the S106 Agreement.

The response identified a surplus of amenity Greenspace within the area and advised that the provision of on-site Greenspace was therefore unnecessary. However, they also noted that the proposed POS formed an important part of the strategy to ensure flood protection for the site.

They advised that further comments would be required if the proposed bridge connecting the site to the park was omitted. This is because it would impact upon the amount of Greenspace available to the development and could therefore require an increased contribution. On that basis, an update will be provided to members at committee.

A further memo was also received from Streetscape expressing concern at the inclusion of an addition footpath link into the park because it was considered that a) sufficient access points already exist and b) that it could cause problems from the perspective of park management.

### **Archaeology**

No objection subject to the imposition of a condition to secure a programme of works prior to the commencement of development.

### **Education**

No requirement for a contribution based on forecasting up to 2013.

### **Environment Agency**

No objection to the development subject to the imposition of 8 conditions. They advise that they are satisfied that the applicants have successfully demonstrated the site can be given an adequate level of protection from fluvial flood risk associated with the River Dane and Dane-in-Shaw Brook. In addition, the detailed plans for cut and fill / site level alterations mean that the applicants are not required to undertake a PPS25 Sequential Test.

### **United Utilities**

United Utilities have not raised any objection to the proposed development but noted that the sewers run across the site which would need to be either diverted or protected by a 6m easement. They advise that if the applicants intend to use Sustainable Urban Drainage Systems to drain the site, further discussions would be needed with UU, the applicants and the Councils drainage engineer.

### **District Valuation Office (DV)**

The Council commissioned the DVO to undertake a detailed assessment of the information viability submitted by the applicants in relation to four possible development scenarios ranging from redevelopment of the site entirely for employment through to a mixed-use scheme comprising residential and employment. Your officers have not provided a summary of his comments here because his advice is referred to in detail within the main section of the report addressing employment land and viability. It must also be considered alongside evidence presented by the applicants.

## **7. CONGLETON TOWN COUNCIL**

No objection to the proposed development.

## **8. OTHER REPRESENTATIONS**

A total of three objections were received covering a range of issues including riverbank erosion and that planning permission for private residential access onto Brook Street had previously been refused. The main concern however was that the proposed development would result in the loss of a cul-de-sac, thereby affecting parking and access for residents, and that access to Bridge Row is very difficult at present. Concern was also expressed in relation to land ownership boundaries.

A small petition was also submitted signed by 6 residents objecting to the loss of the cul-de-sac.

## **9. APPLICANT'S SUPPORTING INFORMATION**

Planning Statement (July 2008)

Design and Access Statement (July 2008)

Economic Statement (July 2008)

Air Quality Assessment (July 2008)

PPG24 Noise Impact Assessment (July 2008)  
Transport Statement & Interim Travel Plan (July 2008)  
Tree Survey (July 2008)  
TEP Ecological Survey (July 2008)  
Preliminary Site Investigation Report (July 2008)  
Site Waste Management Plan (July 2008)  
Micro Hydro Investigation (July 2008)  
Flood Risk Assessment and Supporting Cut and Fill Diagrams (July 2008)

*Supplementary Information*

TEP Updated Ecology Survey (September 2008)  
Revised Planning Statement (October 2008)  
Revised Economic Statement (October 2008)  
Timothy Brown Property Report (October 2008)  
King Sturge Marketing Report (October 2008)  
Thomas Lister Market Assessment (July 2009)  
Building Survey and Budget Cost Plan (July 2009)

## **10 OFFICER APPRAISAL**

### **Principle of Development**

In overall terms, as a site within the settlement zone line for Congleton, your officers are satisfied that the principle of residential development on the site could be acceptable under local plan policy PS4. However, the applicants must address a host of other issues including demonstrating that the scale of development is appropriate in design terms, that loss of employment land would avoid detrimental impact to the local economy and that the site can be adequately protected against flood risk.

Aside from this however, the principle of development would be supported more generally by regional and national policy. The proposals seek to utilise previously developed land, inside the settlement zone and in close proximity to Congleton town centre which offers a good range of shops and services. On that basis, the application would perform well when assessed against policies DP2 and DP4 of RSS which seek to foster sustainable communities and prioritise re-use of previously developed land within settlements.

Whilst the application is speculative, your officers are satisfied the site is '*deliverable*' when assessed against the advice within paragraph 54 of PPS3. The site is suitable for housing, available within in the short term and has a reasonable prospect of housing being delivered within 5-years. Whilst a number of the buildings are occupied, it is understood that this is only on the basis of short-term tenancies and it not therefore anticipated that this would impede redevelopment of the site to the detriment of deliverability. The site is also included within the SHLAA as a site capable of delivering 101 dwellings albeit within the 6-10 year period due to uncertainties over its availability which has clearly now been answered through the submission of this application.

In terms of housing land supply, the applicants argue that the Council cannot demonstrate a five-year land supply, supporting their position with the recent Havannah Mill appeal decision where the inspector concluded an absence of a five

year supply within both Congleton and Macclesfield. However, the most recent advice from the Local Plans section is that the housing market area is based on Cheshire East as a borough and that when assessed in this way, the Council can demonstrate a five-year housing land supply. On that basis, it is not therefore necessary to consider the application favourably in terms of the advice under paragraphs 69 and 71 of PPS3.

Whilst made in outline form, the indicative parameters demonstrate that a good mix of accommodation including family housing, affordable housing and accommodation for the elderly and would be delivered and the scheme would therefore perform well in terms of the aims of PPS1 & PPS3 to deliver diverse, mixed communities.

### **Loss of Employment Land**

The general thrust of policy E10 is to protect the boroughs employment sites and land supply. However, the policy allows for two exceptions where the site is either no longer financially viable or that its redevelopment would offer substantial planning benefit.

This issue has been a fundamental sticking point between the Council and applicants and lengthy discussions between the Council and Local Plans Section, the applicants and, latterly, the District Valuation Office in order to address this matter. Before assessing the proposals against the requirements of policy E10, consideration of the position of the various parties is given below.

#### **Cheshire East Policy Position**

The Councils principal concerns are that the proposed development would result in the loss of buildings currently in employment use and, in overall terms, a 3.6ha of employment site in a highly accessible location within Congleton town. It is acknowledged that the buildings are relatively poor quality, achieving low rents and let only on short term tenancies, but it is considered that such accommodation plays an important role in catering for start-up businesses or those which large quantities of cheap floorspace.

In terms of the strategic view, your officers are concerned that the loss of the site would further reduce employment supply across the former Congleton borough but more particularly within Congleton town itself. In this respect, whilst the former borough would appear to have an adequate supply, (92.58ha based on the 2008/09 AMR equating to a 20.5-years supply), much of this figure is made up of the Midpoint 18 B8 allocation which accounts for 53ha, thus skewing the figures, with Congleton town having remaining allocations of only 4.79ha. However, members must note that the Council does not have an accurate up-to-date figure for levels of existing available employment floor space within the borough which could be considerable given that the recent Cheshire and Warrington Rural Workspace Study (dated March 2009) suggested that Congleton has a large supply of commercial land considering Radnor Park and Eaton Bank before noting the existence of 13,70sqm vacant industrial floorspace and 10,176sqm vacant office space.

Finally, there was concern that the applicants had failed to address the issue of viability in terms of refurbishing the buildings, redeveloping the site entirely for B1 / B2 uses or as mixed use residential /B1 scheme although I return to consider this matter in more detail shortly.

Applicant's position

The applicant's advise that the remaining buildings are no longer viable for continued economic use with rental income failing to deliver an acceptable level of return when measured against on-going maintenance costs. They argue their only remaining options, after the current short term tenancies expire, would be to struggle to let the buildings at a rental of 50p to £1 per square foot (purely to avoid having to pay empty rates) or demolish the buildings and clear the site. They consider that redevelopment of the site is acceptable because the buildings are no longer suitable for use and that the scheme offers substantial planning benefits such as removal of poor quality employment space, new employment generation from a care home, improvements to flood risk and removal of HGV movements.

More broadly, the applicant's argue that the borough has more than sufficient employment land supply and large amounts of existing floorspace currently vacant suggesting over-supply, lack of demand or both.

At the Councils request, in order to determine whether the site could be redeveloped viably with new employment space, the applicants also submitted a detailed viability appraisal covering five development scenarios: -

- Option 1 Refurbishment of the existing buildings
- Options 2, 3 & 3a - Redevelopment comprising entirely B1 / B1&B2
- Option 4 - Redevelopment with housing and new office accommodation on the northern half of the site

The report concluded that none of these options were viable producing largely negative or unviable returns ranging from -19% for option 1, -43% for option 3, -41% for option 3a and producing a profit of only 4% on option 4. The applicants showed that the current scheme would deliver a viable profit level of 27.5% and that the scheme is therefore deliverable in terms of PPS3; an important consideration.

Advice of the DVO

In order to assess the information submitted by the applicants, the Council instructed the District Valuation Office to appraise the applicant's assessments. In general terms he noted that the site was a potentially attractive residential site but has poor access for the present employment uses. He also advised that the sites current condition, as well as that of the several large industrial warehouse units, was relatively poor.

Existing buildings

In terms of the existing buildings, the DV has advised that refurbishment of these buildings was neither suitable nor viable. He considered that the buildings would be difficult to re-let in current market conditions and would only continue to deteriorate being of interest only to low-value users which he considers tend to attract non-confirming uses which could be considered undesirable in this location. Critically, he concludes that the site neither suitable nor viable for full redevelopment with employment uses and that left unchanged the existing buildings will further deteriorate. a very important consideration when assessing the proposals against policy E10 because it suggests the buildings have reached the end of their useful economic life and also rules out development scenario options 1-3.

*Alternative Development Scenario Option 4 and current scheme*

The two areas of disagreement between the DVO and applicants however relate to the viability of a mixed-use scheme comprising B1 office / residential and the profit levels achieved by the current proposed scheme being considered under this application.

In respect of option 4, the mixed-use scheme, whilst the applicants consider that it would only achieve 4.49% profit, the DVO consider it could produce a profit of 17% making it marginally viable as a development. The critical difference in opinions however results from the yield rate applied to value of the development; where the DVO applies 10% yield (10% being a multiplier of 10) the applicant's apply 12% (12% being a multiplier of 8.3) which has the effect of lowering the developments capital value and thus the overall viability. In this respect however, the applicants argue a higher yield is necessary to reflect the higher risk associated with speculative office development in Congleton having regard to the high levels of vacant office accommodation.

It must also be noted that the difference in yields impacts upon the profit levels for the scheme proposed by the application which, subject to the lower yield, increases profitability from 27.5% to just under 50% which the DVO advising would be sufficient to allow virtually all the semi-detached and detached houses to be delivered on an affordable basis (predominantly social rented) whilst still retaining a profit of 20%

For clarification, HCA guidance suggest that an acceptable profit level for Brownfield development would be between 17.5% - 20% whereas the applicants agents have previously suggested that a figure between 20% - 25% would be required in order to secure development funding.

Consideration of Scheme against E10

The matter of whether the applicants have satisfied the requirements of policy E10 is finely balanced and Members will therefore need to carefully consider a number of points.

a) Whether the site is no longer suitable for employment use

In terms of the current buildings, your officers are satisfied that the evidence presented by the applicants has demonstrated that the buildings are reaching the end of their useful economic life. Whilst your officers stand by their view that the buildings play an important role in providing low cost employment space, the units are likely to prove difficult to re-let and require major renovation which has been proven to be unviable. As such, left in their current state, the likelihood is that they will either continue to deteriorate or be demolished by the owners, neither of which is an acceptable proposition.

The assessment of the sites itself also serves to demonstrate that it would highly unlikely to be redeveloped for new employment uses. The viability assessment demonstrates redevelopment of the site solely for B1 office accommodation is unviable and that even when a significant amount of residential development is included to provide cross subsidy, the scheme still only demonstrates marginal viability at 17% even with a 10% yield. Whilst the DVO advises profits could be



increased, this would be at the expense of affordable housing, something your officers consider to be undesirable given the significant levels of housing need with the borough.

The applicants suggest that the carehome itself would be an employment generator, creating more jobs than currently exist on site currently provides, which satisfies the requirements of policy E10. Whilst your officers would not disagree that the carehome would generate new jobs, it is likely the number of jobs created would be less and their nature quite different to those which would result from B1 (or B2) which could help to stem out-commuting. The position in terms of PPS4 however is unclear because it precludes housing developments with the care home falling into use Class C2 (Residential Institutions).

It must also be noted that the site in its present form represents inefficient use of land, with approximately half the site cleared and vacant, and generates in the region of only 30 jobs which equates to an extremely low job density per hectare.

Whilst there are clearly arguments against allowing the loss of employment land more generally, the fact the buildings have reached the end of their useful economic life, and refurbishment or redevelopment has been proven unviable, mean that a reasons for refusal on grounds of employment land supply is likely to be difficult to sustain at appeal particularly when balanced against the delivery of new housing on an accessible, previously developed site which delivers 30% affordable housing during a difficult economic period.

Taking all these factors, and having particular regard to the fact that delivery of new or refurbished employment space is unviable, your officers are satisfied that the requirements of part a) of policy E10 have been addressed.

b) Whether the development offers substantial planning benefits

Your officers have considered the evidence present by the applicants and consider that the points outlined do not fall to be considered as substantial planning benefits. The ability to mitigate flood risk is essential to address PPS25 whilst removal of traffic from Bridge Row is merely coincidental to the redevelopment of the site and ensuring that a safe, attractive access is offered to future residents.

While detailed consideration was being given to the viability evidence, a request was made to applicants to increase the level of affordable housing provision over and above the 30% in order to demonstrate a substantial planning benefit. However, the applicants advised they were not prepared to agree to this partly because they dispute the views of the Council's viability advice in terms of yield and profitability and also because they do not consider it is necessary to meet the requirements of policy E10.

It may be however that members consider the ability to deliver 30% affordable housing in the current economic climate falls to be considered as a substantial planning benefit in its own right. In any case however, given that the assessment demonstrates that the applicants have satisfied the first part of policy E10, there is no requirement for the applicants to also demonstrate that substantial planning benefits exist.

### **Housing Need**

As outlined above, the applicants have confirmed they are willing to provide a contribution of 30% affordable housing. Following discussions with the Housing Officer, it has been agreed that a 50/50 split between social rented and shared ownership (which should include a provision for rent to homebuy). The requirement would also extend to include retirement apartments. The delivery, phasing and occupancy restrictions can all be secured by the S106 Agreement thereby addressing the requirements of policy PPS3, policy H13 of the local plan and associated guidance within SPD6.

In addition, and whilst the applicants have failed to submit any form of operational statement for the retirement and extra care units, the Council has previously accepted that there is a general need exists within the borough for such accommodation and that this would help to contribute to mixed communities under PPS3. The precise details however in terms of the scope and nature of care along with the eligibility criterion can be agreed by way of the S106 Agreement in order to ensure provision meets identified needs.

### **Flood Risk**

Because the site lies directly adjacent to the River Dane and Dane-in Shaw Brook, it has been known to flood; the last event having occurred in October 1998. As a result, the site is categorised to varying degrees within flood zones 1, 2 and 3a (3a being categorised as active floodplain as thus most severe).

The applicants propose a number of methods for tackling flood risk which, for the most part, comprises significant cut and fill operations to alter site levels. Site levels would be cut adjacent to the river thus reducing levels and increasing flood capacity while other areas of the site would be filled to increase their height in order to manage flood risk. Areas with reduced height would then be used to form public open space and provide additional flood capacity to compensate for the areas where fill operations had been undertaken. This is a perfectly acceptable approach although it means that the Greenspace Section will not adopt these areas for management. Other methods involve raised floor levels and footways which would also be designed to channel any overland flow back to the rivers.

Following a detailed assessment of the scheme, the Environment Agency have confirmed that they are satisfied that the applicants have successfully demonstrated an adequate level of protection from fluvial flooding from the River Dane and Dane-in-Shaw for the scheme but that 8 conditions would need to be attached to any permission. On the basis of this advice your officers are satisfied that the applicants have addressed the requirements of PPS25.

Whilst an objection was received expressing concern about the structural integrity of the riverbank and erosion, the Environment Agency, the responsible body for such matters, have raised no concerns about the proposed development in this respect.

### **Drainage**

Whilst no objection has been raised by United Utilities to the proposed development, and no requirement for a financial contribution being identified, this was on the basis that the scheme would not be utilising SUDS (Sustainable Urban Drainage).

However, the application form indicates that the applicants intend to dispose of surface water via a SUDS system.

Your officers would therefore request that members delegate resolution of this matter to secure any necessary financial contribution through the S106 or attached appropriate conditions as appropriate.

### **Design**

Whilst layout, scale and appearance have been reserved for future consideration, your officers consider that the information submitted by the applicants successfully demonstrates that amount of development proposed can be accommodated on the site.

The indicative layout demonstrates that an attractive layout could be delivered focusing on two areas of public open space which, whilst acting also acting flood protection zones, would provide an attractive focal point for the site allowing views across the river and towards Congleton Park.

Whilst the Urban Design Consultant expressed a number of reservations over the indicative layout, many of these issues could be design out at reserved matters stage. The applicants have however agreed to provide two bridges, the first to connect the two parcels of open space across Dane-in-Shaw Brook and the second to connect the site to Congleton Park. In this respect, whilst there seems little appetite for any such connection from the Greenspace section, it is seen as an important feature to enhance pedestrian and cycle connections through the area more generally and your officers would still therefore wish to secure the funding for the bridge as part of the S106 rather than discount it entirely.

It is therefore considered that requirements of PPS1 and PPS3 but also the local plan policies GR1, GR2, GR3, H4 and PS4 would be adequately addressed by the reserved matters application.

### **Environmental Health Related Issues**

#### *Noise*

The sites location within a mixed-use area directly adjacent to a main road necessitated submission of a detailed noise assessment. The survey concluded that the dominant noise source was road traffic noise, as opposed to industrial, and that noise levels fell into PPG24 Noise Exposure Category B where planning permission can be granted provided steps are taken to ensure an adequate level of protection against noise. On that basis, Environmental Health have confirmed that they have no objection to the proposed development subject to a condition to ensure a detailed scheme for noise mitigation is submitted to the Council for approval and fully implemented prior to occupation thus satisfying the requirements of policy GR8.

#### *Contamination*

The application was accompanied by a Phase 1 Desk Top Study which Environmental Health expressed initial concern over due to a lack of site coverage. However, following further discussions between the Scientific Officer and the applicant's consultants a supplementary note was provided largely addressing any outstanding

issues. On that basis, Environmental Health confirmed they have no objection to the proposed development subject to the imposition of a suitably worded contaminated land condition. It is therefore considered that the proposed development has satisfied requirements of local plan policies GR7 and GR8 as well as PPS23.

#### *Air Quality*

Due to the potential for dust emissions during demolition works, Environmental Health have requested a condition be imposed on any permission to secure precise details of a dust mitigation strategy to control emissions which can be secured by a suitably worded condition thereby satisfying the requirements of policies GR7 and GR8 of the local plan.

#### **Provision of Public Open Space**

The Greenspaces section have confirmed that the site has access to a sufficient level of amenity Greenspace but that provision of on-site play equipment is required as well as a financial contribution towards maintenance of £53,834 both of which can be secured as part of the S106 Agreement.

#### **Highways**

The application has been assessed in terms of its impact on the highway network in terms of safety and capacity. The Strategic Highways Manager (SHM) has advised that the difference in traffic flows between the proposed use when measured against the existing use class is negligible and that much of the proposed traffic generation is mitigated by the removal of potential heavy commercial vehicles. He is satisfied that the proposed access directly onto Brook Street offers significant betterment in terms of traffic generation and turning movement over the existing site access from Bridge Row. The impact of the proposed care home access via Mill Street and King Street is acceptable because traffic generation associated with such a use would have only a small impact on these two roads. This will also benefit existing residents along Bridge Row in terms of removal of HCV and car movements.

The SHM is satisfied that the Interim Travel Plan shows a comprehensive approach to the promotion of sustainable travel for the site and its management by suitable appointed travel plan co-coordinators. The precise details of this will however be need to be agreed through the S106 Agreement as will the necessary financial contribution towards its future management. The SHM has also requested an additional sum to improve local sustainable links including footways and bus services which can also be secured within the S106 Agreement although the precise figure is currently being negotiated with the applicants and will therefore be confirmed during committee.

It should also be noted that whilst objections have been received that Bridge Row would no longer be a cul-de-sac, would be incorporated into the development or opened to vehicular movements is inaccurate.

The requirements of policies GR1, GR9 and GR18 of the adopted local plan are therefore deemed to have been satisfied.

## **Ecology and Trees**

### **Bats**

The applicant's ecological appraisal found that the proposed development has the potential to impact upon the habitat of bats in terms of an old water wheel building located on the sites northern boundary adjacent to the River Dane. Following further emergence surveys, the applicant's ecologists identified that the building was used as a maternity roost by up to 25 Daubentons Bats.

On the basis of the above, the applicants submitted a mitigation strategy which identified two possible options, the first being retention of the building and the second being demolition and replacement with a new roost structure.

Whilst option one requires removal of much of the adjoining complex, it retains the wheelhouse structure in which the bats roost although additional work would be required to maintain the structural integrity of the building and to ensure satisfactory visual appearance of the remaining structure. The ecologists advise that all works should be carried out in either late September/October or February/March in order to avoid any disturbing roosting bats when they are most vulnerable to disturbance. Therefore subject to imposition of condition to ensure precise details of the retention strategy, and to restrict/control lighting adjacent to the river bank, your officers are satisfied the scheme would adequately address the requirements of local plan policies NR2 'Statutory Sites' and NR3 'Habitats' as well as PPS9

It is not considered however that the scheme needs to be assessed against the tests within the habitat regulations (demonstrating over-riding public interest, favourable conservation status and existence of suitable alternatives) because the applicants have agreed to adopt the retention approach which is not reasonably likely to cause disruption to the protected species.

### **Breeding Birds**

Whilst the survey found that the development could potentially impact upon breeding birds, your officers are satisfied that these can be protected the standard breeding bird condition thus addressing the requirements of policies policy GR2 and NR4 of the adopted local plan.

Conditions would also be attached to secure a detailed landscape and habitat management plan for the site which could serve to enhance bio-diversity within the site and along the bank of the River Dane in accordance with policy NR5

### **Japanese Knotweed**

The ecology report noted an area of the site contains Japanese Knotweed which will need to be treated. Whilst the Environment Agency requested this matter be addressed by a suitably worded condition, it is covered under separate legislation administered by the Agency. It is not therefore considered necessary or relevant to apply this condition.

## Trees

The site contains a large number of trees across the entire site but which have been split into two separate population groups of trees along the River Dane (river line trees) and ornamental species.

The report notes that whilst the ornamental trees are attractive and generally have good form, they would be difficult to retain due their proximity to buildings for demolition and requirement to break out hard surfacing more generally across the site. It goes on to advise that river line trees contribute most to the local environment and that these will need to be afforded greatest protection during construction.

Following an assessment of the tree survey, the Senior Landscape Officer agrees with the view that trees lining the river and brook be afforded the greatest consideration as part of the redevelopment of the site but expresses some reservations over the ability to assess the impact of cut and fill operations on protected trees.

However your officers are satisfied that the majority of trees along the river line fall outside the boundary of the cut and fill works thereby ensuring any impact is kept to a minimum. The applicant's agent also confirmed that the cut and fill design undertaken in conjunction with the Arborist in order to minimise the potential impact. As an additional safeguard, many trees also fall within an 8m bank top zone where development is generally restricted.

Your officers are therefore satisfied that, subject to conditions which secure a detailed scheme for tree protection measures, that the impacts from the development can be minimised and requirements of policy NR1 addressed.

## **11. CONCLUSIONS AND REASONS FOR THE DECISION**

The proposed development seeks to utilise a previously developed site within the settlement zone line for Congleton and therefore benefits from a presumption in favour of development under local plan policy PS4. The site is deliverable when assessed against PPS3 and was identified within the 2009 SHLAA and whilst it does not have to be considered favourably in terms of paragraph 71 of PPS3, the proposed development would perform well when assessed in terms of the advice within PPS3 more generally particularly in terms of delivering much needed affordable housing.

Whilst the proposals would result in the loss of a 3.6ha employment site, it has been demonstrated that the site is no longer suitable for economic use because the buildings have realistically reached the end of their useful economic life. Moreover, refurbishment and redevelopment has been proven to be unviable without an element of residential development to cross fund the scheme which come at the price of affordable housing provision.

The applicants have demonstrated general compliance with national, regional and local guidance in a range of areas including design, flood risk, ecology and highway safety and the application is therefore recommended for approval

## **12. RECOMMENDATION**

**That the application is approved subject to the following conditions and subject to the prior signing of a S106 Agreement.**

### **S106 Heads of Terms**

Provision of 30% affordable housing split equally between social rented and intermediate housing (including either shared ownership, Rent to Home Buy or discount for sale) but of a split to be agreed by Cheshire East Housing Section.

Provision of 30% affordable housing for the proposed close care/retirement apartments

Submission of an operational statement relating to the proposed care home and retirement apartments including nomination rights from Cheshire East waiting list

Green Travel Plan Management Arrangements and necessary financial contribution.

Financial contribution towards off-site highway works to cover footpath and bus stop enhancements

Financial contribution of £53,834 to public open space. Provision of children's play equipment on site at the applicant's expense but with detail to be agreed by Cheshire East. Precise details of management plan for POS to be submitted and agreed.

Applicants to purchase and install bridge to Congleton Park but with details to be agreed by Cheshire East.

Scheme for ecological and landscape enhancements and long-terms management Plans

Possible contribution to Drainage (UU)

### **Conditions**

Time Limits and Parameters

1. Outline application time limit
2. Reserved Matters – Layout, Scale, Appearance and Landscaping
3. Development parameters in accordance with indicative plans  
(Care home to north accessed from Mill Street)  
(Residential on Southern Parcel accessed from Brook Street)
4. Restriction to no more than 74 dwellings, 72 bed carehome and 36 retirement apartments

Environmental Health

5. Contaminated land condition (including further intrusive Investigation and remediation)
6. Detailed scheme for noise mitigation to be agreed and implemented prior to first occupation
7. Detailed scheme for dust mitigation during demolition and construction
8. Restrictions on hours of construction

9. Restriction on hours of piling activity
10. Restriction on hours of construction vehicle deliveries
11. Precise details for carehome filtration and extraction systems
12. External lighting strategy to be submitted agreed

#### Ecology and Trees

13. Detailed Tree Protection Scheme to submitted, agreed and fully implemented
14. Protection of Breeding Birds
15. Detailed mitigation strategy for bats based on the TEP Option One retention strategy including wheelhouse structural works.
16. Scheme for watercourse protection during construction

#### Environment Agency, Flood Risk and Drainage

17. Proposed building floor levels 600mm above freeboard allowance
18. Roads, parking and footways 300mm above freeboard allowance
19. Detailed scheme for compensatory flood storage to be agreed before commencement of development and fully implemented thereafter
20. Surface water regulation to be submitted and agreed
21. Scheme for management of overland flows from surcharging of surface water drains to be submitted and agreed prior to commencement of development
22. 8m buffer strip and wildlife corridor to be retained adjacent to the watercourse
23. Site levels to be strict accordance with Peter Mason Cut and Fill Drawings unless otherwise agreed in writing

#### Highways

24. New vehicular access to Brook Street to be constructed to base course before other construction works commence and fully implemented before first occupation of any dwellings

#### Other

25. Site waste management plan
26. Scheme for Archaeological investigation
27. 10% renewable energy increasing to 15% if required by RSS
28. Precise details of all boundary treatments within the site to be agreed to include public open space and riverside areas or footpaths
29. Precise details of internal footbridge connection two areas of POS to be submitted, agreed and fully implemented within an agreed timescale



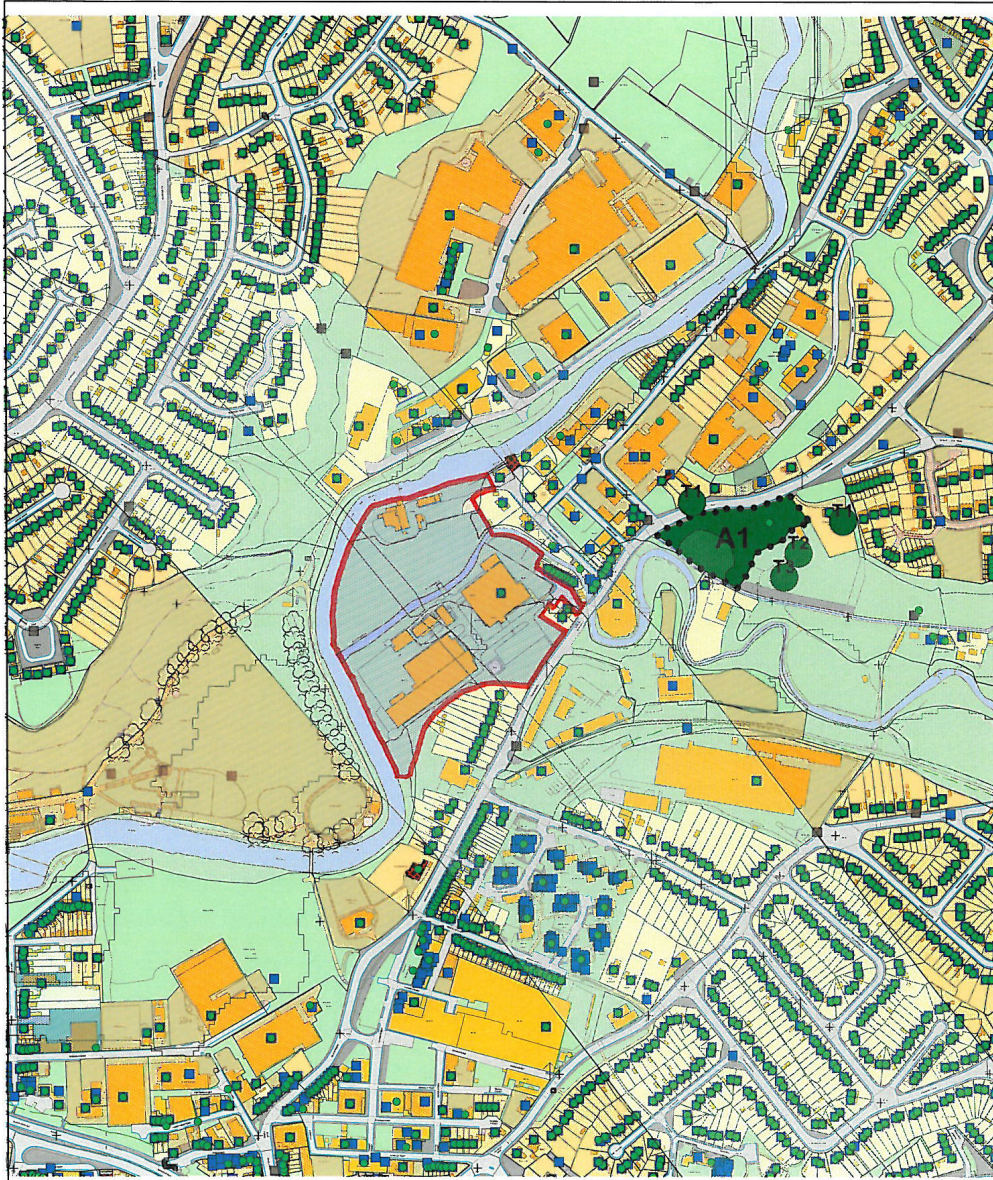
## Location Plan

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PLANNING  
Westfields, Middlewich Road,  
Sandbach, Cheshire.  
CW11 1HZ.



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<b>Planning Reference No:</b>	10/0283N
<b>Application Address:</b>	Land at Drome Farm, Wardle Industrial Estate, Green Lane, Wardle, Nantwich
<b>Proposal:</b>	Industrial New Build Development Consisting of Six Units, together with Infrastructure, Ancillary Works and New Agricultural Access Track
<b>Applicant:</b>	Mr P Posnett
<b>Application Type:</b>	Full Planning
<b>Grid Reference:</b>	360062 357247
<b>Ward:</b>	Cholmondeley
<b>Earliest Determination Date:</b>	22 <sup>nd</sup> March 2010
<b>Expiry Dated:</b>	11 <sup>th</sup> May 2010
<b>Date of Officer's Site Visit:</b>	4 <sup>th</sup> March 2010
<b>Date Report Prepared:</b>	31 <sup>st</sup> March 2010
<b>Constraints:</b>	Open Countryside

### **SUMMARY RECOMMENDATION**

**APPROVE WITH CONDITIONS** subject to receipt of additional information to demonstrate that the site can be satisfactorily accessed by HGV's without causing harm to Highway Safety. Otherwise **REFUSE** on Highway Safety grounds.

### **MAIN ISSUES**

- Principle of Development
- Impact on Character and Appearance of the open countryside
- Impact on Amenity of adjacent properties
- Impact on highway safety
- Impact on trees
- Impact on Protected Species
- Potential for Land Contamination
- Sustainable Development

## **1. REASON FOR REFERRAL**

This application is to be considered by the Southern Planning Committee as the proposal involves the creation of over 1,000sqm of industrial floorspace.

## **2. DESCRIPTION OF SITE AND CONTEXT**

The application site is located on land which is adjacent to the Wardle Industrial Estate and is designated within the Local Plan as being open Countryside. The site comprises former military buildings which are now used for the accommodation of livestock. Defining much of the southern, eastern and northern boundaries of the site are coniferous trees. The site is located at the end of Green Lane which serves the Wardle Industrial Estate.

### **3. DETAILS OF PROPOSAL**

The application proposes the removal of the existing buildings on the site and the construction of a total of 2,900sqm of industrial floorspace for B2/B8 use. The scheme comprises two blocks of development. Block 1 consisting of four units measuring 350sqm each and Block 2 comprising two units measuring 771sqm each. Each unit will include ancillary office space. A total of 56 car parking spaces are proposed, 7 of which are disabled spaces. The scheme proposes three entrances to the site, one serving the block of 4 units and one for each of the larger units. The scheme shows turning circles of 20m diameter for HGV, and other ancillary works such as bin stores and hard and soft landscaping.

### **4. RELEVANT HISTORY**

No on site 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 (LP). The relevant development plan policies are:

#### **Local Plan policy**

NE.2 Open Countryside  
NE.5 Nature Conservation and Habitats  
NE.9 Protected Species  
BE.1 Amenity  
BE.2 Design Standards  
BE.3 Access and Parking  
BE.4 Drainage, Utilities and Resources  
BE.5 Infrastructure  
E.6 Employment Development within Open Countryside  
TRAN.9 Car Parking Standards

#### **Regional Spatial Strategy**

Policy DP 3 Promote Sustainable Economic Development  
Policy DP 4 Make Best Use of Existing Resources and Infrastructure  
Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility  
Policy DP 8 Mainstreaming Rural Issues  
Policy RDF 2 Rural Areas  
Policy RT 2 Managing Travel Demand  
Policy EM 16 Energy Conservation & Efficiency  
EM 17 Renewable Energy  
EM18 Decentralised Energy Supply

#### **Cheshire Replacement Waste Local Plan**

Policy 9 Secondary and Recycled Aggregates  
Policy 11 Development and Waste Recycling

## **Other Material Considerations**

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 4: Planning for Sustainable Economic Growth

- Policy EC.10 Determining Planning Applications for Economic Development
- Policy EC.12 Determining Planning Applications for Economic Development in Rural Areas

Planning Policy Statement 7: Sustainable Development in Rural Areas

## **6. CONSULTATIONS (External to Planning)**

**Strategic Highways Manager:** Green Lane varies in width and serves a large number of industrial units. There is limited amount of footway with no pedestrian crossing facilities at or near the A51. A refuge island junction with Green Lane and the A51 should be provided to allow safer crossing for pedestrians. Any gates into the proposed accesses should be set back far enough to allow the largest HGV to be used at this site to get off the highway. All gates must open inwards. Turning movements and parking provision will need to be demonstrated via autotrack, to ensure that deliveries can take place safely. The proposed parking provision falls short of CEC standards and should be addressed through a travel plan. Subject to the above being agreed, no highways objection.

**ESU Nature Conservation:** No objection subject to a condition for a detailed survey for nesting birds to be carried out and agreed by LPA if works are to be carried out between 1<sup>st</sup> March and 31<sup>st</sup> August.

**ESU Landscape:** Do not object to this application. The tree report covers the site adequately. The possible retention of G1, G2 and G3 (lines of Cypresses) would assist in screening the site. Should these be removed to allow construction then replacement tree and shrub planting is recommended. This should be of native species and consist of a variety of sizes of trees to give some immediate impact.

**Environment Agency:** This is not an application where they are required to comment.

**Environmental Health:** Do not object to this application subject to conditions requiring:

- Noise attenuation Measures
- All noisy works to be inside with doors windows closed
- Details of external lighting to be submitted
- Transport Plan to be submitted
- Phase I contaminated land survey

## **7. VIEWS OF THE PARISH COUNCIL**

None received at time of writing report

## **8. OTHER REPRESENTATIONS**

None received at time of writing report

## 9. APPLICANT'S SUPPORTING INFORMATION

### **Planning Statement** *(Prepared by HOW Planning dated January 2010)*

- Short Description of site and overview of proposed development
  - Analysis of Local, Regional and National Policy
  - Accepted that the proposals conflict with Policy NE.2 as it does not constitute development that is solely related to agriculture or forestry
  - Policy E.6 provides for small scale economic development, it is considered that the proposed development is of an appropriate scale
  - If the Council find that the development is in conflict with the Local Plan there are a number of very significant material considerations which weigh heavily in favour of the scheme
  - Impact on Open Countryside – site is previously developed and occupied by a number of significant buildings, given character of area the site can be developed without causing visual harm to Open Countryside.
  - Ecological Issues – No evidence of protected species on the site. All trees to be removed have been categorised as “c” class
  - Need for Development – applicant has had numerous enquiries for new commercial premises. Provision of local jobs are in line with the Governments sustainability objectives. Diversification of rural economy, the proposals will provide the opportunity for positive sustainable development which is deliverable.
  - Accessibility of Site – Twice hourly bus service between Chester and Crewe. It is proposed to adopt positive measures as part of a Green Travel Plan for the site including a minibus service to Nantwich Town Centre and railway station. The transport assessment shows that the development would have an acceptable impact on traffic flows. It is considered that the site can be safely accessed with adequate visibility.
  - Amenity – scheme is compatible with surrounding land uses
  - Design – proposals are of an appropriate scale in keeping with the surrounding built development. Materials, colour finish and landscaping can meet requirements of design policy
  - Access – proposals can be adequately and safely accessed and provide an appropriate level of parking
- Drainage and Utilities – site not at risk of flooding and will provide drainage provision appropriate to the scale of development which may include a form of sustainable drainage system.

### **Arboricultural Report** *(prepared by Andrew Harker Associates dated November 2009)*

- The current proposals will require the removal of trees T1, G4, G5, G6 and G7 which have all been categorised as C within BS5837. The remaining trees can be protected using measures specified in appendices protecting the Root Protection Areas.
- Any tree loss will be mitigated by the inclusion of planting within the proposed landscaping scheme.

### **Protected Species and Biodiversity Assessment** *(prepared by Ecologically Bats dated October 2009)*

- Concludes that the site has very little biodiversity value and the vegetated areas are poorly developed and have very few species. It is considered that the development will have no impact on the biodiversity in the locality
- There is some potential for birds to be nesting in the scrub and possibly one of the buildings on the site, and the clearance of the site may affect nesting birds. Recommend no work between March and September, and all works to be done by hand. If nests found works should stop.



**Transport Statement** *(prepared by Singleton Clamp and Partners dated January 2010)*

- Traffic associated with the development can be accommodated onto the local highway network in a safe manner
- Accessibility of the site is currently not good. However the applicant is willing to provide a green Travel Plan which is aimed at improving the choice of transport mode to/from the application site. There is potential to provide a minibuss link to Nantwich town centre and railway station and bus services which could materially improve the modal choice from the application site.
- Conclude that there could be no overriding highways objections to the application proposals.

## **10. OFFICER APPRAISAL**

### **Principle of Development**

Within the Open Countryside Policy E.6 of the Local Plan allows for appropriate small industries and smallscale workshop units within or adjacent to existing employment areas. The application site is bounded immediately to the north and east by an existing employment site. The proximity of the development to an existing employment site and the fact that this land is previously developed would make this site appropriate in principle for employment development. While there is a total of 2,900sqm of employment floor space proposed the scheme proposes a total of smaller 6 units (2 of 771sqm each and 4 units measuring 350sqm each) for B2 (General Industrial) or B8 (Storage and Distribution) uses. It is considered that individually these are appropriate smallscale industrial units in this location.

The main consideration is therefore whether the proposals are appropriately designed and of a scale to not have a significantly detrimental impact on the open countryside, of amenity nearby residents, highway safety, protected species, trees or in any other way.

### **Impact on Open Countryside and Design**

There are a number of existing buildings on the site and the majority of the land within the application site is covered by hardstanding. The land is therefore considered to represent previously developed land. Surrounding the site to the north and east are the existing buildings of the Wardle Industrial Estate and it is considered that visually the site is part and parcel of this existing development. This is particularly apparent when viewing aerial photographs of the Industrial Estate.

Reference should be made to the 2008 appeal decision for offices and car parking which was dismissed on land adjacent to Rowlinson Group towards the eastern end of Green Lane. Whilst both proposals are for employment development within the Open Countryside, there are significant differences between the two proposals which should be highlighted. The appeal site was a Greenfield site and development on this land would have resulted in the erosion of a natural green buffer between the industrial estate and residential properties. On the other hand this development is on brownfield land and would represent a logical rounding off of the extent of the Industrial Estate and is therefore considered to be a more appropriate location for employment development in the Open Countryside.

The existing buildings on site have a height of approximately 5m. Block 1 has a total height of 9.2m and a height to eaves of 7.5m. Block 2 is proposed to have a lean-to roof with a maximum height of 7m and height along the western boundary of 5m. While the proposed buildings are taller than the existing sheds on the site when viewed from the south (Green Lane) and west they would be seen against the backdrop of the considerably larger existing industrial units within the Industrial Estate.

The proposals involve the removal of the vegetation along the Green Lane boundary. However replacement planting is proposed along this boundary to help to screen the development. The most sensitive aspect of the development will be from the west which is open countryside and where there is a public footpath within close proximity to the site. The applicant owns the land to the west of the site and it is considered that a screening buffer within the agricultural field is necessary to mitigate the impact of the development. This could be secured by condition. It is therefore considered that the proposed development would not cause significant harm to the character and appearance, and overall openness, of the Open Countryside.

The proposed buildings have the appearance of standard industrial units and would not be out of character with surrounding developments. Green Lane at this point is lightly trafficked and it is therefore considered, with conditions requiring details of materials to be submitted and landscaping to the Green Lane boundary, that the development would not have a significantly detrimental impact on the character and appearance of the streetscene.

### **Amenity**

Policy BE.1 (Amenity) states that development should not have an adverse impact on adjoining properties through overshadowing, overlooking, visual intrusion or in any other way, including noise and disturbance. The proposed development would not be sited in immediate proximity to any dwellings. However there are dwellings sited over 200m to the south and 230m to the west of the site and there are a number of dwellings sited along Green Lane. Therefore loss of privacy or light are not likely to be issues in this case.

The proposed industrial use of the buildings has the potential to affect residential properties that are not sited immediately adjacent due to the possible processes involved with the use. The Environmental Health Officer has stated that they have no objection to the proposed development, provided that a number of conditions are applied to any permission to restrict the likely impact that the development would cause. This includes conditions to restrict noisy works to be carried out within the units, and details of noise attenuation measures to be provided. It is considered that these conditions are appropriate to mitigate the noise and disturbance impact that the development could have and should be applied to any approval. Furthermore, details of lighting should also be provided, by condition, to ensure that illumination of the site does not affect nearby properties, or the character and appearance of the open countryside.

The transport assessment suggests that there would be an increase in traffic along Green Lane of 35 vehicles during AM peak and 30 vehicles during the PM peak. This is not considered to be sufficient to cause demonstrable harm to the amenities of dwellings along Green Lane. Notwithstanding this point it is considered that a condition should be attached to any approval to restrict the hours of HGV's visiting the site to between 08:00 and 18:00, as these would cause the most nuisance to the amenities of residents.



## **Highways**

The development will result in an increase in vehicular movements along Green Lane and the A51. A transport statement has been submitted to show that Green Lane currently has AM peak flows of 71 vehicles and a PM peak flows of 148 vehicular movements. Following the proposed development these figures would increase to 106 vehicles at AM peak and 178 vehicles in the PM peak. The statement goes on to states that the maximum level of flow along Green Lane would be anticipated to occur adjacent to the junction of Green Lane with the A51 and would not exceed 180 vehicles per hour, which equates to around 3 vehicles per minute on average during peak highway hours. It is also stated that this level of increase would not be anticipated to lead to any change in the existing conditions. These figures have not been disputed by the Strategic Highways Manager and concern has not been raised with regard to the highway network. However there is concern that the proposals would have an impact on pedestrians along Green Lane. There is a limited amount of footway with no pedestrian crossing facilities at or near the A51. The Strategic Highways Manager has suggested that a refuge island junction with Green Lane and the A51 should be provided to allow safer crossing for pedestrians. This land falls within CEC ownership and can therefore in this case can be secure by Grampian condition.

The Strategic Highways Manager has however indicated that as submitted the proposals are unacceptable as the proposals do not show gates to be set back far enough to allow a HGV to pull off the Highway. Furthermore the turning movements and parking provision have not been demonstrated as workable by using an autotrack drawing. There is therefore concern that there is insufficient space to allow HGV's to turn in the space available, which would be restricted by parking spaces and the set back gates. Amended site plans have been requested from the applicant to demonstrate that turning manoeuvres can be satisfactorily achieved. If these can not be provided then the proposed development should be refused on Highway Safety grounds due to the potential danger resulting from parked vehicles along Green Lane and/or HGV's reversing onto Green Lane.

The proposed parking provision is below the standards set out in the Local Plan, which is a concern given the unsustainable location of the site. However The Strategic Highways Manager considers that provided a Green Travel Plan is secured by condition then this concern could be overcome.

## **Protected Species**

The submitted protected species survey has identified that there would be little impact on significant habitats. However the report does highlight that there may be potential for some disturbance to nesting birds. The validity of the report has been confirmed by the Council's ecologist and the findings are considered to be acceptable. It is suggested that a condition be attached to any approval requiring that prior to the commencement of development (between March and September) a thorough survey of the site for nesting birds be carried out, submitted to and approved by the LPA.

## **Loss of Trees**

The scheme involves the removal of a number of trees from the site including a series of Leyland Cypress trees along the Green Lane frontage. These are well established trees which provide a screening barrier for the site. These trees have been established as

category “c” trees which are defined as those worthy of retention, where they do not prejudice the development. It is therefore considered that there is in sufficient weight to refuse the proposals on the grounds of loss of trees. The Councils Landscape Architect has no objection to the proposed development provided that additional landscaping is provided.

### **Contaminated Land**

Although an industrial use is not a sensitive end use there is potential for contamination on the land given the historic use of the site. It is suggested that a Phase I Contaminated Land survey be carried out in line with the advice contained in PPS23. This can be secured by condition.

### **Sustainable Development**

Policy EM18 of North West England Plan Regional Spatial Strategy (RSS) which outlines that, in advance of the setting of local targets for decentralised/renewable/low-carbon source energy supply that a least 10% of predicted energy requirements should be from such sources unless it is demonstrated not to be viable.

As the proposed development is for major industrial development in a relatively unsustainable location it is considered that an element of renewable energy should be incorporated into the scheme to off set some of the harm in terms of climate change that may be caused. It is recommended that conditions be added to any approval to ensure compliance with RSS Policies DP 9 (Reduce Emissions and Adapt to Climate Change), EM 16 (Energy Conservation & Efficiency), EM 17 (Renewable Energy), and EM18 (Decentralised Energy Supply).

The proposal will involve the demolition of a number of existing buildings on site. It is considered that a waste management plan should be submitted to ensure that opportunities are taken for reuse on site where possible or for appropriate disposal of demolition waste off site. This process is in line with policies EM9 (Secondary and Recycled Aggregates) and EM11 (Waste Management Principles) as well EM11 of the RSS which relate to waste management principles and the provisions of Policy 11 (Development and Waste Recycling) of the Waste Local Plan

## **11. CONCLUSIONS**

It is considered that the proposed previously developed site adjacent to an existing employment site is an appropriate location for employment development, and would represent a logical rounding off of the wider industrial complex. The development can be accommodated on the site as conditioned without causing significant harm to the character and appearance of the open countryside or the amenities of nearby residential properties.

If a satisfactory scheme for vehicular turning movements and parking is not provided to overcome the concerns of the Strategic Highways Manager then the proposed development should be refused on Highways Safety grounds. If this concern can be addressed, however, the scheme will satisfy the relevant Local Plan policies and is recommended for approval.

## **12. RECOMMENDATIONS**

**Approve subject to receipt of additional information to demonstrate that the concerns of the Strategic highways Manager can be overcome and the following conditions:**

- 1. Standard**
- 2. Plans**
- 3. Materials to be submitted**
- 4. Surfacing Materials to be submitted**
- 5. Scheme of Landscaping to be submitted**
- 6. Scheme of Landscaping to be implemented**
- 7. Scheme of drainage to be submitted**
- 8. Boundary treatment to be submitted**
- 9. Turning area and parking as shown on approved plan to be provided prior to first occupation**
- 10. Gates to be set back from highway to allow HGV to pull clear from road**
- 11. Refuge island to be provided at junction of Green Lane and A51**
- 12. Green Travel Plan to be submitted, agreed and implemented**
- 13. Deliveries restricted to 08:00 – 18:00 Monday to Friday , 08:00 to 13:00 on Saturday and not on Sunday and BH's**
- 14. Incorporation of sustainable features to be submitted and approved**
- 15. Waste Management Plan to be submitted and approved**
- 16. Survey for Nesting birds between March and Sept**
- 17. Details of Bin storage to be submitted and agreed**
- 18. Details of cycle storage to be submitted and agreed**
- 19. Details of external lighting to be submitted and approved**
- 20. Noise attenuation Measures to be submitted and agreed**
- 21. All noisy works to be inside with doors windows closed**

**If the concerns of the highways authority are not addressed the proposed development should be REFUSED on the following ground:**

**The applicant has failed to demonstrate that the proposed development can satisfactorily allow HGV's to enter and leave the site in a forward gear. The proposed development would therefore result in HGV's reversing onto Green Lane and for vehicles parking on Green Lane which would result in an unacceptable impact on highway safety. The proposed development would therefore be contrary to Policy BE.3 (Parking and Access) and TRAN.9 (Car Parking Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.**

Location Plan: Cheshire East Council Licence No. 100049045



<b>Planning Reference No:</b>	10/0461C
<b>Application Address:</b>	The Bromley Centre, Bromley Road, Congleton. CW12 1PT.
<b>Proposal:</b>	Demolition of existing mill and erection of 12no 100% affordable houses.
<b>Applicant:</b>	Plus Dane Group.
<b>Application Type:</b>	Full Planning Permission
<b>Ward:</b>	Congleton
<b>Registration Date:</b>	2 <sup>nd</sup> March 2010
<b>Earliest Determination Date:</b>	8 <sup>th</sup> April 2010
<b>Expiry Date:</b>	1 <sup>st</sup> June 2010
<b>Date report Prepared</b>	6 <sup>th</sup> April 2010
<b>Constraints:</b>	Within the Settlement Zone Line

### **SUMMARY RECOMMENDATION**

Grant planning permission subject to conditions and S106 Agreement

### **MAIN ISSUES**

- Principle of Development and Loss of Employment Site
- Proposed Design
- Amenity (Noise, interface and garden areas)
- Environmental Health Related Issues
- Highways
- Provision of Public Open Space
- Ecology

## **1. REASON FOR REPORT**

The application proposes small-scale major development in excess of 10 dwellings.

## **2. DESCRIPTION OF SITE AND CONTEXT**

The application site, which measures approximately 0.14ha, is located approximately 250m east of Congleton town centre and contains the vacant Bromley Mill and a small car park area.

The sites northern boundary adjoins Brown Street and a large mill complex containing a variety of uses including commercial, employment and leisure uses whilst the eastern boundary adjoins Bromley Road which is approximately 2.5m higher than Brown Street. The eastern gable of Bromley Mill is visible from Bromley Road although the mill reads as a single storey building due to the fact that the building is cut into the slope of Brown Street as it rises to meet Bromley Road.

The sites southwestern boundary adjoins the retaining wall of Cheshire Bakeries, a small bakery and distribution centre, after which the boundary extends south along the length of Kelsall Street, a small cul-de-sac backed onto by residential properties along Spragg

Street. The western boundary adjoins the rear boundary of a three storey commercial building containing a variety of commercial uses.

Whilst the site generally appears flat, it has a gentle slope south to north with Kelsall Street sitting approximately 1m – 1.5m above Brown Street.

In terms of highways connections, both Brown Street and Kelsall Street are cul-de-sacs and traffic therefore uses any combination of Spragg Street, Thomas Street or Spindle Street to gain access to the main vehicular routes including Mountbatten Way, Brook Street and Bromley Road.

### **3. DETAILS OF PROPOSAL**

The applicants seek planning permission to redevelop the site for affordable housing comprising 12no social rented houses. Units would comprise 8no, 3-storey, 3-bed houses and 4no, 2-bed, 2-storey houses. Properties would be split into two terraced blocks of four and eight, facing out onto Bromley Road and Brown Street respectively.

The design is contemporary and utilises two and three storey, flat roof buildings finished using a varied palette of materials comprising brick, rendered panels and timber cladding with elevations punctuated, for the most part, by tall windows with a strong vertical emphasis.

A total of 14 parking spaces are proposed in the form of private drives and a small communal courtyard. All properties have small rear gardens and in some cases small front garden and upper floor balconies that provide a small amount of additional private amenity space.

Vehicular access to the site is gained from Brown Street whilst pedestrian access can be gained from either Bromley Road or Brown Street.

Boundaries would be treated with 2.1m high mesh fencing supplemented by evergreen planting or 1.8m high concrete post and timber panel fence.

### **4. RELEVANT HISTORY**

8/36100/3 Conversion of existing building to eight apartments and erection of five town houses, including partial demolition of existing building. Refused 23.09.2003. Appeal Dismissed 23.12.2004.

8/37135/3 Demolition of existing building and erection of ten dwellings and parking and access. Refused 10.05.2004. Appeal Dismissed 23.12.2004.

### **5. POLICIES**

#### **National Policy**

PPS1 'Delivering Sustainable Development'

PPS3 'Housing'

PPG13 'Transport'

PPS23 'Planning and Pollution Control'

PPG24 'Planning and Noise'

**Regional Spatial Strategy**

DP1 'Spatial Principles'

DP4 'Make the Best Use of Existing Resources and Infrastructure'

DP5 'Manage Travel Demand; Reduce the Need to Travel, and increase accessibility'

DP7 'Promote Environmental Quality'

EM17 'Renewable Energy'

**Local Plan Policy**

PS4 'Towns'

GR1 'New Development'

GR2 'Design'

GR3 'Design'

GR6 'Amenity and Health'

GR7 'Amenity and Health'

GR8 'Amenity and Health'

GR9 'Accessibility, Servicing and Parking Provision'

GR14 'Cycling Measures'

GR17 'Car Parking'

GR18 'Traffic Measures'

GR22 'Open Space Provision'

H2 'Provision of New Housing Development'

H4 'Residential Development in Towns'

H13 'Affordable and Low Cost Housing'

NR3 'Habitats'

**Other Material Considerations**

SPG1 'Public Open Space'

SPG2 'Private Open Space'

SPD6 'Affordable Housing and Mixed Communities'

2006 Congleton Housing Needs Survey

**6. CONSIDERATIONS (External to Planning)**

**Highways:**

For the highways authority to support this application, 100% off street parking must be provided plus 3 visitor spaces but note that the plans provided differ in layout.

For the highways authority to adopt this development, a turning head must be provided, and along with footways and road layout, constructed to CEC specification. All turning movements within the site must be demonstrated prior to approval.

A request was therefore made for further information to be supplied.

Highways then advise that subject to the above information being received and approved, in principle there are no highways objections.

**Environmental Health:**

No objection subject to conditions.

### **Ecology**

No objection to the proposed development.

### **Local Plans and Economic Policy**

No comments received

### **Greenspace**

The consultation response identifies a significant shortfall in play equipment and amenity greenspace within 800m of the application site and seeks a financial contribution from the developer of approximately £17,956.

### **Congleton Town Council**

No objection

## **7. OTHER REPRESENTATIONS**

Three letters of objection received expressing concern at the loss of car parking that too many units are proposed, that the units are too high, overlooking and loss of privacy and that the scheme would have an adverse impact on highway safety.

## **8. APPLICANT'S SUPPORTING INFORMATION**

Planning, Design and Access Statement  
Contaminated Land Assessment  
ENS and PPG24 Assessment Report (Noise)  
Ecological Appraisal

## **9. OFFICER APPRAISAL**

### **Principle of Development**

Officers are satisfied that the principle of development on the site is acceptable. The development would utilise previously developed land within the settlement zone and in close proximity to Congleton town centre which has a good range of shops and services. On that basis, the application site benefits from a general presumption in favour of development under local plan policy PS4 and policy DP4 of RSS that prioritises re-use of previously developed land within settlements.

Officers also consider that the site would fall to be considered as '*deliverable*' when assessed against the advice within paragraph 54 of PPS3. The site is considered to be suitable for housing development, available immediately and with a reasonable prospect that housing could be delivered within 5-years. Whilst Plus Dane require grant funding from the HCA to deliver the scheme, they advise this could be available in the next financial year provided they can demonstrate to the HCA they have satisfied the Council's local lettings policy; a matter which can be addressed through an appropriately worded S106 agreement.

Whilst PPS1 and PPS3 would ordinarily seek to avoid concentrations of single tenure development, your officers are comfortable with this approach on this site due to the small



number of dwellings and the fact that the scheme comprises a mix of two and three bed houses thereby offering a variety of accommodation. Additionally, it is understood that the delivery of small blocks of affordable housing such as this is preferred by Dane Plus.

The principle of development is therefore considered to be acceptable subject to an assessment of design (scale and character) and compliance with other relevant planning policies and these issues are now considered in more detail.

### **Loss of Employment Land and Housing Need**

The general thrust of policy E10 is to protect the boroughs employment land supply; however, the policy provides for certain exceptions including the ability to demonstrate substantial planning benefit. In this respect your officers are satisfied that provision of scheme comprising delivering of 100% affordable housing for social rent falls to be considered as a substantial planning benefit.

The scheme has the support of the Councils Housing section and would enable Plus Dane Group to deliver twelve much needed houses for social rent helping to meet the considerable current levels of demand within Congleton. Moreover, the new units would contribute to a reduction in the current shortfall in delivery of new affordable housing across the borough which, in the case of the former Congleton Borough, amounts to approximately 240 dwellings per annum based on statistic within the 2004 Congleton Housing Need Survey.

Whilst the case put forward by the applicants sought to demonstrate that the building was no longer suitable for employment re-use, and that substantial planning benefit would arise from the removal of a potential problem neighbour, officers attached little weight to this position because it is considered that the building could be refurbished to provide employment space similar to that which has been provided within other units in the area.

Notwithstanding this point however, your officers are entirely satisfied that any harm arising from the loss of this small mill building is significantly outweighed through the delivery much needed social rented housing and that the scheme complies with the requirements of policy E10.

### **Design**

The design of the proposed development is considered to be acceptable. It would deliver high quality, contemporary design which serves to improve the character of the area and the way it functions thereby addressing one of the principle requirements of PPS1 and PPS3.

The contemporary design approach is entirely acceptable for the site and has allowed the applicants to successfully respond to constraints such as the significant difference in levels between and the relatively shallow depth and restricted interface distances to the rear of dwellings along Kelsall Street. It also allows for an attractive built frontage to be delivered both to Bromley Road and Brown Street whilst the varied palette of materials would introduce an element of visual interest to the otherwise mundane streetscene. Similarly, the staggered floors and outriggers will ensure that the buildings, and not car parking spaces, define the street.

Whilst concern has been expressed about the height of the proposed houses, your officers consider their height to be entirely acceptable in design terms when considering the height of both the current mill building, which is taller than the highest point of the proposed three storey dwellings, and the three storey commercial building located on the sites western boundary.

On the basis of the above, officers therefore also satisfied that the design of the proposed development not only addresses the requirements of PPS1 and PPS3 but also the local plan policies GR1, GR2, GR3, H4 and PS4.

### **Residential Amenity**

#### *Interface distances, overlooking and loss of light.*

Following detailed assessment, officers are satisfied that the design and layout of the proposed development is acceptable in terms of preserving residential amenity of nearby dwellings, particularly those to Spragg Street.

The site lies to the north of dwellings on Spragg Street thus avoiding any detrimental impact in terms of loss of light and the scheme has been carefully designed to retain a minimum interface of 21.3m at first floor level thereby avoiding any issues of dominance, overlooking and loss of privacy. Furthermore, the scheme has incorporated flat roofs into the design which serve to help mitigate the impact of an additional 3<sup>rd</sup> storey. Members should also note the fact that the site is lower than Spragg Street which further serves to minimise any impact from the extra storey. On the basis of the above, officers are satisfied that the requirements of policies GR1, GR6 and SPG2 have been met.

#### *Noise*

The sites location within a mixed-use area directly adjacent to a main road necessitated submission of a detailed noise assessment. The survey concluded that the dominant noise source was road traffic noise, as opposed to industrial, and that noise levels fell into PPG24 Noise Exposure Category B where planning permission can be granted subject to conditions to mitigate noise. On that basis, Environmental Health have confirmed that they have no objection to the proposed development subject to a condition to ensure that a detailed scheme for noise mitigation is submitted to the Council for approval and fully implemented prior to occupation thereby ensuring that the requirements of local plan policy GR8 can be satisfied.

#### *Amenity Space*

Whilst the applicants have been unable to provide the necessary 65m<sup>2</sup> ordinarily required by SPG2, your officers are satisfied that the scheme strikes an acceptable balance between provision of private amenity space (gardens and balconies) and providing a high quality design solution on a constrained site. It is also important to note that the one of the aims of SPG2 is to ensure sufficient space is retained for extensions under permitted development rights; however, given the social rented tenure of the development, it is considered highly unlikely that future occupiers would seek to extend the dwelling.

### **Provision of Public Open Space**

In seeking to deliver a scheme comprising entirely social rented housing, the applicants have advised that the financial viability of the scheme is marginal due to the limited grant

funding available to Dane Plus. They also argue that the requirement to make a financial contribution towards POS could adversely affect the likelihood of a successful funding bid because the HCA are only likely to approve the most cost-effective schemes.

Whilst the Councils Streetscape section are aware of these concerns, they are equally concerned that a significant POS deficit exists within 800m of the site and that the development, when assessed against the Councils POS guidance note, would be required to make a contribution of £17,956 towards amenity Greenspace provision, play equipment and maintenance.

Whilst this is a very finely balanced issue, and the concerns of the Streetscape are noted, officers consider that the balance must fall in favour of granting planning permission for the development on the basis that the development would contribute towards addressing both the shortfall in delivery of new affordable housing against the identified 2006 targets and current levels of demand for social rented houses within Congleton.

Officers will however provide an update at committee as discussions were still on going with Plus Dane at the time of report preparation over the possibility of securing works by Dane Plus directly, deferred payment, or at the very least a smaller contribution.

## **Highways**

Whilst an objection has been received from the highway section, this relates to the layout and not vehicular movements that can be safely accommodated within the highway network. This is because the proposed development is unlikely to generate levels of traffic over and above those generated by an employment use at the site.

Whilst it is important to note highways concerns over the deficiencies within the proposed parking court (namely a lack of manoeuvring space) it is considered this results from inefficient use of space which, at the time of writing this report, the applicants were working to address. An update will therefore be provided at committee on this matter.

Therefore, subject to resolution of this outstanding issue, officers consider that the requirements of policies GR1, GR9 and GR18 of the local plan can be satisfied.

## **Environmental Health Related Issues**

Whilst issues relating to noise were addressed within the previous section, the redevelopment of the site still raises issues in terms of contamination and air quality.

### *Contamination*

The applicant's have submitted a phase 1 desktop study which indicates that the site is likely to contain localised organic and inorganic contaminants as well as made ground (which presents a low risk in terms of ground gas and but which may also contains asbestos). The report also noted that were made ground to exceed depths of 2.5m, the applicants would be required to consider alternative foundation solutions (to reinforced slabs).

Whilst it would be necessary for the applicants to undertake further intrusive investigations prior to the commencement of development in order to inform a detailed remediation

strategy, Environmental Health have advised that they have no objection to the principle of residential on the site and that the additional survey work can be secured through imposition of a suitably worded condition.

#### *Air Quality*

Due to the potential for dust emissions during demolition works, Environmental Health have requested a condition be imposed on any permission to secure precise details of a dust mitigation strategy to control emissions which can be secured by a suitably worded condition.

Therefore, on the whole, officers are satisfied that the requirements of policies GR7 and GR8, along with PPS23, can be satisfied.

#### **Ecology**

Given the age and style of the building, the applicants were required to submit a detailed bat survey prepared by a suitably qualified ecologist. The report found no evidence of bats and concluded that the proposed development would have no adverse impact on protected habitats or species, a position with which the Councils ecologist agreed. The proposed development would therefore satisfy the requirements of Planning Policy Statement 9 and local plan policy NR3.

### **10. CONCLUSIONS AND REASONS FOR THE DECISION**

The proposed development has demonstrated substantial planning benefit that outweighs the loss of a small vacant employment site. The development is considered 'deliverable' in PPS3 terms and would utilise previously developed land in an accessible location close to Congleton town centre. The design is acceptable in its setting and would deliver high quality design which improves the character of the area and the way it functions whilst also preserving the amenity of existing residential dwellings to the south of the site.

### **11. RECOMMENDATION**

**Approval subject to conditions and subject to the applicants entering into a S106 Agreement to secure the social rented housing.**

#### **S106 Heads of Terms**

To cover provision of social rented housing

Contribution of public open space (subject to on-going discussions)

#### **Conditions**

**1. 3yr Time Limit**

**2. Development in accordance with approved plans**

**3. Materials to be agreed prior to construction commencing (including window frames, doors and balconies)**

**4. Site levels in accordance with approved plans**

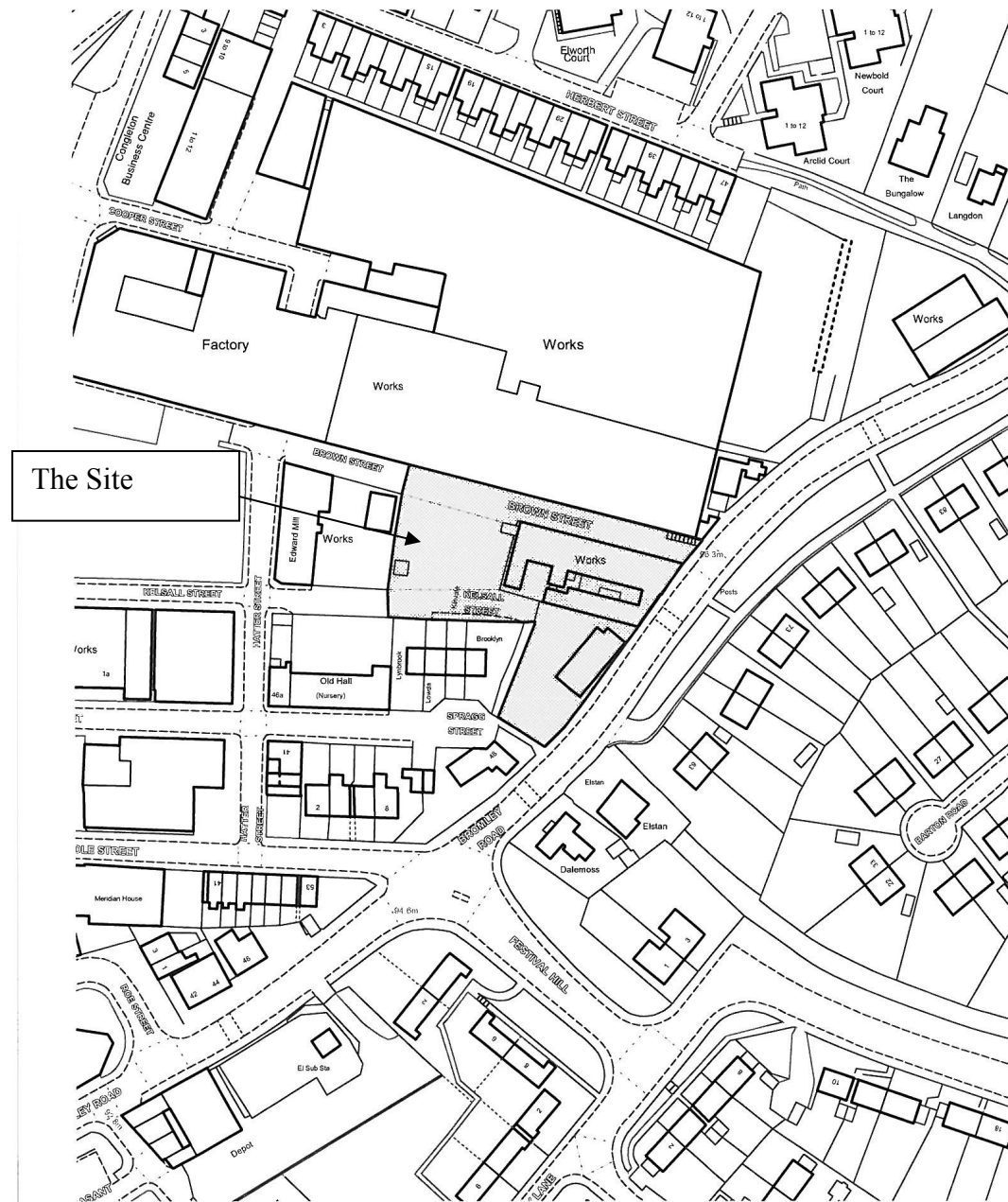
**5. Standard contaminated land condition but which includes reference to gas monitoring and foundation design**

**6. Detailed scheme for noise mitigation to be agreed and implemented prior to first occupation**

**7. Scheme for mitigation of dust during demolition and construction**

- 8. Restriction on hours of construction**
- 9. Removal of permitted development rights**
- 10. Landscaping condition and implementation**
- 11. Precise details of boundary treatments to be agreed**
- 12. Precise layout of car parking court to be submitted and agreed prior to commencement of development**

Location Plan: Cheshire East Council Licence No. 100049045



<b>Planning Reference No:</b>	10/0643N
<b>Application Address:</b>	Land North West of Weston Lane, Crotia Mill Road, Weston , Crewe
<b>Proposal:</b>	Change of Use from Agricultural Land to Allotment Purposes for the Use of the Residents of Weston and Basford
<b>Applicant:</b>	Weston and Basford Parish Council, Malt Kiln Cottage, Englesea Brook Lane, Barthomley, Crewe, CW2 5QW
<b>Application Type:</b>	Full Planning
<b>Grid Reference:</b>	372487 352538
<b>Ward:</b>	Doddington
<b>Earliest Determination Date:</b>	24 <sup>th</sup> March 2010
<b>Expiry Dated:</b>	13 <sup>th</sup> May 2010
<b>Date of Officer's Site Visit:</b>	19 <sup>th</sup> March 2010
<b>Date Report Prepared:</b>	7 <sup>th</sup> April 2010
<b>Constraints:</b>	Wind Turbine Dev Consultation Area

**SUMMARY RECOMMENDATION:**  
**APPROVE subject to conditions**

**MAIN ISSUES:**

**The key issues for members to consider in determining this application are**

- Principle of development
- Impact on the character and appearance of the open countryside and green gap
- Impact on residential amenity
- Impact on ecology
- Highways and parking
- Impact on TPO trees

## **1. REASON FOR REFERRAL**

This application is included on the agenda of the Southern Planning Committee as the site area is 1.214 hectares and is therefore a small-scale major development.

## **2. DESCRIPTION OF SITE AND CONTEXT**

**3.**

The application site lies within the open countryside and the Shavington/Weston/Crewe green gap immediately to the north west of the village of Weston. The existing access is taken off Mill Lane at the junction with Weston Lane. The site comprises of agricultural land which slopes away towards Basford Brook to the west. The eastern boundary is formed by a 1.5 metre hedge and the southern boundary with Weston Lane by a high 2 metre hedge with a number of mature trees within the hedge line which are protected by a Tree Preservation Order (TPO). To the north is the A500 Shavington bypass.

There are also a number of TPO trees to the west within the area edged blue on the plan. This land will not form part of the proposed allotment site.

#### **4. DETAILS OF PROPOSAL**

Full planning permission is sought for the change of use of the land to allotment gardens comprising 30 plots each at 30 metres by 9 metres. The allotments are proposed as a community facility for the residents of Weston and Basford after a demand for such a facility was identified by the Parish Council in the preparation of its Parish Plan.

It is proposed to provide a communal storage building which will consist of a steel container clad with rustic timber and planted with a green roof. The storage container will be 6 metres in length, 3 metres wide and 3 metres high. It is also proposed to provide a poly tunnel measuring 4 metres wide by 16 metres in length and 2 metres in height. The communal buildings and parking area will be located along the site frontage adjacent to Weston Lane with the allotment plots to the north/north west.

A new access will be formed off Mill Lane with the existing access closed off. Parking will be provided for 8 cars with 6 standard spaces and 2 disabled bays.

#### **5. RELEVANT HISTORY**

No relevant planning history

#### **6. POLICIES**

##### **Regional Spatial Strategy**

DP1 Spatial Principles  
DP7 Promote Environmental Quality  
EM1 Natural Environment

##### **Local Plan Policy**

NE.2 (Open Countryside)  
NE.4 (Green Gaps)  
NE.5 (Nature Conservation and Habitats)  
NE.9 (Protected Species)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
TRAN.9 (Car Parking Standards)  
RT.6 (Recreational Uses in the Open Countryside)  
CF.2 (Community Facilities)

##### **Other Material Considerations**

PPS1: Delivering Sustainable Development  
PPS7: Sustainable Development in Rural Areas  
PPS9: Biodiversity and Geological Conservation

#### **7. CONSULTATIONS (External to Planning)**

##### **Highways:**

*The Strategic Highways and Transportation Manager has assessed this application and offers the following comments:*



- No highways objections, subject to a condition requiring detailed drawings of access and parking arrangements before occupation.

**Nature Conservation:**

The Borough Council's Nature Conservation Officer does not object to this proposal. There are no significant ecological impacts associated with this development. The following conditions are recommended in accordance with the ecological report.

- The development should proceed in accordance with the recommendations of the Ecological Impact Assessment
- Prior to the commencement of any works between 1<sup>st</sup> March and 31<sup>st</sup> August in any year, a survey for the presence of nesting birds is required.

**8. VIEWS OF THE PARISH COUNCIL:**

Not applicable – The Parish Council is the applicant

**9. OTHER REPRESENTATIONS:**

No other representations have been received.

**10. APPLICANT'S SUPPORTING INFORMATION:**

The applicant has submitted a Design and Access Statement including an assessment of the site selection process. The contents can be summarised as below

- There is a positive demand for allotments in Weston and Basford identified through a questionnaire associated with preparation of parish plan
- Weston and Basford Allotment Group has been formed currently with 25 paid up members
- Most sites in Parish are owned by the Duchy of Lancaster or the Co-op who have no land available
- Other land owners have been approached but without success
- Allotments are a use totally appropriate to a rural area
- It is not the intention that sheds and other structures are scattered over the allotment site
- A suitably designed communal building and car park will be provided at the southern end of the site to integrate visually with the Fourways housing development.
- Consultation has taken place with the local authority prior to submission
- Consultation has taken place with residents at Fourways and positive feedback has been received.
- The site will be restricted to residents of the Weston and Basford Parish
- Part of the ethos behind this is as a community building exercise and ancillary to the main use there may be occasional community events
- The area edged blue will remain in its existing state as rough meadow land.
- The site will comprise 30 allotment plots each 30m x 9m
- The communal storage building will be clad with rustic timber and treated with an eco friendly roof.
- The development will visually integrate with the edge of the built up area of Weston village
- An area of wildflowers will enhance biodiversity and the area will also benefit from bulb planting and flower beds. Hedging/shrub species will be planted to screen the buildings and car park.
- Existing access will be relocated away from the dangerous junction of Cemetery Road and Whites Lane

- It is envisaged that the majority of people using the site will walk or cycle given the proximity of the site to the village centre.

An Ecological Impact Assessment prepared by Cheshire Farming and Wildlife Advisory Group (FWAG) at Reaseheath College has also been received.

- The area where allotments will be sited is currently over-wintered stubble which has been colonised by naturally regenerating common arable weeds and grasses
- The field is surrounded by a hawthorn hedge on the southern and eastern sides and are tightly cut and unlikely to support many nesting birds
- A line of newly planted trees forms the western edge of the site and as long as a 2m buffer is retained from the edge of the canopy the trees will not be affected.
- The Cheshire rECOd database has been searched for protected and BAP species
- The development will not result in the loss of significant terrestrial habitat and the work will have a low impact on local populations of protected species
- A small amount of winter seed source for several farmland birds may be lost however there is adjacent farmland within the birds range which can be used.
- The surrounding hedges should be grown up and out to support nesting birds
- Before removing the section of hedge for the access it should be checked for nesting birds. Ideally it should be netted before the bird breeding season (1<sup>st</sup> March – 31<sup>st</sup> August)
- Where small gaps exist in the eastern boundary hedge new hedgerow trees could be established.
- A margin of 2 metres or more uncut at the edge of the field adjacent to the hedgerows should be considered to add habitat and benefit for a range of species.
- New tree planting should be native species and should be protected for the first couple of years.

## **11. OFFICER APPRAISAL**

### **Principle of Development**

The proposed development is located within the Green Gap and designated open countryside. Green gap policy seeks to ensure new buildings do not result in the erosion of the physical gap whilst policy NE.2 relating to open countryside seeks to protect the openness of the countryside for its own sake to protect the character and amenity of the countryside. Development should therefore be kept to a minimum.

Policy NE.4 states that where it can be demonstrated no suitable alternative location is available, it may justify a relaxation of the strict controls in the green gap. The applicant has provided information which shows that attempts have been made to acquire land within the vicinity, however no land is currently available or is likely to become available as it is subject to long term tenancy agreements. This land, whilst outside the settlement boundary is immediately adjacent to it.

Policy NE.2 allows for recreational uses in the countryside and it is considered that this proposal falls within that category, therefore provided it accords with other criteria and policies the principle of development is accepted.

### **Open Countryside and Green Gap**

Allotments are considered an agricultural use and although the character and appearance is different to that of the intensive farming which shapes the modern countryside, it will visually harmonise with the rural character of the landscape by virtue of its quasi agricultural character.

The built development has been kept to a minimum and within close proximity to the opposing dwellings at Fourways, towards the Weston Lane frontage and therefore immediately adjacent to the built up area and the settlement of Weston. The allotment gardens will be located to the north/north west and in order to protect the openness of the countryside and prevent erosion of the green gap, if the committee are minded to approve the application a condition should be imposed to ensure no sheds or buildings are erected on the individual plots or within other areas. This will allow the authority strict control over any further development which may result in the erosion of the green gap.

### **Ecology**

The submitted Ecological Impact Assessment concludes that the development will not result in the loss of important terrestrial habitat and the development will have a low impact on any protected species. The Council's Nature Conservation Officer has viewed the report and is satisfied there will be no significant ecological impacts.

The Ecological Impact Assessment makes a number of recommendations for mitigation and improvements of habitat quality. If the committee is minded to approve the application a condition should be imposed to ensure these are carried out. A condition should also be imposed to ensure that immediately prior to the commencement of development between the period 1<sup>st</sup> March 31<sup>st</sup> August a survey for the presence of nesting birds should be carried out. This will ensure that any works do not disturb nesting birds which are protected under the Wildlife and Countryside Act 1981.

### **Design**

The proposal includes the erection of a communal storage building, a polytunnel and a car park and access road.

The communal storage building will consist of a steel container to be clad in timber. A steel container is proposed in order to maximise security, however the cladding will lessen any negative visual impacts of the structure and allow the container to harmonise with the surroundings. It is also proposed to provide a green roof which will help blend the storage building into the surroundings. The container is proposed is of a standard size, 6 metres in length by 3 metres wide and 3 metres high. At this size the bulk and mass of the container is kept to a minimum whilst providing sufficient storage of tools and equipment for the occupiers of the allotment plots. The container will be sited close to the existing built form and screened by the proposed planting. It will be a low level structure and therefore it is considered that it will not result in the erosion of the gap between built up areas nor will it adversely affect the character of the landscape.

The proposed polytunnel will be steel framed with plastic sheeting, as per the standard design and appearance for such structures. Polytunnels are features which are often seen in the rural landscape as they serve an agricultural purpose. However they can be large and contribute to the erosion of the openness of the countryside. Given that this proposal includes only one polytunnel at 16 metres by 4 metres and 3 metres high, it is unlikely to result in a significant detrimental impact on the surroundings and would not be of a scale, bulk and massing which would result in the erosion of the green gap.

A track will be formed from the new access to the car parking area which will be located adjacent to the site frontage. The car park will have a porous hardcore surface. This will appear appropriate in the countryside setting and the size of the car parking area has been kept to a minimum.

Screen planting is proposed along the front boundary and the boundary of Mill Lane to the new access. This will help to screen the site and particularly the communal area consisting of the storage building, polytunnel and car park. If the committee is minded to approve the application a condition should be imposed to require details of the proposed planting to ensure the screening is sufficient and species appropriate for the rural location.

### **Amenity**

The nearest residential properties are facing onto the site located at Fourways on the opposite side of Weston Lane. The use of the land as allotments is likely to generate some noise and disturbance however this will be minimal as the allotment plots are approximately 70 metres from the nearest dwellings. The communal area including the car park and storage buildings is closer to the properties however the scale of the site and use as allotments is unlikely to generate significant vehicle movements or noise and disturbance to the detriment of the enjoyment of the properties at Fourways.

### **Highways and Parking**

The proposal includes the provision of 6 parking bays and 2 disabled parking bays. It is intended that the allotments will be a community facility and therefore it is hoped people will access the site via means other than motor vehicles. The site is outside the village of Weston and therefore may encourage the use of the motorcar however it is located immediately adjacent to the village and within walking/cycling distance. Furthermore no Highways objections have been raised.

The new access will be formed off Mill Lane approximately 40 metres from the junction of Mill Lane, Whites Lane/Weston Lane and Cemetery Road. The existing access is at the junction so the closing of this access should be ensured by condition should the application be approved in order to avoid any detrimental impact on highway safety. The new access will provide safer access and egress arrangements than the existing location.

Should the committee be minded to approve the application a condition should be attached to require detailed drawings of the new access and the car park to ensure they do not result in any detrimental impact on highway safety.

### **Trees**

The TPO trees along the site frontage will be retained and further planting added to screen the car park and storage buildings. However should permission be granted it is important to ensure the trees are not damaged by any construction vehicles brought on to the site. A condition should therefore be imposed to require protective fencing to be erected to protect the trees from damage during construction activity.

## **12. CONCLUSIONS**

The proposed development would create a community facility for the residents of Weston and Basford within close proximity to the village of Weston. The site lies outside the settlement boundary in the green gap and open countryside, however it is immediately adjacent to the settlement boundary. More generally there are no other sites available within the vicinity and within the settlement boundary, and as such the proposed site is the most effective solution to providing this community facility.

The proposal keeps the communal storage and polytunnel sited close to the Weston Lane frontage and reflective of the built form opposite the site at Fourways. This arrangement

will minimise the impact on the green gap and protect the openness of the countryside. The allotment use is appropriate recreational activity in the open countryside.

With regard to other material considerations, the proposal will not result in a detrimental impact on highway safety, and proposes a new access further from the junction of Mill Lane, Whites Lane/Weston Lane and Cemetery Road. It is not considered this development would result in significant ecological impacts.

Taking the above into account, the scheme is deemed to be acceptable and in accordance with the relevant development plan policies and therefore members are recommended to approve this application.

### **13. RECOMMENDATIONS**

**APPROVE subject to the following conditions**

- 1. Standard time**
- 2. Approved plans**
- 3. No development to commence until a sample of the timber cladding to be used on the storage container has been submitted and approved.**
- 4. No development to commence until landscaping details have been submitted and approved.**
- 5. Implementation and maintenance of landscaping**
- 6. Tree protection in accordance BS 5837:2005 to TPO trees on site frontage**
- 7. Immediately prior to the commencement of any works between 1<sup>st</sup> March and 31<sup>st</sup> August in any year, a survey for the presence of nesting birds shall be carried out.**
- 8. No development to commence until detailed drawings of the new access and parking have been submitted and approved.**
- 9. No development to commence until details of the closure of the existing access have been submitted and approved.**
- 10. No buildings to be erected on the allotment plots without prior consent of the local planning authority.**
- 11. No further buildings to be erected on any other land without prior consent of the local planning authority.**

**LOCATION PLAN:** Cheshire East Council Licence No. 100049045



<b>Planning Reference No:</b>	10/0678N
<b>Application Address:</b>	Brindley Farm, Wrexham Road, Burland, Nantwich, CW5 8NA
<b>Proposal:</b>	Erection of a Poultry Shed as an Extension to an Existing Poultry Unit
<b>Applicant:</b>	RM & K Whittaker
<b>Application Type:</b>	Full Planning
<b>Grid Reference:</b>	361060 353820
<b>Ward:</b>	Cholmondeley
<b>Earliest Determination Date:</b>	14 <sup>th</sup> April 2010
<b>Expiry Dated:</b>	27 <sup>th</sup> May 2010
<b>Date of Officer's Site Visit:</b>	15 <sup>th</sup> March 2010
<b>Date Report Prepared:</b>	8 <sup>th</sup> April 2010
<b>Constraints:</b>	Open Countryside

### **SUMMARY RECOMMENDATION**

**Approve with Conditions**

### **MAIN ISSUES**

- Principle of Development
- Impact on Character and Appearance of the open countryside
- Impact on Amenity of adjacent properties
- Impact on highway safety
- Impact on Protected Species
- Impact on Public Right of Way
- Impact on local watercourse through Flooding

## **1. REASON FOR REFERRAL**

This application is to be considered by the Southern Planning Committee as the proposal involves the creation of over 1,000sqm of agricultural floorspace.

## **2. DESCRIPTION OF SITE AND CONTEXT**

The application site is an existing intensive poultry farm for meat for human consumption, located to the west of the village of Burland on land which is designated within the Local Plan as Open Countryside. The farming complex is a well established enterprise with a mixture of traditional farm buildings and a modern portal buildings. There are 4 existing large poultry sheds on the site. To the west of the existing poultry sheds, adjacent to the eastern boundary of the application site, lies a brook and Public Footpath. To the north are open agricultural fields.

## **3. DETAILS OF PROPOSAL**

The application proposes the construction of a poultry shed measuring approximately 99m in length and 20m in width, with a maximum height to ridge of 4.4m. The scheme also includes the construction of a small control room and two feed bins that are 7.5m in height, and also an 18m wide concrete apron to the front of the building. The proposals

will increase the accommodation at the site from 127,124 to 161,815 birds (increase of 34,691 broilers).

#### **4. RELEVANT HISTORY**

**P98/0568** – Planning permission approved for two poultry sheds on 18<sup>th</sup> September 1998.

**P96/0643** – Planning permission approved for a poultry shed on 19<sup>th</sup> September 1996.

**P93/0693** – Planning permission approved for a poultry shed on 29<sup>th</sup> September 1993.

#### **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:

##### **Local Plan policy**

NE.2 Open Countryside  
NE.5 Nature Conservation and Habitats  
NE.9 Protected Species  
NE.14 Agricultural Buildings Requiring Planning Permission  
NE.17 Pollution Control  
NE.20 Flood Prevention  
BE.1 Amenity  
BE.2 Design Standards  
BE.3 Access and Parking  
BE.4 Drainage, Utilities and Resources  
BE.5 Infrastructure  
RT.9 Footpaths and Bridleways

##### **Other Material Considerations**

Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Statement 4: Planning for Sustainable Economic Growth  
- Policy EC.10 Determining Planning Applications for Economic Development  
- Policy EC.12 Determining Planning Applications for Economic Development in Rural Areas  
Planning Policy Statement 7: Sustainable Development in Rural Areas

#### **6. CONSULTATIONS (External to Planning)**

**Strategic Highways Manager:** The existing access has been improved as part of a previous planning permission. There is no significant increase in vehicular movements at this location as a direct result of this application. No highways objections.

**ESU Nature Conservation:** Do not object to this application. Do not anticipate there being any significant ecological issues associated with the development.



**ESU Landscape:** No comments received at time of writing report

**Environment Agency:** No objection subject to conditions. The site is currently at high risk of being flooded from fluvial sources. The maps are however indicative. The Flood Risk Assessment identified that there is a medium annual risk of fluvial flooding to the site. The report has made a number of recommendations to reduce the impact of flooding on the proposed development. Therefore a condition for a scheme of flood proofing measures to be submitted.

A variation of the site licence is also required (Informative)

**Environmental Health:** The site is licensed and regulated by the Environment Agency and so any environmental concerns will be regulated through their site permit. However would like one condition for Acoustic Enclosures of any fans, compressors or other equipment with the potential to create noise.

**United Utilities:** No objection to the proposal

**Public Right of Way Unit:** Property is adjacent to public footpath Brindley No.24. It appears unlikely that the development will affect the PROW. However they expect an informative to be attached to any permission to make the developers aware of their obligation not to affect the footpath.

**Spatial Planning:** No comments received

**Ramblers Association:** No comments received

**Open Space Society:** No comments received

**Mid Cheshire Footpath Society:** No comments received

## **7. VIEWS OF THE PARISH COUNCIL**

None received at time of writing report

## **8. OTHER REPRESENTATIONS**

None received at time of writing report

## **9. APPLICANT'S SUPPORTING INFORMATION**

**Planning Statement** (*Prepared by HOW Planning dated January 2010*)

- Screening and Scoping Opinion obtained from Local Planning Authority which concluded that an Environmental Impact Assessment was not required.
- Overview of business operation provided
- Feed brought in by HGV's
- Mortalities are collected on a regular basis, stored in sealed containers and removed by a licensed operator. Carcasses are stored in a frozen store on site to reduce unnecessary vehicular movements
- Wood shavings laid to a depth of 2cm. At the end of the crop cycle the litter is taken by tractor and spread on nearby farm as organic fertilizer (owned by Huxley Farms). 624 tonnes will be produced by the crop each year, as a worse case scenario.

- Access has visibility of 2.4m x 215m.
- Landscaping proposed to soften the appearance of the building
- All external lighting will be downward facing to reduce light spill. Single low wattage light during working hours of winter months
- Development does not have the potential to increase flood risk to surrounding area. Therefore surface water will be connected to existing drainage system
- During washdown surface water will be diverted to the underground dirty water storage tanks
- 24 hour/7 day a week operation.
- Additional shed will require 2 full time employees.
- Odour management: Propose to reduce moisture content in shed as wet litter emits more odour than dry – maintain moisture content, topping up or replacing wet litter, minimising spills from watering system, insulation to minimise condensation
- Provide adequate ventilation of appropriate design
- Control shed temperature and humidity
- Removing spent litter from shed which will occur approximately 7.45 times a year – series of best practice measures have been suggested
- Spreading will be avoided in adverse weather, weekends or public holidays, cultivated to soil as quickly as possible, consideration of wind speed and direction
- Dietary manipulation will be practiced to control odour
- Odour baffle will be placed 4m from the outlet ventilation fans to enhance dispersion and directing odourants in an upwards direction
- Series of noise suppression measures proposed
- Air quality study undertaken – concluded that no air quality standards or guidelines are forecast to be exceeded. Forecast rates of deposition of potentially hazardous substances due to emissions from the facility were also within relevant guidelines. The development will have no significant effect on air quality, the health of local people or designated wildlife sites.
- Landscape assessment – the landscape and visual assessment has established that the proposed poultry installation will have limited effect on the baseline conditions in terms of both landscape character and visual amenity. Site selection and design will reduce, minimise or even improve any potential adverse effects. On balance it is considered that the development would be acceptable in this context
- Traffic – Existing 7 week movements of 82 HGV's, 46 Tractors and 6 Vans. Proposed 7 week movements of 102 HGV's, 58 Tractors and 6 Vans. Annually there will therefore be an increase of 152 HGV's and 91 Tractor movements. The proposals will not increase movements above one movement per day or above two movements per day during peak periods in the crop cycle. There will be no significant effect on the highway network.

**Design and Access Statement** *(prepared by Roger Parry & Partners LLP dated February 2010)*

- Use – Proposed use is to house broiler chickens. Proposals include feed and control rooms
- Amount – Provision of one building with control room and associated feed bins
- Layout – Proposal located to the east of existing poultry houses
- Scale – house will measure 96.281m x 20.12m. Eaves and ridge heights will be 2.59m and 4.36m respectively. Attached control room will measure 3.05m x 6.096m. Feed bins will be 7.5m high and 2.8m in diameter.
- Landscaping – site already well screened from existing vegetation. Proposed to establish a hedgerow comprising mixed native species along the eastern boundary to screen the existing and proposed building from the footpath to the east. Provision will be made for a concrete apron to front of building

- Appearance – Steel Framed construction. Roof and side wall will be clad with box profile polyester coated steel sheeting. Feed bin will be coloured grey to match existing buildings. The building will be painted to match the existing buildings. Appearance is typical of many modern poultry buildings and therefore appropriate in rural context.
- Access – the existing access has been improved as part of previous planning application and will remain unaltered.

**Baseline Ecological Survey Report** (*prepared by Pearce Environment Ltd dated June 2009*)

- Survey for Birds, Bats, Great Crested Newts, Badgers, Water Voles, Otter carried out
- Pond to the west of the site found that there is little potential for the species.
- Badgers, Water Voles, Otters, reptiles not found to exist on site.
- No bat roosts exist on the site
- Action will be required if birds are known to existing on the site or if hedgerow is removed during nesting season.

**Flood Risk Assessment** (*Prepared by Hafren Water dated January 2010*)

- Site identified as being at risk from flooding within the Environment Agency's flood map within Flood Zone 3, which is a 1 in 100 or greater annual probability of river flooding. Part of site within Flood Zone 2 which has a probability of between 1 in 100 and 1 in 1000 annual probability.
- Based on the evidence available and absence of historical reports of flooding, the likelihood of fluvial flooding is considered to be "medium", the hazard "medium" and the overall risk is considered to be "medium".
- No known groundwater flooding in the vicinity of the site
- The application area will receive some surface run off from the yard to the west. The overall risk from surface water flooding is considered to be low.
- Suggested mitigation measures – storm drain to the west of the building would alleviate flows from surface water run-off and fluvial flooding. Electrical points should be located above floor level. Sand bags or flood barriers could be emplaced across the building entrance in the case of a flood. Inside floor levels could be raised (not best approach). Routine management of watercourse vegetation could increase flow. Keep informed of severe weather warnings. Underground tank to collect dirty water run-off.

## **10. OFFICER APPRAISAL**

### **Principle of Development**

Planning Policy NE.14 allows for the erection of agricultural buildings where the proposed development is required for the use of land for agricultural purposes and essential either to the agricultural operation or to comply with current environmental and welfare legislation, and maintains the economic viability of the holding. The applicant has stated that the proposed poultry shed will allow the poultry site to employ two full time workers. Furthermore, it has been stated that broiler production has been on rapid decline since 2005, and is at its lowest production level since 1995 (DEFRA). The applicant also states that the proposed development economic development will have a positive contribution towards the UK poultry sector. Planning Policy Statement 7: Sustainable Development in Rural Areas encourages agricultural development which enables farmers to become more competitive, allow them to adapt to new or changing markets, to comply with changing legislation and to broaden their operations to add value. It is clear that the proposed development will be ancillary to the existing agricultural operations of the site. Whilst no evidence has been submitted to suggest that the proposals are essential for the economic

viability of the holding itself, the proposed development would be in line with PPS7 and the it is considered that there are wider economic benefits to justify the development.

It is therefore considered that the proposed development is acceptable in principle providing the other criteria of Policy NE.14 in relation to design, disposal of waste, access arrangements, and amenity are satisfied, and other wider issues relating to protected species and flooding are considered.

A Screening and Scoping Opinion was requested from the Local Planning Authority to determine whether the proposed development would require an Environmental Impact Assessment. The Local Planning Authority considered the proposals both in isolation and cumulatively with existing development on the site and concluded that an EIA would not be required for this installation as the proposal would not result in significant environmental effects.

### **Impact on Open Countryside and Design**

The application proposals are for a significant structure measuring approximately 96m in length and 20m in width, with a maximum height of 4.4m. A building of this scale therefore has the potential to cause harm to the Open Countryside. The farm complex has four existing large poultry sheds which are sited in an east to west orientation. The proposed building will be sited immediately to the east of the existing sheds at a north to south orientation on land that is a part hardstanding and part grazing land. Whilst having a large footprint the building is of a low height when compared to other modern agricultural buildings which helps to reduce the visual prominence of the building. In its proposed location the building would be well screened from the south and west due to existing buildings and when viewed from the north and east it would be seen against the backdrop of existing development. It is considered that the proposed building is therefore appropriately sited in relation to existing buildings.

The building will be constructed from box profile steel sheeting with a grey finish which will match the existing sheds on the site and is of an appropriate appearance in this rural context.

Immediately to the east of the application site is public footpath Brindley No.24, the route of which runs along an existing farm track. The proposed building will be sited at its closest point 15m from the footpath and would be visible from this vantage point. As previously considered the proposed development would be in the context of the existing buildings on site. Additional mixed species hedgerow landscaping is proposed along the boundary line to help to screen the development and reduce its visual impact. It is considered that conditions to secure this hedgerow landscaping, along with additional trees, and for the implementation of the scheme are appropriate.

### **Amenity**

Policy BE.1 (Amenity) states that development should not have an adverse impact on adjoining properties through loss overshadowing, overlooking, visual intrusion or any other way, including noise and disturbance. The proposed development would not be sited within immediate proximity to any dwellings. The nearest dwelling outside the farming complex is sited 140m to the south of the proposed building.

No objection has been raised by Environmental Health or the Environment Agency with regard to noise and odour. The proposed development is sited at some distance from the nearest residential property and there are a number of buildings between the proposal and the nearest sensitive receptor which will act as a buffer for noise. Notwithstanding this there is still some potential for some nuisance to be caused if unmitigated. Therefore in line with the suggestions of Environmental Health a condition requiring acoustic attenuation measures to be submitted is suggested.

The application site currently has a permit from the Environment Agency to allow it to operate. A new permit or a variation of the existing permit will be required to allow for the additional broilers proposed at the site. The Environment Agency permit regulates the level of ammonia emitted from the site. A series of best practice measures to control odour emissions have been submitted with the application which would be required to comply with any permit for intensive broiler farming.

With regard to vehicular movements there will be an increase of tractor and HGV movements to/from the site. Over a 7 week period there will be an additional 20 HGV movements and an additional 12 tractor movements. The proposed increase on average would be less than one vehicle a day and would be imperceptible. It is therefore not considered to be a significant increase in comings and goings that would result in significantly demonstrable harm to the amenities of nearby residents along the Wrexham Road.

## **Highways**

The existing site access has recently been improved under a previous planning application which is adequate for the HGV movements. The access now has visibility splays of 215m in each direction. The increase in vehicular movements, as outlined in the above section, would not result in significant impact on the highways network. There has been no objection raised by the Strategic Highways Manager. It is therefore considered that there would be no significant highways issues resulting from the proposed development.

## **Protected Species**

A protected species survey has been submitted with the application. The survey considered the impact of the development on a number of protected species including bats, breeding birds, Great Crested Newts, otters, white clawed crayfish and water voles. No protected species were identified as present. A pond was noted to the west of the site. However this was considered to be unlikely to support GCN's. Furthermore there is a brook between the site and the pond which would form a barrier to migration. There has been no objection raised by the Council's Ecologist.

## **Waste Disposal**

The applicant has stated that the litter generated by the broilers will be collected and spread on nearby farms. A scheme of best practice for how this should be managed has also been proposed. Due to the potential impact that manure has on pollution the Environment Agency permit regulates how this should be disposed of.

At the end of the crop cycle the sheds are cleaned and the waste water is to be directed to tanks under the hardstanding. Surface water will also be redirected to these tanks at this time to ensure that dirty water does not direct into the nearby watercourse.

### **Flood Risk**

The Environment Agency's indicative Flood Map identifies part of the application site to be within Flood Zone 3 (1 in 100 year probability) and part within Flood Zone 2 (1 in 100 to 1 in 1000 probability). Therefore a Flood Risk Assessment has been submitted to support the application. This report identifies that there is no historic evidence of flooding at the site and that the site is at a "medium" risk to flooding. The assessment suggests the creation of a storm drain to the west of the building to alleviate flows from surface water run-off and fluvial flooding. No details of on-site drainage have been submitted and it is therefore suggested that these details are submitted to the Local Planning Authority for approval. These details should also include detail of the waste water tanks detailed above.

The Environment Agency has also suggested that a condition be attached for details of flood proofing measures to be submitted and approved.

### **Public Rights of Way**

Public Footpath Brindley No.24 is sited immediately to the east of the application site. The proposed development at its closest will be 15m from the public right of way and would not therefore require the diversion of the PROW. An informative highlighting the developers obligation to keep the footpath free from obstruction is required.

## **11. CONCLUSIONS**

The proposed agricultural development is considered to be justified in this location. Although a large structure the building is appropriately sited and designed to minimise the impact on the open countryside, with additional landscaping further reducing its impact. The nature of the development has the potential to cause nuisance to the amenity surrounding residents through odour, noise and traffic movements. A permit from the Environment Agency is required to operate the installation which will regulate odour emissions, whilst a condition for acoustic attenuation will reduce any noise impact. The level of additional comings and goings would be minimal. It is also considered that there would be no significant impact on the safety of the local highway network, protected species, flooding or public rights of way. The proposed development is therefore considered to 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, NE.17 Pollution Control, NE.20 Flood Prevention, BE.1 Amenity, BE.2 Design Standards, BE.3 Access and Parking, BE.4 Drainage, Utilities and Resources, BE.5 Infrastructure and RT.9 Footpaths and Bridleways of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

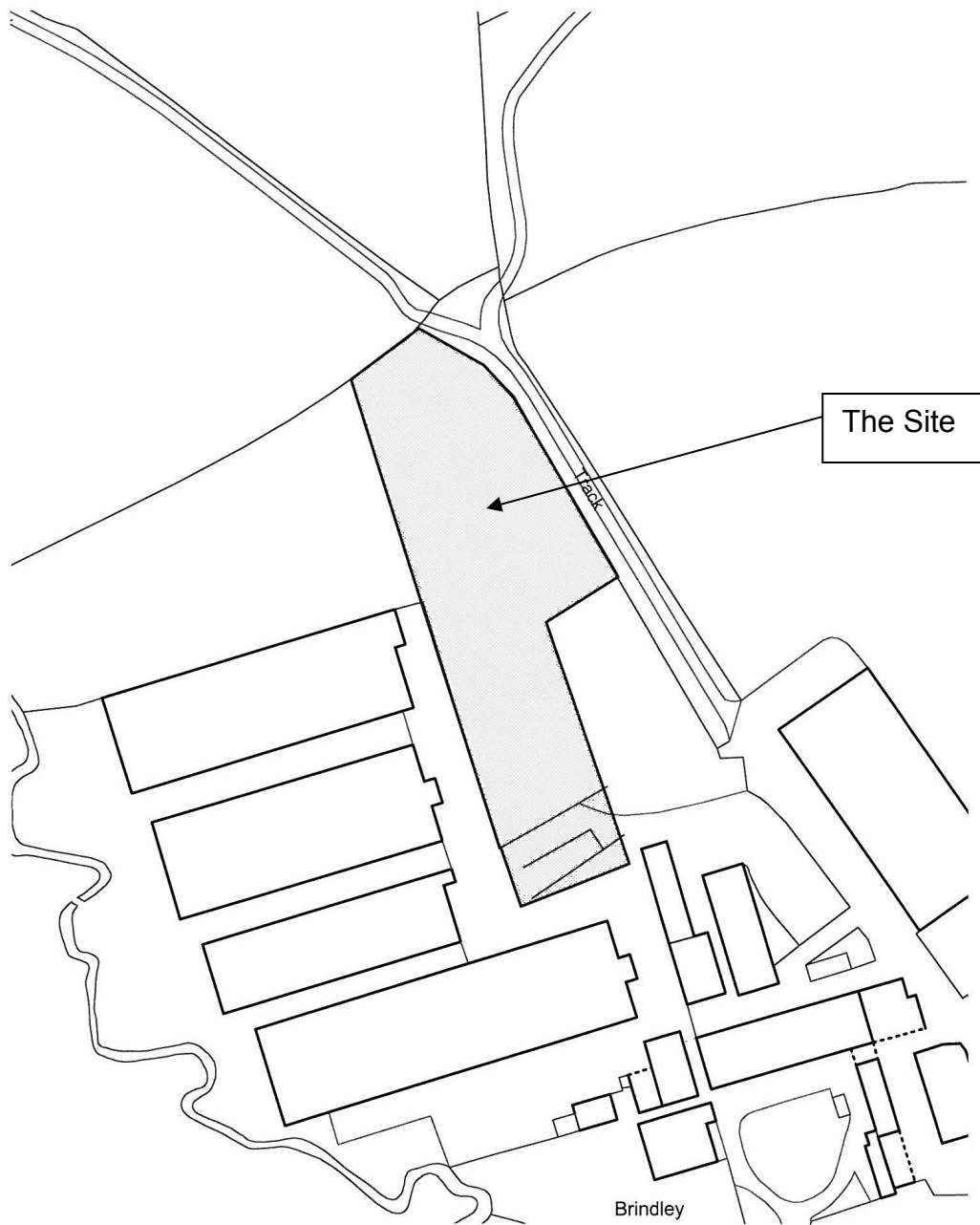
## **12. RECOMMENDATIONS**

### **Approve subject to conditions**

- 1. Standard**
- 2. Plans**
- 3. Materials as submitted**

- 4. Scheme of landscaping to be submitted**
- 5. Scheme of landscaping to be implemented**
- 6. Scheme of drainage to be submitted to include flood mitigation measures and details of waste water storage tanks**
- 7. Details of acoustic attenuation measures to be submitted and approved**

Location Plan: Cheshire East Council Licence No. 100049045





<b>Planning Reference No:</b>	10/0712N
<b>Application Address:</b>	Land at: Moss Lane, Warmingham, Crewe
<b>Proposal:</b>	Use of Existing Agricultural Building to House Livestock
<b>Applicant:</b>	Mrs L Mountford
<b>Application Type:</b>	Change of Use
<b>Grid Reference:</b>	370152 358998
<b>Ward:</b>	Cholmondeley
<b>Earliest Determination Date:</b>	7 <sup>th</sup> April 2010
<b>Expiry Dated:</b>	26 <sup>th</sup> April 2010
<b>Date Report Prepared:</b>	9 <sup>th</sup> April 2010
<b>Constraints:</b>	Open Countryside

**SUMMARY RECOMMENDATION: Approval**

**MAIN ISSUES**

- Impact on neighbouring amenity
- Pollution Control

## 1. REASON FOR REFERRAL

The application was subject to Councillor call-in by the ward member

## 2. DESCRIPTION OF SITE AND CONTEXT

This application site comprises a 2.1ha field within an area of open countryside as identified by the Borough of Crewe and Nantwich Replacement Local Plan 2011. The field is one of four inter-connecting fields which form a 15ha holding used for agricultural purposes. The applicant's also own other holdings at Manor Farm, Walgherton, (26ha) and Tixall near Stafford (33ha).

A Public footpath, Warmingham No16 runs adjacent to but outside the site.

## 3. DETAILS OF PROPOSAL

The proposal involves the use of an agricultural storage building for the accommodation of livestock. The building in question was constructed under the provisions of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995. The provisions prevent the use of a building approved under Part 6 from being subsequently used for the accommodation of livestock where the building is situated within 400m of a residential property which is not connected with the operation of the farm.

The proposals do not involve any external alterations to the external appearance of the building.

## 4. RELEVANT HISTORY

New Cattle Shed (GPDO Prior Determination) ref 09/2610N.  
Decision: Full planning permission required

Agricultural Building (GPDO Prior Determination) ref 09/2970N.  
Decision: Details not required.

## **5. POLICIES**

### **Local Plan Policy**

NE.2 Open Countryside  
NE.14 Agricultural Buildings Requiring Planning Permission  
NE.17 Pollution Control  
BE.1 Amenity  
BE.2 Design Standards

### **Other Material Considerations**

PPS 7 : Sustainable Development in Rural Areas

## **6. CONSULTATIONS (External to Planning)**

**Environmental Health:** No Objection

**Cheshire Footpath Society:** No representations

**Public Rights of Way Unit:** The development is unlikely to affect the existing public footpath

## **7. VIEWS OF THE PARISH / TOWN COUNCIL**

Concerned that the Prior Notification procedure has been mis-used as the building was designed for the accommodation of livestock. Furthermore, access to the site is limited and the building is close to a dwelling and an open ditch. Therefore, there are concerns over of nuisance to the occupiers and contamination of the water course.

## **8. OTHER REPRESENTATIONS**

Occupier of Moss Farm is concerned that the use of the building for livestock will have an adverse impact on amenity due to smells and pollution as the building is only 80 metres from their house. There are also concerns that the use of the building will cause obstructions to the public footpath and lead to pollution of an open watercourse and destroy wildlife habitat.

## **9. APPLICANT'S SUPPORTING INFORMATION**

### **Agricultural Appraisal submitted by the Applicant's agent.**

The main points of the appraisal are:-

- Currently, the Warmingham holding has no ability to house, safely isolate or treat for disease any cattle on the land nor to provide shelter in adverse conditions;

- The use of the existing building will allow the cattle to be handled safely, to provide shelter in inclement Spring/Summer weather and as a housing/feeding shelter in Autumn/Winter;
- The use would improve health, safety and welfare of both cattle and people;
- The building is of traditional design and has the capacity to accommodate up to 40 suckler beef cows at 8m<sup>2</sup> per animal.
- The use of the building will allow animals can be managed in the event of wet periods to prevent soil erosion by treading thereby meeting the requirements of air soil and water codes;
- The use will reduce the number of journeys to Walgherton moving cattle back and forth for routine husbandry, inspection and treatment including worming, blue tongue vaccination and TB testing;
- The building is located in an established agricultural and livestock area meaning its amended use for cattle is in keeping with character of the district

## **10. OFFICER APPRAISAL**

### **Principle of Development**

A number of comments have been received about how the existing building was originally approved.

In August 2009, the applicant submitted an application under the prior notification procedure for a cattle shed (application 09/2610N refers). The application was refused, not because it was considered to be unacceptable in principle, but because it was not allowed to be considered via the procedure as it was for the accommodation of livestock, and was located within 400m of a dwelling, which was not part of the farm holding.

The building which now stands on site was subsequently approved in October 2009 (09/2970N refers) under the prior notification procedure, as it was specified within the application that it would not be used for livestock purposes. The applicant now wishes to use the building for livestock, which has generated the requirement for this full planning application.

The use of a building for the accommodation of animals associated with the production of food is appropriate to the rural area and the principle of the development accords with the requirements of Policy NE.2. However, the proposal must be measured against other relevant policies, in particular Policy NE.14, to fully assess the impact.

### **Design**

The building is a traditional steel portal frame unit with Yorkshire boarding to the sides on a pre-cast concrete skirt. The front (southern) elevation is open from floor to eaves. Therefore, the building is considered to be an appropriate design for the accommodation of livestock without the need for major alteration.

### **Amenity**

The requirement for full planning approval where livestock buildings are within 400m of a residential property allows the Authority to consider the impact of the use on neighbouring amenity. In visual terms the building in question is well screened by existing hedgerows which mitigate the intrusion.

The main issue raised by livestock buildings close to residential property is nuisance caused by noise and odour generated by the animals. In this particular case the scale and capacity of the building is relatively modest in modern agricultural terms. The building has a maximum capacity of around 40 cattle which will be housed approximately 80m from the nearest residential property, Moss Farm and 110m from Moss Cottage. Given the scale and capacity of the building, it is considered that the use will not give rise to an unacceptable impact on neighbouring amenity within the context of the rural environment. It should be noted that Environmental Health has not raised an objection to the proposal.

### **Ecology**

The use proposed is not considered likely to have an adverse impact on the ecological resource of the surrounding area as long as appropriate controls over the design and method of effluent and slurry run-off are imposed by condition to prevent contamination of the land and or water courses.

### **11. CONCLUSIONS**

The proposed use of the building is considered essential to the agricultural use of the land within the open countryside location. The modest scale and capacity of the building and its relationship to nearby dwellings will not result in an adverse impact on amenity over and above that which is normally experienced within rural areas.

### **12. RECOMMENDATIONS**

**APPROVE subject to the following conditions**

- 1. Standard**
- 2. Method of slurry removal containment to be submitted for approval.**
- 3. Approved plans**

Location Plan: Cheshire East Council Licence No. 100049045



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<b>Planning Reference No:</b>	10/0739C
<b>Application Address:</b>	1 Old Hall Cottages, Sandbach
<b>Proposal:</b>	1 Storey Brick Extension Comprising Ground Floor Kitchen and Entrance Hall
<b>Applicant:</b>	MR. Owen Smith
<b>Application Type:</b>	Listed Building Consent
<b>Ward:</b>	Sandbach
<b>Registration Date:</b>	26-February-2010
<b>Earliest Determination Date:</b>	08-April-2010
<b>Expiry Date:</b>	23-April-2010
<b>Date report Prepared</b>	07-April-2010
<b>Constraints:</b>	Sandbach Conservation Area

### **SUMMARY RECOMMENDATION**

GRANT CONSENT subject to conditions

### **MAIN ISSUES:**

- Policy
- Impact on Curtilage Listed Building

## **1. REASON FOR REFERRAL**

Councillor Rhoda Bailey has called this application in for consideration by the Southern Committee on the grounds that the proposed development would cause visual detriment to the character, appearance and setting of the adjacent Grade II Listed barn and to the Grade I Listed Old Hall, and the Sandbach Conservation Area. The detriment would be caused by reason of its unduly close relationship with the barn. It would detract from the character, appearance and identity of the setting of these listed buildings and the historic character and appearance of the conservation area.

## **2. DESCRIPTION AND SITE CONTEXT**

This application relates to a traditional C19th curtilage listed semi-detached cottage situated directly to the south of and formerly associated with the Grade I Listed Old Hall Hotel in Sandbach. The property forms part of a small courtyard development. There are modern residential apartments located towards the south, a Grade II listed barn to the southwest that has been converted to residential use and a pair of semi-detached dwellings to the west. The properties forming the courtyard are accessed off High Street through a passageway situated alongside the Old Hall. The property falls within the Sandbach Conservation Area and is within the Settlement Zone Line as designated in the adopted Congleton Borough Local Plan First Review (2005).

### **3. DETAILS OF PROPOSAL**

The cottage that this application relates was formerly within the curtilage of The Old Hall Hotel in Sandbach and therefore is curtilage listed. As such Listed Building Consent is sought for the erection of a single storey extension to the side of no. 1 Old Hall Cottages.

### **4. RELEVANT HISTORY**

09/3437C – Two-Storey Side Extension – Refused

### **5. POLICIES**

#### **Local Plan Policy**

BH4 Listed Buildings (Effect of Proposals)

BH5 Listed Buildings (Effect of Proposals)

#### **Other Material Considerations**

PPS5 Planning for the Historic Environment

### **CONSIDERATIONS (External to Planning)**

#### **Conservation Officer:**

No comments received.

### **6. VIEWS OF SANDBACH TOWN COUNCIL**

No objection.

### **7. OTHER REPRESENTATIONS**

One letter has been received from the occupant's of number 1 Old Hall Gardens objecting to this application on the following grounds:

- The single storey side extension is out of character and will alter the appearance of the adjacent listed barn.
- There is only a 1.5 sqm difference between the footprint of the previously refused extension.
- Although the extension has been stepped back, it has made the extension closer the front building line of the barn.
- The extension does not allow for a footpath alongside the property.
- The existing sheds to the front and rear of the property are not shown on the submitted plans.
- The reasons for refusal on the previous planning application still apply.
- There will be a loss of privacy; loss of sunlight and loss of daylight and this will be exacerbated because of the barn's small sized windows.
- The Planning Portal states that single storey side extensions are not permitted in designated conservation areas.
- The extension will create 2 concealed driveways and the applicant and objector will not be able to see each other when reversing out of their respective driveways.



## **8. APPLICANT'S SUPPORTING INFORMATION**

Design & Access Statement

## **9. OFFICER APPRAISAL**

### **Policy**

Policies BH4 and BH5 of the adopted Congleton Borough Local Plan First Review state that proposals to extend or alter listed buildings (including curtilage listed buildings) will only be granted where the proposal is in keeping with the character of the building, does not result in a loss of identity to the original building, and does not have a detrimental effect on the existing architectural and historic character or appearance of the listed building.

### **Impact on Listed Building**

The proposed works would comprise of a single storey lean to brick built extension attached to the gable end of the property. The extension would be set back at the front and would travel past the rear elevation to meet with an existing single storey outrigger projection attached towards the left hand side of the rear elevation. The extension would be narrow in terms of its width, would have a roof pitch similar to that of the main roof slopes and the extension would be modest in terms of its overall height. As such, it is considered that the proposed extension would respect the scale and proportions of the main dwelling and would be in keeping with the simplistic style and character of this traditional curtilage listed cottage. With regard to materials, the exterior facades would be brick and the roof would be finished with slate to help tie in with the materials used on the main cottage. As such, the integrity of the building would be respected.

The previously refused scheme proposed a two-storey extension spanning the full depth of the cottage and this would have resulted in extending the gable end of the property across the gap between the cottage and the adjacent barn. This relationship would have been harmful to the setting of the barn by reason of its scale, height and unduly close relationship. With regard to this proposal, the proposed side extension would represent a subordinate single storey addition to the cottage with a lean to roof travelling away from the boundary and the corner of the adjacent barn. The small scale of the extension would enable a sufficient gap to be maintained at first floor level, which would help the works to respect the dominance of the barn. Owing to the significant reduction in the size, scale and form of the proposed additions to the side of the property, the impact on the setting of the adjacent listed barn would not be detrimental. The proposed works are therefore found to be in compliance with local plan policies BH4 and BH5.

## **10. CONCLUSIONS AND REASONS FOR THE DECISION**

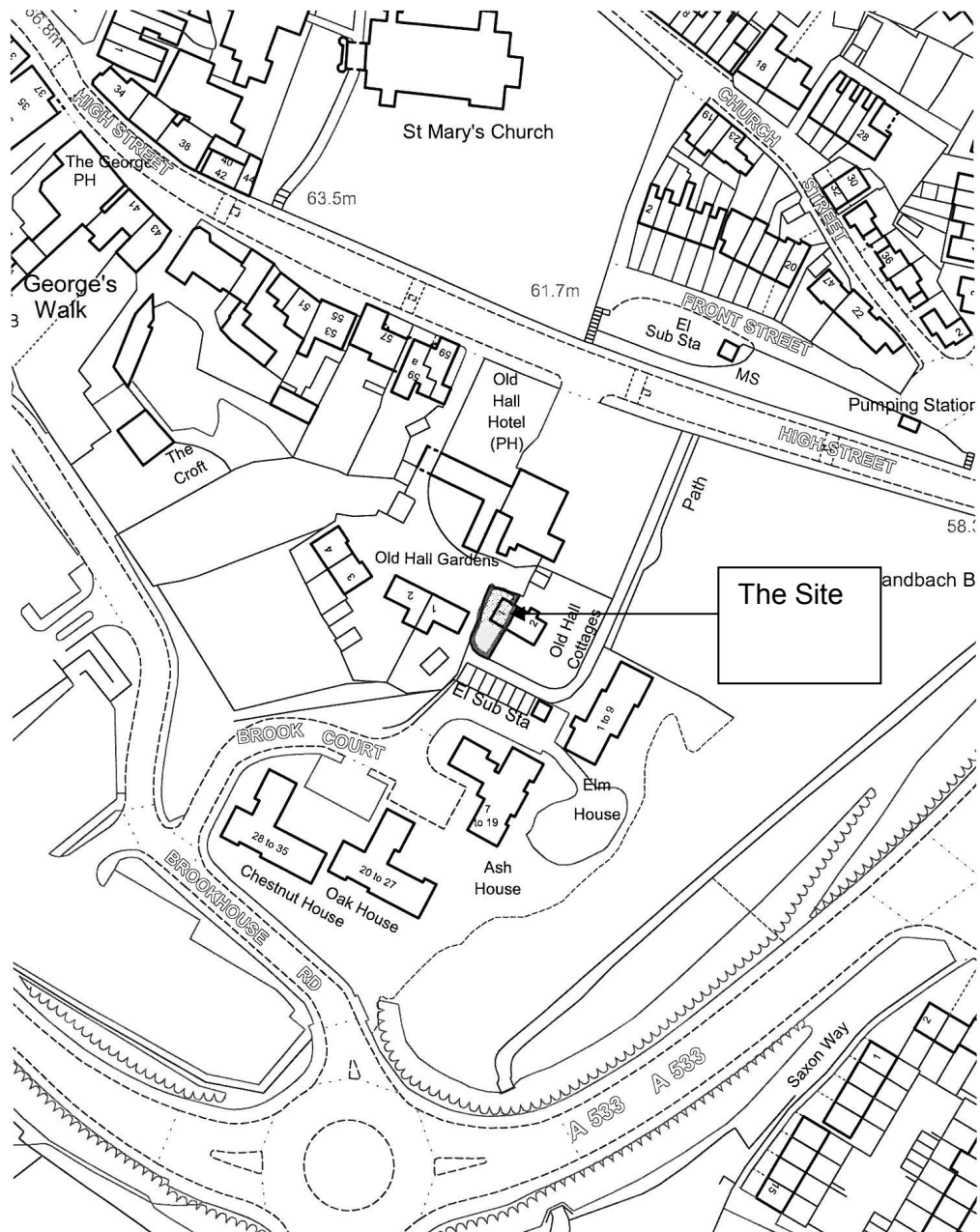
It is considered that the proposed works would not be harmful to the character, appearance or integrity of this curtilage listed building and therefore the proposal fully accords with the requirements of the relevant policies of the adopted Congleton Borough Local Plan First Review (2005). As such the proposal is deemed to be acceptable and is recommended for approval.

## **11.RECOMMENDATION**

**GRANT CONSENT** subject to the following conditions:

- 1. Commencement of development within 3 years**
- 2. Accordance with approved plans**
- 3. Materials to be submitted and approved**
- 4. Windows/doors to be timber and painted or stained in a colour to be agreed**

Location Plan: Cheshire East Council Licence No. 100049045



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<b>Planning Reference No:</b>	10/0747C
<b>Application Address:</b>	1 Old Hall Cottages, Sandbach
<b>Proposal:</b>	1 Storey Brick Extension Comprising Ground Floor Kitchen and Entrance Hall
<b>Applicant:</b>	Mr. Owen Smith
<b>Application Type:</b>	Full Planning Permission
<b>Ward:</b>	Sandbach
<b>Registration Date:</b>	26-February-2010
<b>Earliest Determination Date:</b>	08-April-2010
<b>Expiry Date:</b>	23-April-2010
<b>Date report Prepared</b>	07-April-2010
<b>Constraints:</b>	Sandbach Conservation Area

**SUMMARY RECOMMENDATION:**

APPROVE subject to conditions.

**MAIN ISSUES:**

- Principle of Development
- Policy
- Design
- Impact on Listed Building & Sandbach Conservation Area
- Residential Amenity
- Highways

**1. REASON FOR REFERRAL**

Councillor Rhoda Bailey has called this application in for consideration by the Southern Committee on the grounds that the proposed development would cause visual detriment to the character, appearance and setting of the adjacent Grade II Listed barn and to the Grade I Listed Old Hall, and the Sandbach Conservation Area. The detriment would be caused by reason of its unduly close relationship with the barn. It would detract from the character, appearance and identity of the setting of these listed buildings and the historic character and appearance of the conservation area.

**2. DESCRIPTION AND SITE CONTEXT**

This application relates to a traditional C19th curtilage listed semi-detached cottage situated directly to the south of and formerly associated with the Grade I Listed Old Hall Hotel in Sandbach. The property forms part of a small courtyard development. There are modern residential apartments located towards the south, a Grade II listed barn to the southwest that has been converted to residential use and a pair of semi-detached dwellings to the west. The properties forming the courtyard are accessed off High Street through a passageway situated alongside the Old Hall. The property falls within the Sandbach Conservation Area and is within the Settlement Zone Line as designated in the adopted Congleton Borough Local Plan First Review (2005).

### **3. DETAILS OF PROPOSAL**

Full planning permission is sought for the erection of a single storey extension to the side of no. 1 Old Hall Cottages. This application follows the refusal of an earlier application for a large two-storey side extension. This earlier application was refused on residential amenity grounds and the impact on the adjacent listed barn. This proposal seeks to address these reasons for refusal.

### **4. RELEVANT HISTORY**

09/3437C – Two-Storey Side Extension – Refused

### **5. POLICIES**

#### **Regional Spatial Strategy**

DP1 Spatial Principles

DP7 Promote Environmental Quality

#### **Local Plan Policy**

PS4 Towns

GR1 General Requirements for New Development

GR2 Design

GR6 Amenity and Health

GR9 Accessibility, Servicing and Parking Provision

BH4 Listed Buildings (Effect of Proposals)

BH9 Conservation Areas

#### **Other Material Considerations**

PPS5 Planning for the Historic Environment

SPG2 Provision of Private Open Space in New Residential Developments

### **6. CONSIDERATIONS (External to Planning)**

#### **Conservation Officer:**

No comments received.

#### **Environmental Health:**

No comments received.

#### **Highways:**

No comments received.

### **7. VIEWS OF SANDBACH TOWN COUNCIL**

No objection.

### **8. OTHER REPRESENTATIONS**

One letter has been received from the occupant's of number 1 Old Hall Gardens objecting to this application on the following grounds:

- The single storey side extension is out of character and will alter the appearance of the adjacent listed barn.
- There is only a 1.5 sqm difference between the footprint of the previously refused extension.
- Although the extension has been stepped back, it has made the extension closer the front building line of the barn.
- The extension does not allow for a footpath alongside the property.
- The existing sheds to the front and rear of the property are not shown on the submitted plans.
- The reasons for refusal on the previous planning application still apply.
- There will be a loss of privacy; loss of sunlight and loss of daylight and this will be exacerbated because of the barn's small sized windows.
- The Planning Portal states that single storey side extensions are not permitted in designated conservation areas.
- The extension will create 2 concealed driveways and the applicant and objector will not be able to see each other when reversing out of their respective driveways.

## **9. APPLICANT'S SUPPORTING INFORMATION**

Design & Access Statement

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The application site is located within the settlement zone line for Sandbach 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. As such, the principle of this householder development is considered to be acceptable subject to compliance with other relevant local plan policies.

### **Policy**

Policy GR1 states *inter alia* that all development should conserve or enhance the character of the surrounding area and not detract from its environmental quality. Policy GR2 states *inter alia* that planning permission will only be granted where the proposal is sympathetic to the character and form of the site and the surrounding area in terms of the height, scale form and grouping of buildings, and the visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally. Policy BH4 deals with proposals to extend or alter listed buildings and states that proposals must be in keeping with the building's character with particular regards to scale, style, appearance, materials and architectural detail.

Policy BH9 deals with conservation areas and states that planning permission will not be granted for proposals that would have a detrimental effect on the special architectural and historic appearance of a conservation area as a result of development where the design, siting, scale, or use of facing, roofing or paving materials are inappropriate in relation to neighbouring buildings or the area generally.

## **Design**

The proposed development would comprise of a single storey lean to brick built extension attached to the gable end of the property. The extension would be set back at the front and would travel past the rear elevation to meet with an existing single storey outrigger projection attached towards the left hand side of the rear elevation. The extension would be narrow in terms of its width, would have a roof pitch similar to that of the main roof slopes and the extension would be modest in terms of its overall height. As such, it is considered that the proposed extension would respect the scale and proportions of the main dwelling and would be in keeping with the simplistic style and character of this traditional curtilage listed cottage. As such, the design is found to be acceptable.

## **Impact on Listed Building & Sandbach Conservation Area**

The building is positioned directly towards the northeast of the neighbouring Grade II Listed barn. At present a narrow gap exists between the rear corner of the subject property and the front corner of the barn. Having regard to the small scale of the proposed extension, and the use of a simple lean to roof sloping away from corner of the barn, the impact on the appearance, the spacing and grouping of the buildings would not be significant. Subject to the use of appropriate facing and roofing materials, which could be secured by condition, it is considered that the proposed extension would not be harmful to the setting of the adjacent Grade II Listed Barn or the character and appearance of the Conservation Area. As such the proposal is deemed to be in compliance with policies GR1, GR2, BH4 and BH9 of the local plan.

## **Residential Amenity**

The proposed extension would bring the property closer to the neighbouring barn offset towards the southwest where there is a window at ground floor level that is located near to the corner of the building. In order to respect the amenities afforded to this window, the front of the proposed extension is set back and the proposed lean-to roof would slope away from the boundary. This would help to minimise any loss of daylight and given that the barn faces in northerly direction, there would be no loss of sunlight. Furthermore, the siting of the extension and its low height would prevent the development from being overbearing on this neighbouring window. An application of the 45-degree test would support these conclusions. As such, the proposal would not materially harm the amenities afforded to the neighbouring property by reason of loss of sunlight/daylight or visual intrusion and therefore complies with local plan policies GR6 and SPG2.

## **Highways & Parking**

No comments have been received from highways; however, it is not considered that the parking and access issues raised by the objector would sustain a refusal. There is ample room within the courtyard at the front to allow vehicles to turn and manoeuvre without conflict. There is already a 2-metre high boundary fence and it is considered that this already obscures any line of sight that the applicant has when emerging from his driveway. The proposal would not therefore exacerbate existing problems and is in accordance with local plan policy GR9.



## **11. CONCLUSIONS AND REASONS FOR THE DECISION**

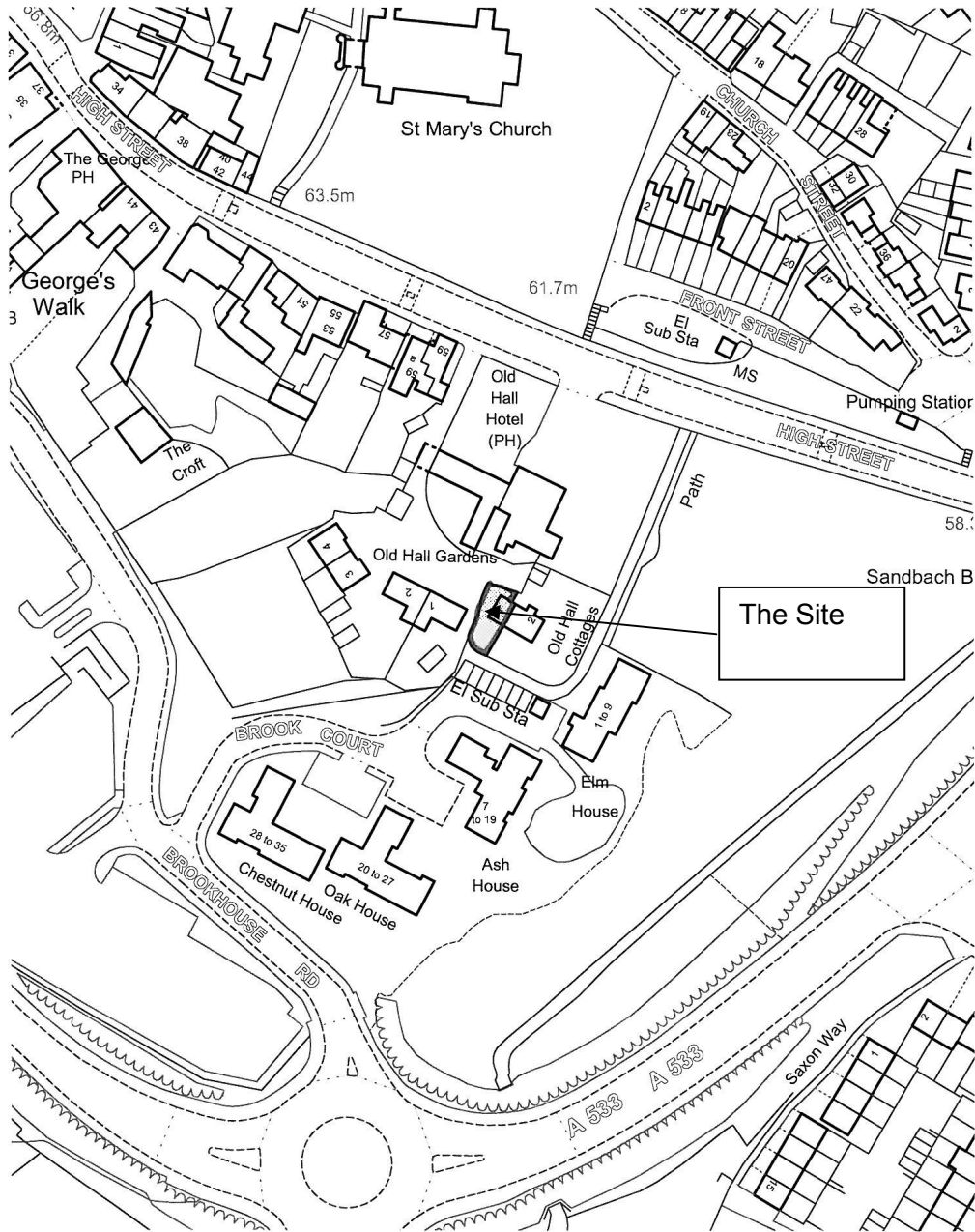
The design of the proposed extension would be sympathetic to the scale, form, and style of the cottage and would respect the character and appearance of the adjacent Grade II Listed barn and the surrounding Sandbach Conservation Area. The development would not result in a significant loss of light and would not appear visually from any neighbouring principal windows. The existing parking arrangements and provision would be maintained. As such, the reasons for refusing the earlier application have been fully resolved and it is not considered that the concerns expressed by the Local Ward Councillor or the neighbouring objector would warrant a refusal given that the proposed development accords with the requirements of the relevant policies of the adopted Congleton Borough Local Plan First Review (2005). As such the proposal is deemed to be acceptable and is recommended for approval.

## **12. RECOMMENDATION:**

**APPROVE** subject to the following conditions:

- 1. Commencement of development within 3 years**
- 2. Accordance with approved plans**
- 3. Materials to be submitted and approved**
- 4. Windows/doors to be timber and painted or stained in a colour to be agreed**
- 5. Removal of Permitted Development for Windows/Openings within side elevation**

Location Plan: Cheshire East Council Licence No. 100049045



<b>Planning Reference No:</b>	10/0796N
<b>Application Address:</b>	Land Adj To Siloan, Marsh Lane, Ravensmoor, Cheshire
<b>Proposal:</b>	New Dwelling
<b>Applicant:</b>	Mr & Mrs K Allman
<b>Application Type:</b>	Full Planning
<b>Grid Reference:</b>	362137 350616
<b>Ward:</b>	Cholmondeley
<b>Earliest Determination Date:</b>	1 <sup>st</sup> April 2010
<b>Expiry Dated:</b>	27 <sup>th</sup> April 2010
<b>Date of Officer's Site Visit:</b>	15 <sup>th</sup> March 2010
<b>Date Report Prepared:</b>	31 <sup>st</sup> March 2010
<b>Constraints:</b>	Open Countryside

### **SUMMARY RECOMMENDATION**

**Approve with Conditions**

### **MAIN ISSUES**

- Principle of Development
- Impact on Streetscene
- Impact on Amenity of adjacent properties
- Impact on highway safety

## **1. REASON FOR REFERRAL**

This application was to be dealt with under the Council's delegation scheme. However Cllr Bailey has requested it to be referred to Committee due to design, impact on amenity and highways issues and for the Committee to consider the impact on the surrounding area.

## **2. DESCRIPTION OF SITE AND CONTEXT**

The application site forms domestic curtilage to the side property known as Siloan on Marsh Lane within the village of Ravensmoor. Ravensmoor does not benefit from a settlement boundary and the site is therefore located within the Open Countryside. The site is located between residential development consisting of a pair of two storey semi-detached dwellings and a pair of semi-detached dormer bungalow. The existing property of Siloan is accessed from Barracks Lane to the west of the site. Between the application site and the adjacent property, Wyvern, is a disused access, which is understood to have served an electric sub station which has now been removed.

## **3. DETAILS OF PROPOSAL**

The application proposes the construction of a two-storey, three bedroom, detached dwelling. The property will be 'L' shaped with a projecting gable towards Marsh Lane. The dwelling will have a maximum height of 6.8m and maximum width of 8m. The proposals show the proposed dwelling to be accessed from Marsh Lane with the provision of a driveway between the proposed dwelling and Siloan, parking to the rear and a turning area to the front of the dwelling. The scheme includes improvements to the visibility splay

to Marsh Lane. The proposal also includes alterations to Siloan with the creation of a kitchen window to the rear and obscure glazing to existing windows within the side elevation.

#### **4. RELEVANT HISTORY**

**09/3100N** – Planning permission refused for a new dwelling on 19<sup>th</sup> November 2009.

#### **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:

##### **Local Plan policy**

NE.2 Open Countryside  
BE.1 Amenity  
BE.2 Design Standards  
BE.3 Access and Parking  
BE.4 Drainage, Utilities and Resources  
BE.5 Infrastructure  
RES.5 Housing in the Open Countryside

##### **Other Material Considerations**

Local Development Framework – Development on Backland and Gardens

#### **6. CONSULTATIONS (External to Planning)**

**Strategic Highways Manager:** Recommends the provision of a vehicular turning area to allow vehicles to enter and leave in a forward gear (to be conditioned), and an informative for the new vehicular access to be constructed to CEC standard.

**United Utilities:** No objection to the proposal providing that surface water is not discharged to foul/combined sewer which must be drained on a separate system and only foul connected to main sewer.

**Environmental Health:** No objection – recommend conditions for a Phase I contaminated land survey, protection from noise during construction and pile driving.

#### **7. VIEWS OF THE PARISH COUNCIL**

None received at time of writing report

#### **8. OTHER REPRESENTATIONS**

Three letters of objection received from 3 and 5 Ravens Corner, and Wyvern. The salient points being:

- Will be hazardous to vehicles leaving Barracks Lane both during construction and through deliveries/visitors once completed as vehicles will park on road restricting visibility.
- Precedent for further infill development in rural hamlet
- Strain on infrastructure
- Scale of building on such a small plot
- In sight line of number 5 Ravens Corner and will result in noise and light pollution
- Dwelling out of scale with 1 ½ storey dwelling adjacent
- Impact on loss of light and overshadowing on garden
- No speed limit along Marsh Lane, most motorists travel at 50mph+, history of minor accidents in area
- Removal of hedge will destroy character of area
- Parking to rear will cause disturbance

## **9. APPLICANT'S SUPPORTING INFORMATION**

Short Design and Access Statement – Salient points being:

- Site complies with the infilling development within a string of residential development for one dwelling
- Carefully designed without affecting the amenity of adjacent properties
- Adequate garden/amenity land will be available for both properties and Siloan
- All habitable room windows facing front and rear to prevent overlooking and loss of privacy
- Dwelling has floor area of 123sqm
- Proposal is of similar size to adjacent properties – 2 storey and similar in height
- Scheme of landscaping to be produced if approved
- Appearance will be similar to others in the area and will be constructed from brick and tile
- Access will be via Marsh Lane to the front. Parking and turning area to be provided.
- Details of pre-application discussions with Highways also submitted.
- Confirmation that access to Siloan front door will be retained from the proposed driveway

## **10. OFFICER APPRAISAL**

### **Principle of Development**

Ravensmoor has no settlement boundary and is therefore located within the Open Countryside as identified by the Local Plan proposals map. Policy NE.2 allows for the infilling of a small gap within an otherwise built up frontage of 1 or 2 dwellings as an exception. The application site forms garden land to the side of a property known as Siloan. The land forms a gap of 14m between the properties of Siloan and Wyvern, which is considered to be a small gap. Marsh Lane at this location has an established built up frontage with a pair of semi detached properties either side of the application site. Residential development continues in both a north east direction along this side of Marsh Lane and to the south west is the Farmers Arms PH. It is considered that this represents a built up frontage and the site is therefore a genuine opportunity for infilling. The development is therefore acceptable providing the scheme is in compliance with other Policies within the Local Plan.

## **Previous Refusal**

This application is a resubmission of planning application 09/3100N which was for a new dwelling. That application proposed the access for the new dwelling to be taken from Barracks Lane through the existing access for Siloan, with the parking and turning area for both dwellings to be sited against the boundary with No.3 Barracks Lane. The application was refused for three reasons:

1. The parking and turning area for both dwellings would result in demonstrable harm to the amenity of No.3 Barracks Lane through noise and disturbance;
2. The proposals would result in an unacceptable loss of private amenity space for Siloan; and,
3. The proposed dwelling, within close proximity to side facing windows of Siloan, would result in demonstrable harm to the amenities of Siloan through overbearing.

The key issue is therefore whether the proposals now submitted would overcome these reasons for refusal without causing any other detrimental impact relating to design, amenity or highway safety.

## **Design**

The dwelling is proposed to be sited between two pairs of semi detached properties. The building is shown to be sited slightly forward of Siloan, although it will be sited slightly behind the building line of Wyvern. It is considered that the dwelling is appropriately sited to respect the pattern of development and would not result in a prominent form of development in this respect.

The application proposes the construction of a two storey detached dwelling adjacent to a pair of two storey semi detached dwellings and a pair of 1.5 storey dormer bungalows. The height of the dwelling would be no greater than the adjacent Siloan and would not appear significantly greater than the dormer bungalows as these have high ridge levels and would be sited slightly forward of the proposed dwelling. The footprint of the dwelling and its surrounding curtilage would be similar to those dwellings within the immediate area. It is therefore considered that the proposed dwelling would respect the scale of surrounding development.

The surrounding area is characterised by a number of styles of dwellings of varying ages, with no apparent prevailing character. The proposed detached dwelling is fairly simple in design and proposes a forward projecting gable. It is considered that the construction of a two storey detached property in this location would have no significant detrimental impact on the character and appearance of the streetscene in this area of mixed character.

The proposed dwelling will satisfy the criteria for design set out in Policy BE.2.

## **Amenity**

Policy BE.1 (Amenity) states that development should not have an adverse impact on adjoining properties through loss overshadowing, overlooking, visual intrusion or in any other way.

The siting of the dwelling respects the building line of surrounding development. The adjacent property of Wyvern has an attached garage to the side of the dwelling and a

kitchen door within its side elevation. The principal windows of that property are sited to the front and rear of the property it and also has an obscured glazed window at first floor level. The positioning of the proposed dwelling will mean that there will be no breach of the 45° standard from principal windows and would not therefore result in a loss of daylight to that property. The proposed dwelling is sited so that its rear wall will project approximately 4m beyond the rear of Wyvern and it will stand in close proximity to that property. The orientation of the buildings will mean that only a small area of private amenity space of that property will be overshadowed by the proposed development whilst a large area of the garden would be unaffected by the development. Consequently it is not considered that this would have an overbearing impact on the amenities of that property.

The principal windows to the front of the dwelling will be located over 40m from the principal windows of those properties opposite and would not result in a loss of privacy of those properties. To the rear there will be no directly opposing principal windows. The first floor windows to the rear of the dwelling will be 12m from the rear boundary, beyond which is the private amenity space of No.3 Barracks Lane. It is considered that this is an adequate distance to avoid significantly detrimental impact on the amenity of that property through overlooking.

The proposed access details as now submitted will result in the proposed dwelling being accessed from Marsh Lane with the parking sited to the rear and the turning area to the front of the property. The access arrangements for Siloan will now remain as existing. Although there will be some vehicular movements adjacent to the boundary with No.3 Barracks Lane this be a maximum of one vehicle with the turning area restricted to the front of the dwelling. The previous scheme had turning and parking for up to 4 vehicles adjacent to this boundary. These arrangements will significantly reduce movements adjacent to No.3 Barracks Lane to an acceptable level and will therefore overcome one of the reasons for refusal of the previous application.

Guidance within the Backland and Garden Development Supplementary Planning Document has a guideline of 50sqm as been an acceptable level of private amenity space. As the access arrangements have been significantly altered the level of remaining private amenity space for Siloan will now be 72sqm which is an acceptable level. It is therefore considered this reason for refusal has been overcome.

Within the side elevation of Siloan are two ground floor windows which are understood to serve the kitchen of that property, this dwelling is within the applicants ownership. The siting of the application dwelling as proposed would result in poor relationship to these windows which could cause demonstrable harm through loss of light. However, details have been submitted of proposed alterations to that dwelling including the provision of a new larger window within the rear elevation and the obscure glazing of the existing windows. Provided that these alterations are carried out this would overcome the third reason for refusal of the previous application. It is therefore suggested that a condition be attached to any permission requiring these alterations to be carried out and thereafter retained.

## **Highways**

The submitted plans show the site to be accessed from Marsh Lane. The scheme includes improvements to the visibility splays along Marsh Lane. This access arrangement for the proposed dwelling would be no worse than the access arrangements along Marsh Lane and would provide satisfactory visibility in the critical direction. The Strategic Highways

Manager has no objection to the proposed development provided that a turning area is provided. This has been demonstrated on the submitted plans and it is therefore suggested that a condition for its retention is proposed.

## **11. CONCLUSIONS**

It is considered that, with appropriate conditions, the proposed development would overcome the reasons for refusal attached to planning application 09/3100N. The proposed development represents a genuine opportunity for infilling within the Open Countryside. There would be no demonstrable harm cause to the character and appearance of the streetscene, or the amenities of the occupants of adjacent properties. It has also been demonstrated that the dwelling can be satisfactorily accessed from Marsh Lane.

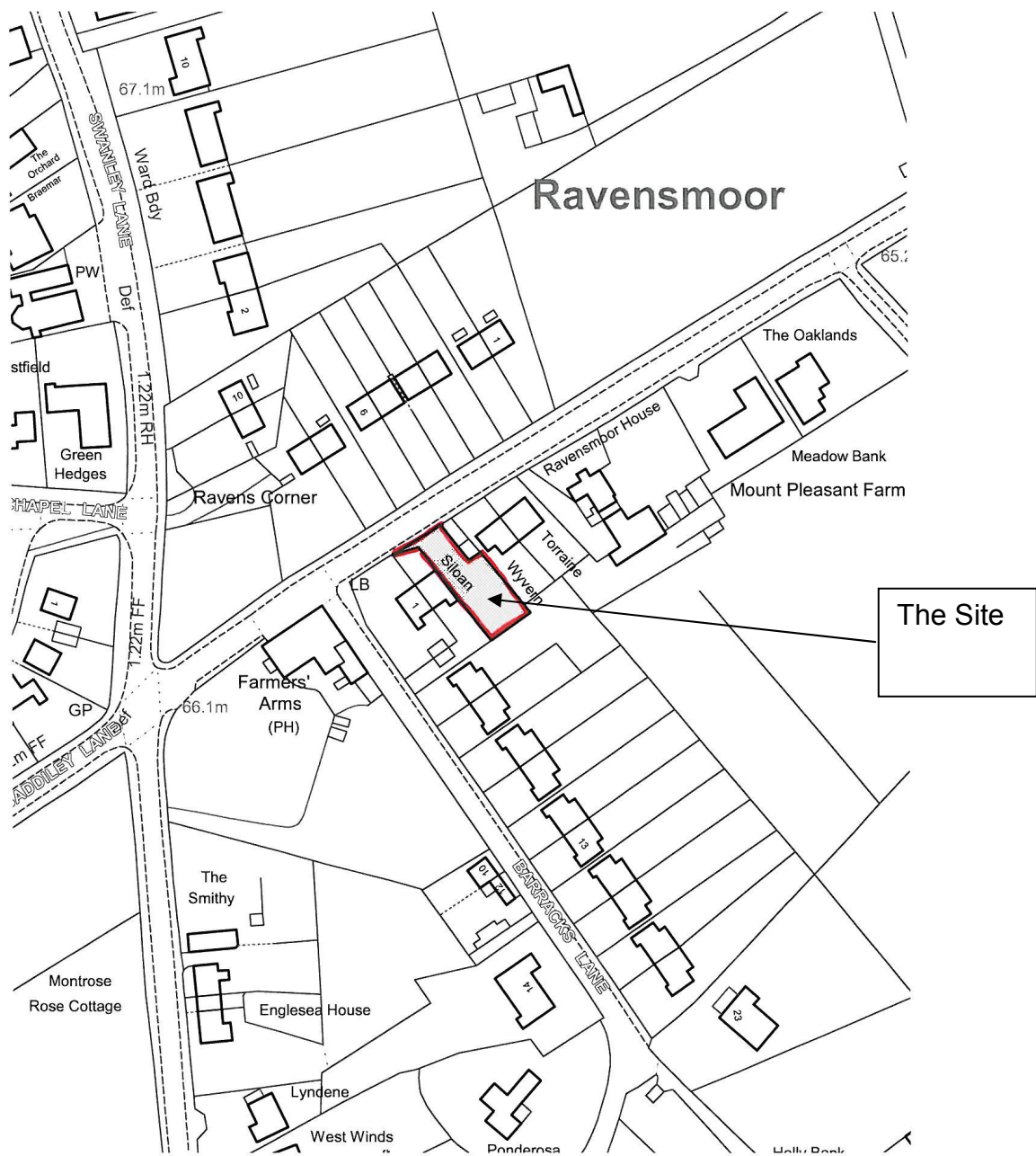
## **12. RECOMMENDATIONS**

**Approve subject to conditions**

- 1. Standard**
- 2. Plans**
- 3. Materials to be submitted**
- 4. Surfacing materials to be submitted**
- 5. Scheme of landscaping to be submitted**
- 6. Scheme of landscaping to be implemented**
- 7. Scheme of drainage to be submitted**
- 8. Boundary treatment to be submitted**
- 9. Turning area and parking for 2 vehicles as shown on approved plan to be provided (prior to occupation) and thereafter retained**
- 10. Gates to be set back from access and no obstruction above height of 600mm in visibility splay**
- 11. Alterations to Siloan to be carried out prior to first occupation of new dwelling**
- 12. Remove all PD**
- 13. Phase I contaminated land survey required**
- 14. Hours of Construction to 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 on Saturdays and not at all on Sunday or BH Monday**
- 15. Details of pile driving to be submitted**



Location Plan: Cheshire East Council Licence No. 100049045



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<b>Planning Reference No:</b>	10/0842N
<b>Application Address:</b>	The White House, Dig Lane, Acton, CW5 8PB
<b>Proposal:</b>	Demolition of Existing Garage and sheds and Erection of Replacement Garage
<b>Applicant:</b>	Mr A Williams
<b>Application Type:</b>	Full Planning
<b>Grid Reference:</b>	363292 351521
<b>Ward:</b>	Cholmondeley
<b>Earliest Determination Date:</b>	7 <sup>th</sup> April 2010
<b>Expiry Dated:</b>	30 <sup>th</sup> April 2010
<b>Date of Officer's Site Visit:</b>	24 <sup>th</sup> March 2010
<b>Date Report Prepared:</b>	1 <sup>st</sup> April 2010
<b>Constraints:</b>	Open Countryside

### **SUMMARY RECOMMENDATION**

**Refuse**

### **MAIN ISSUES**

**Impact of the development on:-**

- Design and Impact upon the character of the area and setting of the existing dwelling
- The impact upon Dorfold Historic Park and Garden

## **1. REASON FOR REFERRAL**

This application was to be dealt with under the Council's delegation scheme. However Cllr Bailey has requested it is referred to Committee to allow members to assess the impact of the development upon the character and appearance of the open countryside.

## **2. DESCRIPTION OF SITE AND CONTEXT**

The application site is located within the Open Countryside. The Whitehouse is a detached dwelling which has a render finish with a brown tiled pitched slate roof. The property faces south and is side on to the road with the vehicular access located to the north of the property, to the north of the site a Dorfold Historic Garden. There are a number of small garages and sheds which are located on the site which would be demolished as part of this application.

## **3. DETAILS OF PROPOSAL**

This proposed development is for the erection of a detached garage block which would be positioned onto the northern boundary of the site. The proposed garage would have a width of 5.7 metres, a length of 11 metres and a ridge height of 5.754 metres. The proposal would serve a double garage and implement store at ground floor level with an external staircase and a store room at first floor level.

#### **4. RELEVANT HISTORY**

P08/0088 - Two Storey Side and Rear Extension and Single Storey Front Extension with an Increased Roof Height (Re-submission of P07/0171) – Approved 18<sup>th</sup> March 2008

P07/0171 - Two Storey Side and Rear Extension and Single Storey Front Extension with an Increased Roof Height – Refused – Appeal Lodged – Appeal Dismissed

#### **5. POLICIES**

##### **Local Plan policy**

RES.11 – Improvements and Alterations to Existing Dwellings

NE.2 – Open Countryside

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage Utilities and Resources

BE.14 - Development Affecting Historic Parks and Gardens

Supplementary Planning Document on Extensions and Householder Development

##### **National policy**

PPS1 – Delivering Sustainable Development

#### **6. CONSULTATIONS (External to Planning)**

N/A

#### **7. VIEWS OF THE TOWN COUNCIL**

No comments received at the time of writing this report

#### **8. OTHER REPRESENTATIONS**

No representations received at the time of writing this report

#### **9. APPLICANT'S SUPPORTING INFORMATION**

##### **Supporting Statement**

- The applicants own 0.5 acres of land which is separated by hedgerows. The hedges are too extensive to maintain by hand and the fields require regular maintenance which brings storage requirements

- Storage is also required for the storage of chicken feed, garden equipment and children's play equipment

- Storage of works tools is also required as these have to be kept in a secure location 7 miles from the White House in a rented lock up following the burglary from the applicants van

- The double garage for two vehicles and implement store with the added roof storage space will meet all present and future needs

- The width and height of the garage has been reduced since the first planning application, any further reduction will not provide sufficient storage needs

- The garage will be subordinate to the main house. The main house has a volume of 744cu.m and the proposed garage has a volume of 285cu.m and will replace the unsightly sheds
- The finish of the garage will be the same as that for the existing house
- A hedgerow screen would be planted to minimise the impact of the development upon Dorfold Historic Gardens

## 10. OFFICER APPRAISAL

### Principal of Development

The site is located within the open countryside and the provision of a garage within the curtilage of a residential property is acceptable in principal providing that it is in accordance with policies RES.11, NE.2, BE.1 – BE.4 and the Councils Supplementary Planning Document on Extensions and Householder Development.

### Design

Planning Authorities are encouraged to plan positively for the achievement of high quality and inclusive design for all developments and PPS1 states that *'Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted'*.

Policy RES.11 states that development within the curtilage of the dwelling should respect the design scale and form of the original dwelling. The garage would have a width of 5.7 metres, a length of 11 metres and a ridge height of 5.754 metres. The proposal includes ground floor parking space for two vehicles and storage area, the first floor will comprise of a store.

The Councils SPD on Extensions and Householder Development gives guidance on the provision of garages and outbuildings within the curtilage of residential properties. The guidance states that *'The building should be modest in size and height and must appear subordinate or ancillary to the main dwelling'*.

The proposed garage would be shorter and have a smaller footprint than the White House which has seen considerable extensions in the past and it is considered that the proposal would be subordinate to the host dwelling. However the SPD states that the proposal should also be modest in size and height and it is not considered that this is the case, furthermore due to the unbroken eaves and ridge height of the proposed garage and its length, the proposed garage would appear bulky. It should also be noted that a public footpath (Acton FP2) runs to the north along the access track into Dorfold Hall.

On elevation A there will be three garage doors and two roof lights, on elevation B there will be a bulls eye window at first floor level, on elevation C there are two rooflights and no other apertures are proposed, whilst on elevation D there is external staircase and window at ground floor level. Internally the ground floor accommodation will comprise of garage which is sufficient for 2 vehicles to be parked and an implement store. Whereas, the first floor accommodation will

comprise store room, which will be accessed by the external staircase. The design and materials of the garage are similar to those used the local area. The use of render and slate would match the existing dwelling and will not appear out of place. However the provision of rooflights, a bulls eye window and external staircase give the garage the appearance of a two-storey property and the size, bulk and massing of the proposal is not considered to be acceptable.

### **Impact on Dorfold Hall**

Located to the north of the application site is Dorfold Hall. Its land is classified as being an Historic Park and Garden. Policy BE.14 (Development Affecting Historic Parks and Gardens) states that proposals for development which may affect any historic park or garden, or the setting of such a park or garden will be permitted providing that they respect the character and appearance of the park or garden and they do not harm features of architectural or historic interest. The applicants curtilage abuts the Dorfold Hall Historic Park and Garden and the proposed outbuilding will be erected adjacent to the boundary which comprises a patchy hedgerow and is interspaced with trees and this separates the two parcels of land. It is considered given the scale and bulk of the proposal the outbuilding will have a detrimental impact on the setting of the Historic Park and Garden and is contrary policy BE.14 (Development Affecting Historic Parks and Gardens).

### **Amenity**

The proposed garage would be approximately 40 metres from the nearest point of Dig Lane Cottage. Given this separation distance and the existing tall boundary treatment it is considered that the proposal would not have a detrimental impact upon the residential amenities of this property or any other property in the area.

### **Highways**

Two car parking spaces would be retained at the property and as a result it is not considered that the proposal would raise any highway safety/parking implications.

## **11. CONCLUSIONS**

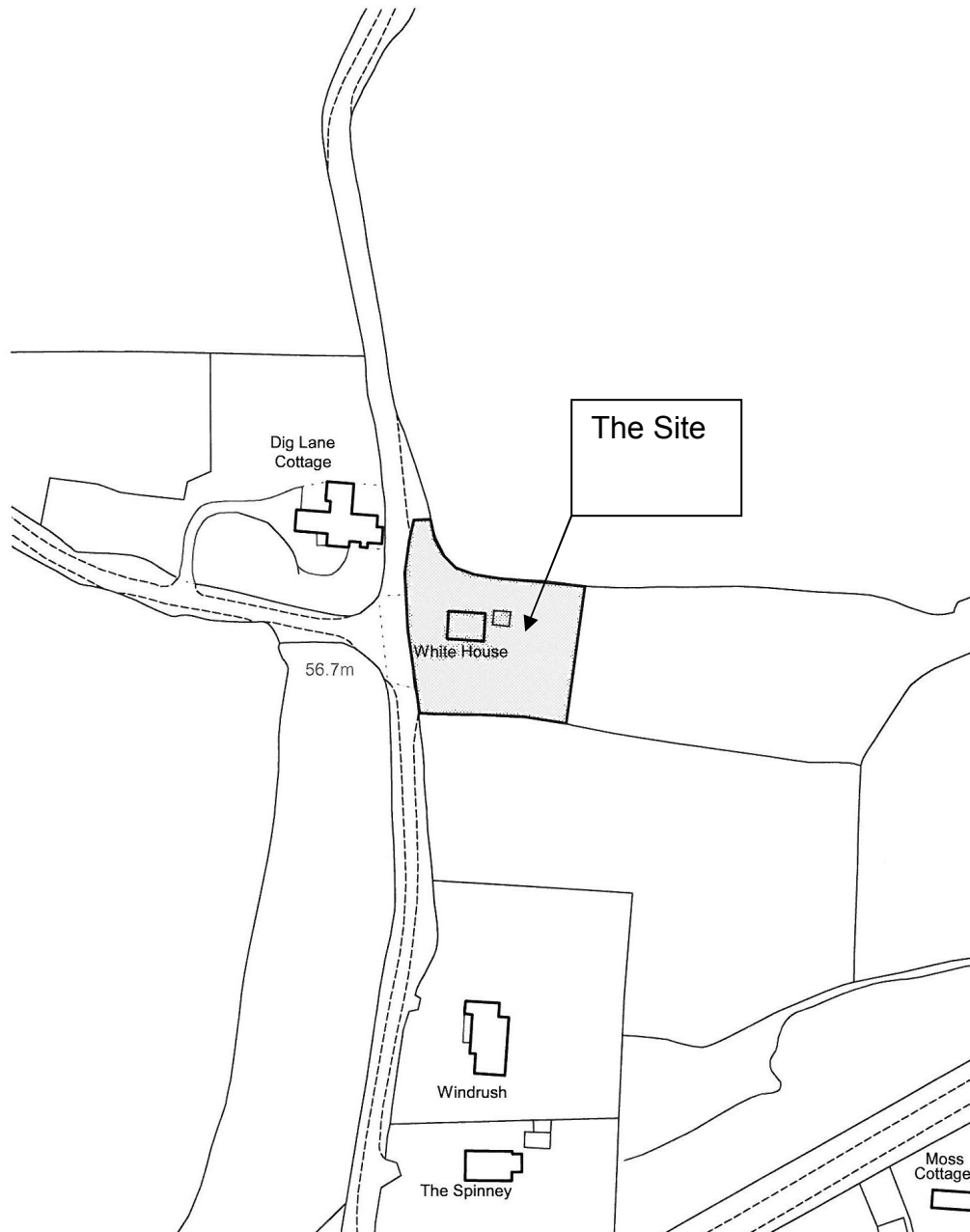
The proposed garage would not raise any highway or amenity issues. However it is not considered that the proposed garage is modest in size, whilst the massing of the garage and its bulk are not considered to be acceptable. As such the proposal conflicts with Policies RES.11 and BE.2 of the Local Plan and the Supplementary Planning Document on Extensions and Householder Development.

## **12. RECOMMENDATIONS**

### **REFUSE**

**1.The Local Planning Authority considers that the proposed garage would not be modest in size and its bulk and massing would not be an appropriate form of development in the open countryside and would be tantamount to a new dwelling in the open countryside. As a result the proposed development would have a detrimental impact upon the character and appearance of the area and the setting of Dorfold Historic Park and Garden. Therefore the proposal would be contrary to Policies RES.11 (Improvements and Alterations to Existing Dwellings), BE.2 (Design Standards) and BE.14 (Development Affecting Historic Parks and Gardens) and the Councils Supplementary Planning Document on Extensions and Householder Development.**

Location Plan: Cheshire East Council Licence No. 100049045





<b>Planning Reference No:</b>	10/0843N
<b>Application Address:</b>	Field Off Coole Lane, Newhall, Nantwich
<b>Proposal:</b>	Agricultural Workers Dwelling
<b>Applicant:</b>	Mr D Johnson
<b>Application Type:</b>	Outline
<b>Grid Reference:</b>	364323 344693
<b>Ward:</b>	Cholmondley
<b>Earliest Determination Date:</b>	12 April 2010
<b>Expiry Dated:</b>	29 April 2010
<b>Date Report Prepared:</b>	9 April 2010
<b>Constraints:</b>	Open Countryside

**SUMMARY RECOMMENDATION:****REFUSE****MAIN ISSUES:**

- Impact on the character and appearance of the open countryside
- Functional need
- Financial need

**1. REASON FOR REPORT**

This application is included on the agenda of the Southern Planning Committee as the application has been called in by Councillor Bailey to ensure that the functional and financial issues are fully considered.

**2. DESCRIPTION OF SITE AND CONTEXT**

The application site comprises an undulating field bounded by native hedgerow located off Coole Lane in Newhall. The site lies around 300m from Hollin Green Farm located off Hollin Green Lane and over 1km from a site of local importance for nature conservation. There are no ponds within a 100m radius of the site and the site lies within the designated open countryside.

**3. DETAILS OF PROPOSAL**

The proposals relate to an outline application for the erection of a permanent agricultural workers dwelling at the site. Access is to be determined at the outline stage.

**4. RELEVANT HISTORY**

7/15701 Agricultural workers dwelling approved 04/08/1988

P03/1169 Conversion of Barn to Residential Use (3 Dwellings) approved 17/12/2003

P03/1185 Conversion of Barn to Residential Use (3 Dwellings) approved LBC 17/12/2003

09/03886N Agricultural workers dwelling withdrawn

## **5. POLICIES**

### **Regional Spatial Strategy**

None relevant

### **Local Plan Policy**

The principal issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

NE.2 (Open Countryside)  
NE.5 (Nature Conservation and Habitats)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage Utilities and Resources)  
RES.5 (Housing in the Open Countryside)

### **Other Material Considerations**

PPS7 Sustainable Development in Rural Areas  
PPS1 Delivering Sustainable Development

## **6. CONSULTATIONS (External to Planning)**

None received at the time of report preparation.

## **7. VIEWS OF THE PARISH / TOWN COUNCIL**

The situation of the proposed dwelling is unusually some distance from the farm and is in completely open countryside and the Parish Council feel this is in need of careful consideration when making a decision on this application.

## **8. OTHER REPRESENTATIONS**

None received at the time of report preparation.

## **9. APPLICANT'S SUPPORTING INFORMATION**

In support of the proposal the applicant has submitted the following information:

### **Design and Access Statement**

The dwelling would be used by the extra staff taken on by the farm due to the expansion and improvement of the current business. Planning permission was granted for a barn conversion but this was not implemented also due to the expansion of the business. Muller has provided a letter of support in respect of future expansion plans. The applicants also wish to diversify by keeping 100 sheep. It is essential an additional worker be engaged to support this enterprise. Adverts have failed to attract interest due to the hours and low level of pay associated with being a herdsman. The only realistic option is

therefore to offer any employee dedicated accommodation with the package. Purchasing local properties has proven financially prohibitive. The site proposed is functionally and physically preferable due to ground conditions in the locality. The barns cannot be converted as they are in use.

### **Financial Statement**

Sets out the farm accounts since 2006 and shows an operating profit.

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The site lies within the designated open countryside where there is a presumption against new residential development, subject to a number of restrictions, including dwellings required for a person engaged full time in agriculture or forestry, in which case, according to Policy RES.5, permission will not be given unless:

- applicants can demonstrate that a location in the open countryside is essential for the efficient working of the enterprise;
- it can be demonstrated that the new dwelling cannot be accommodated within a defined settlement;
- there is no suitable, existing dwelling on the site or nearby;
- there are no suitable buildings on the site or nearby which could be converted into a dwelling;
- where possible, the new dwelling is sited within a nearby group of existing dwellings or a farm/building complex;
- the new dwelling is of a form, bulk, design and materials which reflect the locality's rural character and the needs of the enterprise; and
- the new dwelling should be neither unusually large in relation to the size of the holding, nor too expensive to construct in relation to its income

In addition, Government advice contained within Para 1 to Annex A of PPS7 states that new permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing there is a clearly established existing functional need for one or more workers to be readily available at most times. A financial test is also required to demonstrate that the enterprise is economically viable and to provide evidence of the size of dwelling which the unit can sustain.

### **Functional Need**

The functional need for a dwelling is based on defining scale and nature of the farm enterprise and the associated agricultural unit. The existing farm complex comprises 220 dairy cows over 2 years old with a further 90 cows under 2 years old. The applicant is looking to increase the size of the herd to 310 cows within 12 months and purchase 100 sheep.

Reading Agricultural Consultants standing advice to the Council (2006) indicates that in terms of functional need, this requirement is most easily met by those engaged in livestock enterprises especially dairying, where there are significant animal welfare issues. It then goes on to state that 70-85 dairy cows justifies 1 full time worker.

At present, the farm employs three workers; using the above figure, the *existing* business generates a functional need for between 2 ½ to 3 full time equivalent employees. The addition of a further 90 cows would generate a need for between 3 ½ to 4 ½ full time employees in total. These figures would indicate that a further worker can be justified.

Of these workers, it is reasonable that to expect two workers to be resident on, or very close to the site, in order to ensure a continuous on site presence to deal with any emergencies as they arise. At present the applicant resides in the main farmhouse, and his brother, a part time worker in the business, resides in an existing agricultural workers dwelling elsewhere on the farm. However, he is now largely retired from the business and his employment is limited to approximately 5 weeks a year, when he provides holiday cover. The agent has however provided a letter from Nantwich Veterinary Group who have indicated that the hours that the applicants brother works is insufficient to provide adequate cover during calving season. Therefore, there is a functional need for an additional dwelling to be found either on site or in the close vicinity.

#### Availability of other dwellings / buildings for conversion

PPS 7 and policy RES.5 require the applicant to demonstrate that the new dwelling cannot be accommodated within a defined settlement, there is no suitable, existing dwelling on the site or nearby and there are no suitable buildings on the site or nearby which could be converted into a dwelling.

In terms of demonstrating that the dwelling cannot be accommodated within a defined settlement, there are only limited opportunities for infilling within the settlements of Audlem, Hankelow, Aston and Sound all of which are within a 3 mile radius. As a result any suitable development sites, which may come forward, command a premium.

There is an existing barn on the site, for which permission was granted in 2003 for conversion to residential, although this has lapsed and the applicants have indicated that the expansion of the business resulted in a need for these buildings to be retained for dairy farming purposes.

Whilst, these barns could be converted and a replacement agricultural building erected, the applicant has indicated that the cost of this proposal, relative to a new build dwelling, would be prohibitive. A supporting letter from a local architect firm has been attached to confirm this. Whilst barn conversions may be financially viable where the dwelling is open market housing in this instance the associated cost of converting the barn would represent an unreasonable financial burden on the business when compared to the cost of a new build scheme.

To turn to the option of purchasing an existing dwelling in the locality, the applicant has attached details of properties for sale within the area, all of which are out of the financial reach of the applicant. It is acknowledged in the applicants submission that the costs of a small property would be similar to the cost of a new build. A 'right move' search, carried

out by officers, has revealed that there are 18 properties under £200,000 within a 3 mile radius of the site ([www.rightmove.co.uk](http://www.rightmove.co.uk) last accessed on 5 February 2010) The applicant has failed to demonstrate why any of these properties do not meet the requirements, or would be financially unviable when compared to the alternative of constructing a new dwelling on the farm.

### Financial Test

PPS.7 states that the business has to have been established for at least three years and profitable for at least one of them. The business has to be currently financially sound and have a clear prospect of remaining so.

The applicant has submitted information indicating that the business produced a net profit in the years 2006-2008 with profit increasing steadily. The applicant has provided evidence of interest from Muller dairies in respect of extending the business and given that local residents have indicated that the business has been established for many years. It is therefore considered that the requirements of the financial test have been met.

### **Siting & Design**

Annex A of PPS7 states at para 9 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.

It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.

As this is an outline application details in respect of the massing of the building would be dealt with at the reserved matters stage and the permission can be conditioned to ensure the floorspace of the building does not exceed 140 sq. m.

In addition Policy RES.5 states that where possible, the new dwelling should be sited within a nearby group of existing dwellings or a farm/building complex; and is of a form, bulk, design and materials which reflect the locality's rural character and the needs of the enterprise.

The applicant has undertaken an analysis of suitable sites for the proposed dwelling; 1 was discounted due to its location on the periphery of the farm complex, sites 2, 3, and 4 were discounted due to access issues and due to the system of husbandry were operationally less desirable despite that these sites were closer to the farm. Sites 5 and 6 were discounted due to the isolated nature of the locations and site 7 is the site applied for.

There is concern that the application site is in a relatively isolated location, and will not be viewed within the context of the farm complex or any other grouping of buildings. The letter submitted by Nantwich Veterinary Group indicates that calving takes place both in the existing farm buildings and within the field where the dwelling is proposed to be located. As such the proposed location, away from the farm complex, can be justified on animal husbandry and animal welfare grounds to ensure an on-site presence close to each calving location.

However there is a balance to be struck in respect of the visual impact of the property verses the need for a location close by and it is considered that there are preferable locations within the same field, where the proposed building would be better related to existing development. The proposal therefore fails to comply with the requirements of Policy RES.5

### **Highway Access**

Whilst this is an outline application, approval for the access is sought at this stage. Whilst Coole Lane is a single track road, the traffic generation from a single dwelling is unlikely to be significant, particularly given that the occupant will be employed on site. The road is relatively straight, and therefore, whilst it may be necessary to remove a length of hedgerow in order to accommodate visibility splays, it is considered that a safe access can be achieved. There is ample space within the site for domestic parking.

### **Other Matters**

The isolated nature of the location negates any amenity issues, although a dwelling could be located closer to existing residential development without resulting in any loss of amenity.

There are no ponds or other habitats which are likely to be affected by the proposals. Issues relating to contamination and landscaping can be dealt with via condition or at the reserved matters stage.

## **11. CONCLUSIONS AND REASONS FOR DECISION**

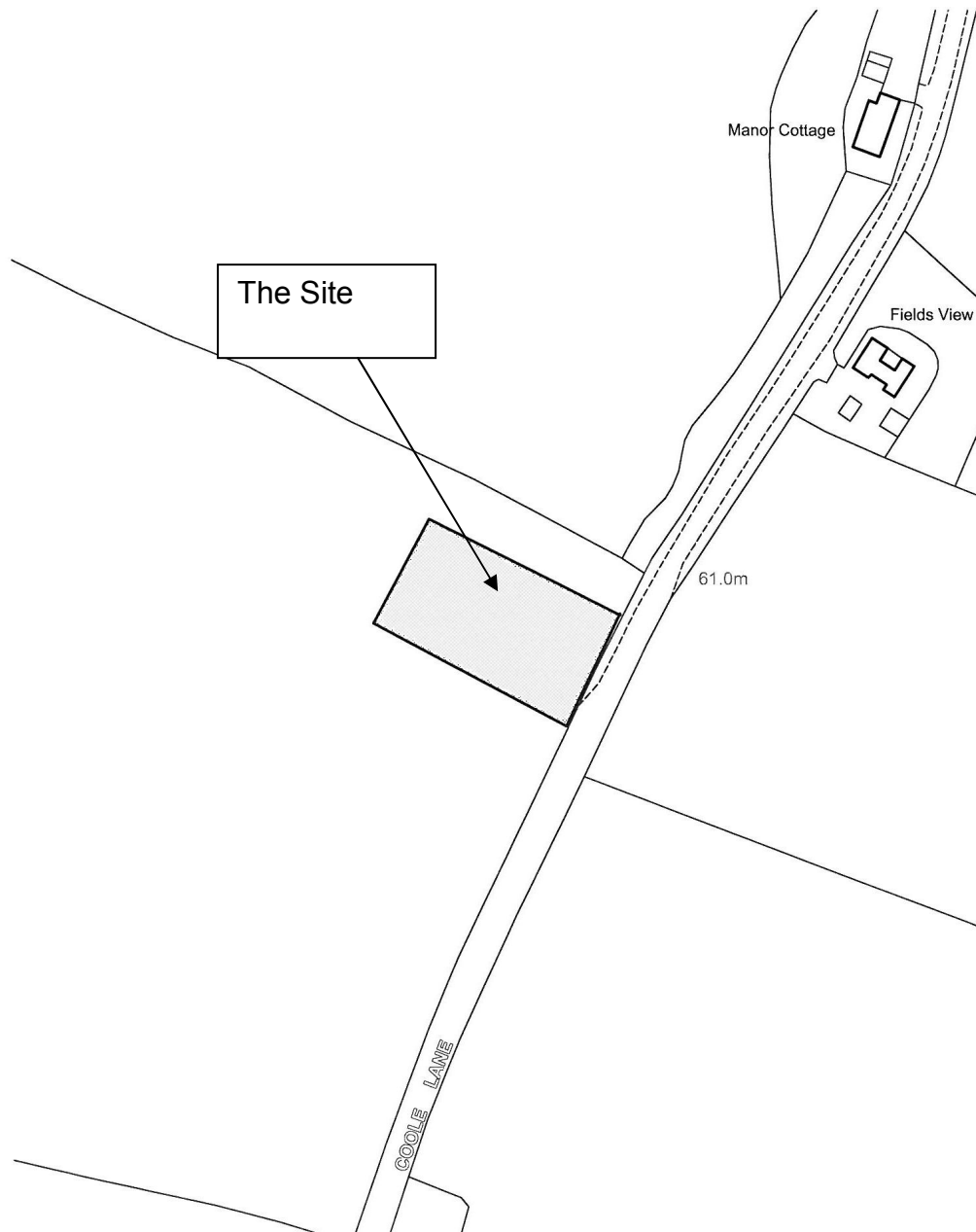
Whilst it is acknowledged that the existing business generates a financial and functional need for 2 full time workers to be resident on-site or within the close vicinity, the applicant has failed to demonstrate that there are no suitable existing dwellings nearby. In addition, due to its isolated location the proposed dwelling would have an adverse visual impact on the character and appearance of the open countryside. Therefore the proposals do not accord with the provisions of policy RES.5 or guidance contained within PPS7.

## **12. RECOMMENDATION**

**REFUSE for the following reasons:-**

- 1. The applicant has failed to demonstrate there are no suitable existing dwellings nearby. Therefore the proposals are contrary to policy RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within PPS7.**
- 2. The proposed location for the agricultural workers dwelling is in an isolated location away from existing buildings. The applicant has failed to provide adequate justification as to why the dwelling cannot be relocated within the existing field to a position adjacent to a nearby group of buildings. The proposals are therefore contrary to policy RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within PPS7.**

Location Plan: Cheshire East Council Licence No. 100049045



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