

# Northern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 29th September, 2010</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>The Capesthorne Room - Town Hall, Macclesfield SK10 1DX</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.

**Please note that members of the public are requested to check the Council's website the week the Planning/Board meeting is due to take place as Officers produce updates for some or of all of the applications prior to the commencement of the meeting and after the agenda has been published.**

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

**1. Apologies for Absence**

To receive any apologies for absence.

**2. Declarations of Interest/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 of the Meeting (Pages 1 - 4)**

To approve the minutes of the meeting held on 18 August 2010.

**4. Public Speaking**

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

**Contact:** Sarah Baxter

**Tel:** 01270 686462

**E-Mail:** [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk)

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. **10/2729M-Construct a New Agricultural Building in order to establish a Free Range Egg Farm, Land at Ullard Hall Lane, Plumley, Knutsford for Mr B Wharfe (Pages 5 - 22)**

To consider the above application.

6. **10/2744M-Construct a Temporary Agricultural Workers Dwelling to support a New Free Range Egg Enterprise, Land at Ullard Hall Lane, Plumley, Knutsford for Mr B Wharfe (Pages 23 - 38)**

To consider the above application.

7. **10/3116M-Removal / Variation of Conditions attached to Application 5/5/5116 Site for Caravans at Elm Beds Farm Poynton Approved 20.06.61, The Caravan Site, Elm Beds Farm, Elm Beds Road, Poynton for Mr V Whittaker (Pages 39 - 52)**

To consider the above application.

8. **10/1769M-Construction of a Replacement Dwelling on the site of Brampton House incorporating the existing facade, 54, Trafford Road, Alderley Edge for Mr MJ H (Pages 53 - 62)**

To consider the above application.

9. **10/1768M-Demolition of Existing Dwelling (Conservation Area Consent), 54, Trafford Road, Alderley Edge for Mr MJ H (Pages 63 - 68)**

To consider the above application.

10. **10/1842M-Outline) Demolition of the Existing Buildings and Redevelopment of the site to provide 10no. 2 to 4 Bedroom Terraced Houses and 1 No. 2/3 Storey Apartment Block with 7 No. 2 Bedroom Units with Ancillary Car Parking, Open Space and Access off Vincent Street, Vincent Mill, Vincent Street, Macclesfield for Mr Twigg (Pages 69 - 82)**

To consider the above application.

11. **10/2460M-Construction of New Foodstore with Associated Parking and Servicing Facilities. (Revised Scheme), Cranford Court, King Street, Knutsford for ALDI Stores LTD** (Pages 83 - 94)

To consider the above application.

12. **10/2136M-Construction of New Detached Annex Building, Bolder Hall Farm Cottage, Mudhurst Lane, Disley for Mr J Kelly** (Pages 95 - 100)

To consider the above application.

13. **Appeal Summaries** (Pages 101 - 102)

To note the Appeal Summaries.

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 18th August, 2010 at The Capesthorne Room,  
Town Hall, Macclesfield SK10 1DX

**PRESENT**

Councillor B Moran (Chairman)

Councillors C Andrew, J Crockatt, H Gaddum, M Hardy, O Hunter, T Jackson,  
J Narraway, D Neilson, L Smetham, D Stockton, D Thompson and  
C Tomlinson

**OFFICERS IN ATTENDANCE**

Mrs N Folan (Planning Solicitor) and Mr P Hooley (Business Lead - Northern Office)

**34 APOLOGIES FOR ABSENCE**

Apologies for absence due to Council business were received from  
Councillor R West.

**35 DECLARATIONS OF INTEREST/PRE-DETERMINATION**

All Members declared that, with respect to application 10/2328N -  
Extension to Time Limit on Application P07/0476, Lightwood Green Farm,  
Lightwood Green Avenue, Dodcott Cum Wilkesley, Nantwich for Mr & Mrs  
S Bailey, they knew Mrs Bailey, who was a fellow councillor. However,  
they did not have a close enough acquaintance to necessitate declaring a  
personal interest.

Councillor L Smetham declared that she was acquainted with Mr Willocks,  
who had registered to speak as an objector with respect to application  
10/2269M-Application for Heifer Rearing Unit and Extension to Existing  
Building, Land at Cocks Moss Lane, Marton for Mr Brian Bates. However,  
she did not have a close enough acquaintance to necessitate declaring a  
personal interest.

**36 MINUTES OF THE PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 28 July 2010 be  
approved as a correct record and signed by the Chairman.

**37 PUBLIC SPEAKING**

RESOLVED - That the public speaking procedure be noted.

**38 10/2269M-APPLICATION FOR HEIFER REARING UNIT AND  
EXTENSION TO EXISTING BUILDING, LAND AT COCKSMOSS LANE,  
MARTON FOR MR BRIAN BATES**

Note: Mr Willocks (objector) and Mr Harvey (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Councillor C Andrew declared that she had received correspondence from an objector.

The Committee considered an oral report of the site inspection and an oral update by the Business Lead - Northern Office, and a report regarding the above planning application.

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A01LS - Landscaping - submission of details, to include details of the banking to the east of the building and hedgerow planting on Cocksmiss Lane
5. A04LS - Landscaping (implementation)

and subject to condition 4 being discharged by the Head of Planning and Policy in consultation with the Chairman.

**39 10/2328N-EXTENSION TO TIME LIMIT ON APPLICATION P07/0476,  
LIGHTWOOD GREEN FARM, LIGHTWOOD GREEN AVENUE,  
DODCOTT CUM WILKESLEY, NANTWICH FOR MR & MRS S BAILEY**

The Committee considered a report regarding the above planning application.

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

1. A03FP - Commencement of development (3 years)
2. A05EX - Details of materials to be submitted
3. A05EX\_1 - Details of materials to be submitted
4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. A01AP - Development in accord with approved plans
7. No removal of hedgrow without permission
8. Retention of garage spaces
9. Removal of PD rights
10. Drainage details to be submitted to the LPA and approved in writing
11. Contaminated land survey to be submitted to the LPA and approved in writing

12. Windows and doors to be timber with a minimum 55mm reveal
13. All roof lights to be Conservation Area roof lights
14. Bat mitigation measures to be submitted and approved in writing by the LPA
15. Nesting birds condition
16. Ecologist is to be contacted if protected species found on site
17. Restoration and repair of the buildings only
18. Limit residential curtilage to that shown on the submitted plans
19. Removal of modern agricultural buildings prior to the occupation of the barns
20. Details of 2 passing places to be submitted
21. Bin storage details to be submitted
22. Retention of open bays to barn 3 which shall not be enclosed
23. Details of bird nesting boxes to be submitted
24. Hours of construction

#### **40 APPEAL SUMMARIES**

The Committee considered a summary of appeal decisions.

RESOLVED - That the appeal summaries be noted.

The meeting commenced at 2.00 pm and concluded at 3.40 pm

Councillor B Moran (Chairman)

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**Application No: 10/2729M**

**Location: LAND AT, ULLARD HALL LANE, PLUMLEY, KNUTSFORD**  
**Proposal: CONSTRUCT A NEW AGRICULTURAL BUILDING IN ORDER TO ESTABLISH A FREE RANGE EGG FARM**

**For MR BEN WHARFE**

**Registered 12-Jul-2010**  
**Policy Item No**  
**Grid Reference 373960.78 375495.16**

**Date Report Prepared: 17 September 2010**

### **SUMMARY RECOMMENDATION**

Approve subject to conditions

### **MAIN ISSUES**

Impact on:

- Character and openness of the North Cheshire Green Belt
- Highway safety
- Landscape setting and surrounding area
- Design/materials
- PROW
- Residential amenity
- Environmental health matters
- Trees
- Ecology
- Prevailing policy

## **REASON FOR REPORT**

This report is before Committee due to the scale of the proposal. The applicant seeks consent for a building of over a 1000sqm (1563 square metres) in floor space, therefore, under the Councils Constitution the proposal is required to be determined by Committee.

## **DESCRIPTION OF SITE AND CONTEXT**

The site consists of 56 acres of open previously undeveloped, Green Belt land, situated to the south of Ullard Hall Lane a no-through road which serves a small number of farms and residential properties.

An established hedge forms the northern boundary of the site (to Ullard Hall Lane) which contains four large trees of note to this boundary. An oil pipeline intercepts the field running from north to south, and a footpath runs through the southern part of the site. The M6 lies to the southwest of the site.

The site is located within the North Cheshire Green Belt as defined by the MBLP.

## **DETAILS OF PROPOSAL**

The scheme seeks consent for a new agricultural building to house 12,000 hens to establish a new Free Range Egg Production Unit.

The building would be 80m long by 21.5m wide with an eaves height of 3m and a ridge height of 5.75m (8 vents would be situated above the ridge line), two 5.85m high silos (7m high under previous scheme) will be located to the southern side of the building.

The sides and gable ends would be clad externally with timber over a steel frame with a painted steel roof.

The purpose built agricultural building would provide housing, feeding, laying, scratching and drinking areas for the hens together with a separate control room and area for packing and storing the eggs prior to collection. Immediately abutting the building would be an area of hardcore and concrete to allow for adequate vehicle manoeuvring and the aforementioned feed silos. The surrounding range would comprise of a mixture of grassland and natural cover including new tree planting which is suited to hens (a forest bird). Specialist poultry perimeter fencing would be installed with a height of 1.25m and an additional 0.33m buried and turned out to keep the hens secure and predators out.

A concrete and gravel apron would surround the building to protect the ground where the unit will be most heavily utilised. Beyond the apron of hardstanding to the southern elevation of the building there will be an open range area, including a planted bund to provide shelter and a foraging area for the hens. It

is proposed that the range will be accessed on a rotational basis using temporary fenced paddocks.

A separate application has been submitted for an associated temporary agricultural workers dwelling reference 10/2744M, which is also on this agenda. Should this application be refused, there would be no justification for the proposed dwelling, and to this extent the two applications are linked.

## **RELEVANT HISTORY**

10/0980M - Construct a new agricultural building in order to establish a free range egg production unit. Withdrawn 04-Jun-2010

10/1713M - Construct a temporary agricultural workers dwelling to support a new free range egg enterprise. Withdrawn 04-Jun-2010

## **POLICIES**

### **Local Plan Policy**

NE11	Nature Conservation
BE1	Design Guidance
GC1	New Buildings
DC1	New Build
DC3	Amenity
DC6	Circulation and Access
DC8	Requirements for Landscaping
DC9	Tree Protection
DC28	Agricultural Buildings
DC38	Space, Light and Privacy

### **Other Material Considerations**

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS4	Planning for Sustainable Economic Growth
PPS7	Sustainable Development in Rural Areas
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPS23	Pollution Control
PPG24	Noise

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

**PROW:** no objection subject to conditions/informative

**Environment Agency:** no objection subject to informative (as per response to previous submission)

**Highways:** no objection subject to conditions

**Environmental Health:** no objection subject to conditions

**Pipelines:** apparatus is routed along the north side verge of Ullard Hall Lane and as such is not affected by these proposals.

**Independent Agricultural Consultant:** building designed for purpose, siting is considered on balance to be consistent with best practice, the building is necessary in order for the enterprise to proceed, and is in compliance with required EU and industry standards

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

Lower Peover PC: object - impressed with thoroughness of the application. Large building located in beautiful part of the countryside enjoyed by many residents and visitors over the years, which is previously undeveloped, will be a blot on the landscape and will permanently disfigure a cherished area of the village.

Plumley with Toft and Bexton PC: no objection and recommend approval - all elements - environmental, transport etc have been considered and this is a worthy application

## **OTHER REPRESENTATIONS**

18 sets of correspondence objecting to the proposal have been received, the main points raised were:

- property devaluation
- inappropriate scale/siting of development/isolated development
- intrusion into the Green Belt/loss of Green Belt/spoil Green Belt
- damage to existing landscape/valued area of natural beauty/existing woods/views of landscape
- unacceptable visual impact
- landscaping will take too long to mature and will look out of keeping in field
- unnecessary addition to current agricultural and livestock activities
- loss of residential amenity - noise generated from 12,000 hens and the close proximity to residential dwellings health risks/proximity to local schools
- smell - odour from the proposed development will drift across to residential dwellings/ odour management plan not sufficient
- attract flies and vermin
- views from public right of way affected/spoilt
- disruption/loss of wildlife/flora & fauna
- why sited on undeveloped land?/brownfield sites available/ site it at Mr Wharfe senior's farm
- additional housing in the Green Belt/just a scheme for a house in the Green Belt
- affect whole of Lower Peover

- introduction of industrial farming is at odds with present dairy and horticultural use
- many packers will not accept new producers with flocks below 16,000 hens
- siting of range inappropriate
- business/unit unviable - falling egg prices and competition from larger established units – size of flock – feed prices – optimistic pricing, farming press/Independent financial review notes discrepancies in the business plan submitted
- salmonella risks to business
- size of investment not accurately reflected in business plan following changes since previous submission
- no signed contract in place/enterprise doesn't meet requirements of The Lakes Free Range Egg Company
- further applications will follow to increase the flock size/enterprise/further buildings
- create hygiene/pollution/environmental issues/risks
- really an application for housing, factory
- the business will fail/local residents will be left with an unused building/in time turn to ruin and become an eyesore
- effluent from run off, etc
- increase in vehicular movements & associated noise/damage to roads
- how does this comply with policy?
- creation of new jobs will be at the cost of other jobs elsewhere within the immediate agricultural community

A petition strongly objecting to the application has also been received which includes 27 pages of signatures.

7 sets of correspondence have been received in support of the application, the main points raised were:

- Local farming community needs all the help it can get
- Young people should be encouraged in the production of food for the future
- Abolishment of battery cages means to maintain egg supply more free range egg units will be required/ demand for free range eggs will continue to increase in the UK/ actively encouraged by the major retailers
- Agricultural business on agricultural land
- Farmland is not a museum
- Building will be well landscaped and blend into surroundings
- Provide jobs for local people/concerns need to be balanced against the opportunity for economic growth and employment/ asset to the local economy
- Down a private lane not visible to passing traffic or local people
- The Wharfes are public spirited, active and supportive in the local community loss to the area if the applicant has to move away to achieve his ambition

- Producing a product that many people want to buy/ identified a market for produce in the Lakes Free Range Eggs Company
- if people in the past had not said "yes" then we wouldn't have some of the developments that we value today
- Current average egg price can still support a viable business for a flock of 12,000 hens provided it is well run and efficient.
- new producers who have a market for their eggs should be encouraged and supported
- applicant previously commended for his professionalism
- enterprise has been thoroughly researched
- been sited as far as possible from dwellings
- 'agriculture & forestry' are amongst the 'very special circumstances' under which development is considered appropriate in the Green Belt
- benign system of farming
- many new trees and hedges will be planted
- effort has been made to address concerns of the Council and local residents in this resubmission

### **APPLICANT'S SUPPORTING INFORMATION**

Accompanying the main application and plans were: A Planning Statement (and associated appendices) and subsequent Supplementary Statements, an Ecological Scoping Study, an Agricultural Appraisal, Tree Survey & Method Statement, a Landscape Appraisal, a Design and Access Statement and a Business Plan. The supporting information is fairly extensive and can be viewed in detail on the application file/online.

The crux of the statements conclude that the proposal for a new free range egg unit housing 12,000 hens in a purpose built building is appropriate development in the Green Belt. The business plan and agricultural statement demonstrate the minimum viable flock size is 12,000, any smaller and the business has less resilience and is much more likely to fail. The size of the building is determined by EU legislation and the RSPCA Freedom Food standards for free range units which require an indoor stocking density of no more than 9 birds per square metre. The building is long and narrow in design to comply with the EU and RSPCA standards which dictate that no hen shall be more than 20m from an exit to the range.

The hens are housed in flocks; each flock is on site for 13 months. At the end of each cycle all the hens are removed from site and the building thoroughly cleaned and prepared for the next flock within four weeks, hence the total flock cycle will take 14 months.

Free range eggs have enjoyed sustained and continual increase in demand over the last ten years. This trend is intensifying due to the ban on conventional cages in 2012.

The landscaping proposals mitigate the impact on the surrounding area via the introduction of 300m of new hedgerow and 500 new trees which provide natural cover for the hens and further screen the building.

The land is currently owned by the applicants' father and farmed in conjunction with 205 acres at Whitehouse Farm (tenanted from the Crown Estate). The tenanted holding was farmed as dairy enterprise until the 2005 when the herd was sold due to falling milk prices and increasing costs. The business is currently reliant on the Single Farm Payment and non-agricultural income. The proposal is a reinvestment to secure an agricultural future for the farm.

Other options for the location of the business have been considered they include buying agricultural land with an existing dwelling and building the new unit. This is too costly an option which would not be feasible. The option to develop the new unit at Whitehouse Farm is also unfeasible as the landlords require any tenant's fixtures to be written off over a period of time (ten years). Hence the £360,000 unit would be worth nothing after ten years. Furthermore as Whitehouse Farm is tenanted for the lifetime of the applicants father there is no guarantee of succession.

## **OFFICER APPRAISAL**

### **Key Issues**

The main issues for Committee in determining this application are:

- The principle of development
- Impact on the surrounding Landscape
- Ecological impacts and protected species
- Impact on the amenities of neighbouring properties and users of the public footpaths
- Highway safety
- The viability of the unit

### **Principle of Development**

The construction of new buildings for agricultural purposes is defined by MBLP GC1 and PPG2 as appropriate development in the Green Belt. As the scheme seeks consent for a purpose built agricultural building within the Green Belt, the principle of the development is acceptable, subject to compliance with other relevant policies.

### **Policy**

Policy GC1 indicates that, within Green Belt areas, new buildings will only be permitted in very special circumstances except for a number of particular purposes. These include development for agricultural and forestry purposes.

Policy DC28 relates to development involving new agricultural buildings and structures. The policy seeks to ensure that matters of siting, scale, design and materials are addressed appropriately, and that adverse impacts on nature conservation, residential amenity and highway safety are avoided.

Matters of siting, scale, design and materials are not only controlled by policy DC28 but also by policies BE1 & DC1 which seek to ensure a high standard of design is achieved, and that new development is compatible with the character of the immediate locality of the site.

### **Impact on the surrounding landscape**

#### Openness

The main issue is the effect of the building on the character and appearance of the North Cheshire Green Belt. It is acknowledged that the building would be a substantial utilitarian structure flanked by two large feed hoppers in an undeveloped rural setting.

The location for the proposed development is in open countryside, remote from other buildings within a very large field off Ullard Hall Lane, Plumley. The development would be sited at the northern side of the field parallel to Ullard Hale Lane, approximately thirteen metres from the boundary hedge.

Currently the site is an undeveloped landscape devoid of any farm or agricultural buildings with only sporadic farms and dwellings along this no-through road. As such the building would be in an isolated location removed from any existing agricultural development (the nearest farm holding being Plumleylane Farm situated around 200m from the new unit).

The proposed hen house would undeniably be a very large scale building with an extensive footprint which would undoubtedly result in a loss of openness by virtue of its very existence and would lead to a change in the appearance of the landscape of the Green Belt.

Due to the open and expansive nature of the local landscape it is considered that the proposed development would not be an excessively large or intrusive feature and could be accommodated within the landscape without adversely affecting the landscape character.

This is an agricultural landscape and agricultural buildings of varying scales are characteristic features of the local landscape. The independent agricultural appraisal stated that - the size of the building is dictated by the number of proposed birds and the maximum permitted stocking level. The building proposed is able to meet the necessary standards and is not excessive in size in this respect.

The landscape scheme would enhance and provide some benefits to the local landscape, create a field pattern that is more in keeping with the surrounding area and would provide a wooded setting for the development. The landscape scheme and ongoing landscape management of the land would also increase the nature conservation value of the area and improve biodiversity.



Whilst it is acknowledged the proposal would affect the openness of the Green belt it is not considered that this factor alone overrides the presumption in favour of this purpose built agricultural building.

### Visual impact

The site is located within a large field, the land behind the proposed building rises, providing a degree of screening from Smithy Green and the part of the footpath which run to the south of the application site. There is an existing established hedgerow running along the boundary with Ullard Hall Lane.

The visual impact of the development has been assessed from public footpaths, dwellings and roads. Views of the development from the footpath in proximity to Smithy Green would generally be long-distance views. Views of the development from southern part of the footpath would be partially screened by a gentle rise in the land. At the point where the path enters the field the development would be visible against the skyline broken by mature trees. From slightly further into the field and along most of the route the proposed building would be viewed against the backdrop of Victoria Wood which would lessen the impact of the building. Due to the long distances and the relatively low profile of the building it would not appear an excessively large feature within the wide panoramic views from this footpath.

The building would become more conspicuous from the northern section of the footpath but because of the long distance and the scale of the overall panoramic view it would not appear an overly dominant feature. The proposed hedgerow and the woodland planting (required for management of the range) would grow to form an increasingly effective screen. As the planting matured, views of the development from this footpath would be filtered and would eventually be screened.

Views from the other surrounding footpaths (East of Sandhole Cottage & North of Plumley Lane Farm) are not considered to raise concern given the existing and/or proposed planting.

In terms of the views from Ullard Hall Lane, the development would be conspicuous following construction. The building would be parallel to the road and set back about 13 metres from the roadside hedge. The 80 metre long northern elevation and both gable ends would therefore be prominent from the lane. The roadside hedge is currently about 1.2 metres high and would screen the lower part of the building. The mature roadside oak trees would also provide a degree of screening.

It would not be possible to completely screen the building from Ullard Lane. The proposed woodland on the western side of the building would, when mature, screen the western elevation of the building. The proposed hedge with trees on the eastern side of the building would, when mature, filter views of the eastern gable end and any vehicles on the hardstanding area.

Additional oak trees are proposed in the hedgerow to break up and soften the northern elevation of the building and reduce its visual impact from the lane.

The landscape scheme would in time mitigate most of the visual impacts but there would be a residual visual impact on Ullard Lane.

The Council's Landscape Officer concludes that the development would be located in open countryside remote from existing buildings and would result in a loss in openness and a change in the appearance of the landscape. However, the character and scale of the landscape is such that the development could be accommodated without appearing excessively large or intrusive. The landscape scheme would, in time, mitigate most of the visual impacts but there would be a residual visual impact on Ullard Lane. The landscape scheme would enhance the area, reinforce the local landscape character and be beneficial for wildlife.

Regarding siting and the associated impact on the surrounding area, the independent appraisal states: "A single fixed building is not the only means of providing the necessary permanent protected environment, neither is a specific physical relationship between that environment and the grazing range required. Within the general parameters for free-range production, the protected environment can be either fixed or mobile and provided in single or multiple units. Whatever combination is used, each has advantages and disadvantages, and there is no prescribed option. It is not part of the planning or assessment process to determine which option an applicant ought to develop; that is a business decision. Only if the preferred option has design or operational deficiencies would it be appropriate to question the decision".

Whilst the building would affect openness and to a lesser degree visual amenity once the screening establishes, it is deemed to be designed for purpose and as this is an agricultural building set within an agricultural landscape it is not considered that the scheme warrants a recommendation of refusal in terms of openness, visual impact or landscaping implications.

On balance, the proposed development is therefore considered acceptable from a landscape point of view subject to a number of conditions and as such no significant policy concerns are raised.

## **Highways**

The Strategic Highways Manger raises no objection to the scheme subject to a number of conditions.

The site is located off Ullard Hall Lane; this is rural road of predominately single track with passing places. As the proposed use is only likely to generate a very low number of traffic movements per day (on average 4 trips) this number of trips would not cause undue impact on Ullard Hall Lane. The site access has been designed to accommodate the HGV delivery vehicle and provides adequate turning space within the site, visibility splays of 2.4m x 45m

have been provided and this level of visibility is acceptable given the low vehicle speeds.

Therefore, the proposed use as a free range egg farm is a low traffic impact proposal that will not materially affect the operation of the local road network and no highway objections are raised. As such the proposal is not considered to warrant a recommendation if refusal in terms of DC6.

### **Forestry**

The Arboricultural Officer's comments are awaited, however, it is not anticipated that significant tree issues will be raised in terms of policy DC9 given the extensive advice provided by the officer during pre-application discussions.

Any comments will be included in the update report to Members or updated verbally at Committee.

### **PROW**

The range area and proposed new hedgerow would affect Public Footpath no.4 Plumley, which lies to the south and west of the site.

The applicant does intend in due course to divert the footpath; however, the exact details are yet to be agreed with the applicant. Any footpath diversion proposal must go through a statutory process which is separate to the planning process and includes consultations. Any diversion order, if made, would also be open to a period for public objection

Informatives can be attached to any approval in light of the PROW requirements, which require a gate or gap to be left in the new hedge so that the legal line of the footpath is not obstructed.

### **Design**

The building would be of a plain and functional design. The materials would be timber cladding for the walls and box profile sheeting for the roof. The choice of colours for the building and for the feed silos would be very important in order to minimise the visual impact in the landscape and as such it is recommended they are controlled by condition.

The Independent Agricultural Consultant concludes that the proposed building is designed to meet all the functional parameters required by regulations and welfare best practice. The external materials are those commonly used and appropriate in modern agricultural buildings.

As such the building is considered to be acceptable subject to the aforementioned conditions as it is designed for purpose, accordingly the proposal is not considered to conflict with policies BE1, DC1 & DC28.

## **Residential Amenity**

Policies DC3 & DC38 seek to ensure the protection of the amenities of residential properties in the vicinity of the site. Policy DC3 also seeks to protect residential amenity from noise, smells and hazardous substances. There is a concern that developments of this nature have the potential to cause significant loss of residential amenity to residential properties in the area by virtue of odours (from the manure and buildings housing stock), flies (from manure pits and from spreading operations), and to some extent noise (from plant and equipment associated with the operation). The application includes details of a number of measures which will be developed and implemented in order to mitigate any potential problems.

In this instance, there is no residential development in close proximity to the site. The nearest farm holding being Plumleylane Farm situated in excess of 200m to the east of the proposed unit. Other properties on Ullard Hall Lane (Glengarry House & Sandhole Cottage) are located approximately 400m to the southeast and the properties which make up the hamlet of Smithy Green (to the south) are in excess of 460m away. It is considered that as the proposed development is located a considerable distance from the nearest dwellings, any reduction of amenity would be minimal.

It is considered that the development would not have a significant visual impact on any of the surrounding properties. Due to a combination of factors; the distance of the properties from the proposed development, the orientation of the dwellings, the existing vegetation within gardens, the field boundary hedgerows and the undulating landform.

No objections are raised by the Environmental Health Department.

Although noting the objectors concerns, given the significant separation distances involved the proposal is not considered to raise significant amenity concerns, as the proposal would not have a detrimental impact upon residential amenity or the corresponding policies that would warrant the recommendation of refusal of this planning application.

## **Environment Agency & Pipelines**

The Environment Agency were consulted on the previous application and they raised no objection to the scheme subject to an informative which requires a percolation test is to be carried out to check the suitability of the ground. If the ground is not suitable for a soakaway, a discharge to watercourse would be acceptable from the proposed package sewage treatment plant.

Geo's Network have been consulted on the application due to the proximity of the proposal to the oil pipeline which intercepts the field (running from north to south) located to the west of the proposed building. To date no response has been received, Members will be updated in due course. Provided the apparatus is routed along the north side verge of Ullard Hall Lane, Magdalene

have confirmed that their equipment would not be not affected by these proposals

## **Ecology**

The application is supported by an acceptable ecological scoping report and a specific survey for badgers. The Council's Nature Conservation Officer does not anticipate any significant ecological issues.

### Great Crested Newts (GCN)

A detailed survey has not been undertaken. It is reasonable to assume that this protected species could possibly occur in the Plumley area. The proposed development is however not reasonably likely to result in any significant loss of optimal GCN habitat nor is it likely to affect the favourable conservation status of the species. The submitted report includes a number of reasonable avoidance measures which if implemented are likely to reduce the risks posed to the species to a negligible level.

The Nature Conservation Officer advises that the proposed development is not reasonably likely to have an adverse impact upon Great Crested Newts therefore no further surveys are required in order to comply with PPS9. It was recommended that the submitted reasonable avoidance measures are secured by means of a condition.

### Badgers

A badger sett has been recorded on site; however, this will not be directly affected by the proposed development. There is potential for the fencing associated with the development to limit the movement of badgers across the site and so reduce the available foraging habitat for the species. The submitted badger survey includes proposals for the mitigation of this adverse impact through the inclusion of badger gates in the proposed fencing.

The Nature Conservation Officer advises that this approach is in accordance with current best practice and is acceptable. It has been recommended that the proposed badger mitigation be secured by means of an appropriate condition.

### Ecological enhancement of the site

The proposed additional planting will contribute to enhancing the ecological value of the site in accordance with PPS9.

As such no significant ecological issues are raised and the proposal is considered to conserve and enhance nature conservation interest in accordance with MBLP NE11.

### The viability of the unit and findings of the Independent Agricultural Appraisal:

The Council have employed an independent Agricultural Consultant to assess the merits of the case. The conclusions of the appraisal were:

- the various components of the proposal, including the main building, are necessary in order for the enterprise to proceed, and are in compliance with required EU and industry standards.
- The size of the building is dictated by the number of proposed birds and the maximum permitted stocking level. The building proposed is able to meet the necessary standards and is not excessive in size in this respect.
- The proposed building is designed to meet all the functional parameters required by regulations and welfare best practice. The external materials are those commonly used and appropriate in modern agricultural buildings.
- The siting of the proposed building in relation to the grazing range prevents the most effective use of the range by the housed birds and presents unnecessary land management problems. Nevertheless the detailed individual design aspects of the management approach to the range are consistent with best practice.

Regarding the siting of the unit in terms of agricultural best practice “the ideal situation is a central position in the grazing range to enable a series of radiating paddocks to be created around it, which can be used in a rotational pattern to maintain grass cover and control potential disease. In its guidance material, Defra has recognised that this is not always possible due to planning constraints or the ability to service a particular site”.

If this building was situated in a more central position within the site it would be in much closer proximity to both the public right of way and the dwellings in Smithy Green. Furthermore the land rises towards the centre of the field creating a more prominent development which would have an even greater impact on the character and openness of the surrounding area.

The independent appraisal states: “the proposed building at Ullard Hall Lane is not ideally situated. It is sited immediately adjacent to the lane with its northern long elevation some 7 m from the intended boundary fence. The intervening surface will comprise concrete and gravel, and birds emerging from this side of the building will have no sight of a grazing range and only one means of accessing it due to the obstructive presence of the site access and operational area at the eastern end of the building. This will not assist rotational grazing management of the pasture”.

Research shows hens tend to only range within 50m of the building and as few as 12% of the birds might be using the range at any one time. Active encouragement is required to get the hens to leave the hen house. The agricultural consultant noted that the proposed siting of the building will inevitably lead to a low usage of the range and that use will be concentrated within the immediate grassland and tree planted bund. Birds venturing beyond the planted bund would be faced by a threatening open space and because of the bund visual disconnection from the building.

This would not result in the most effective use of the range and will also cause unnecessary land management problems. However the consultant concludes that the detailed individual design aspects of the management approach to the range are consistent with best practice.

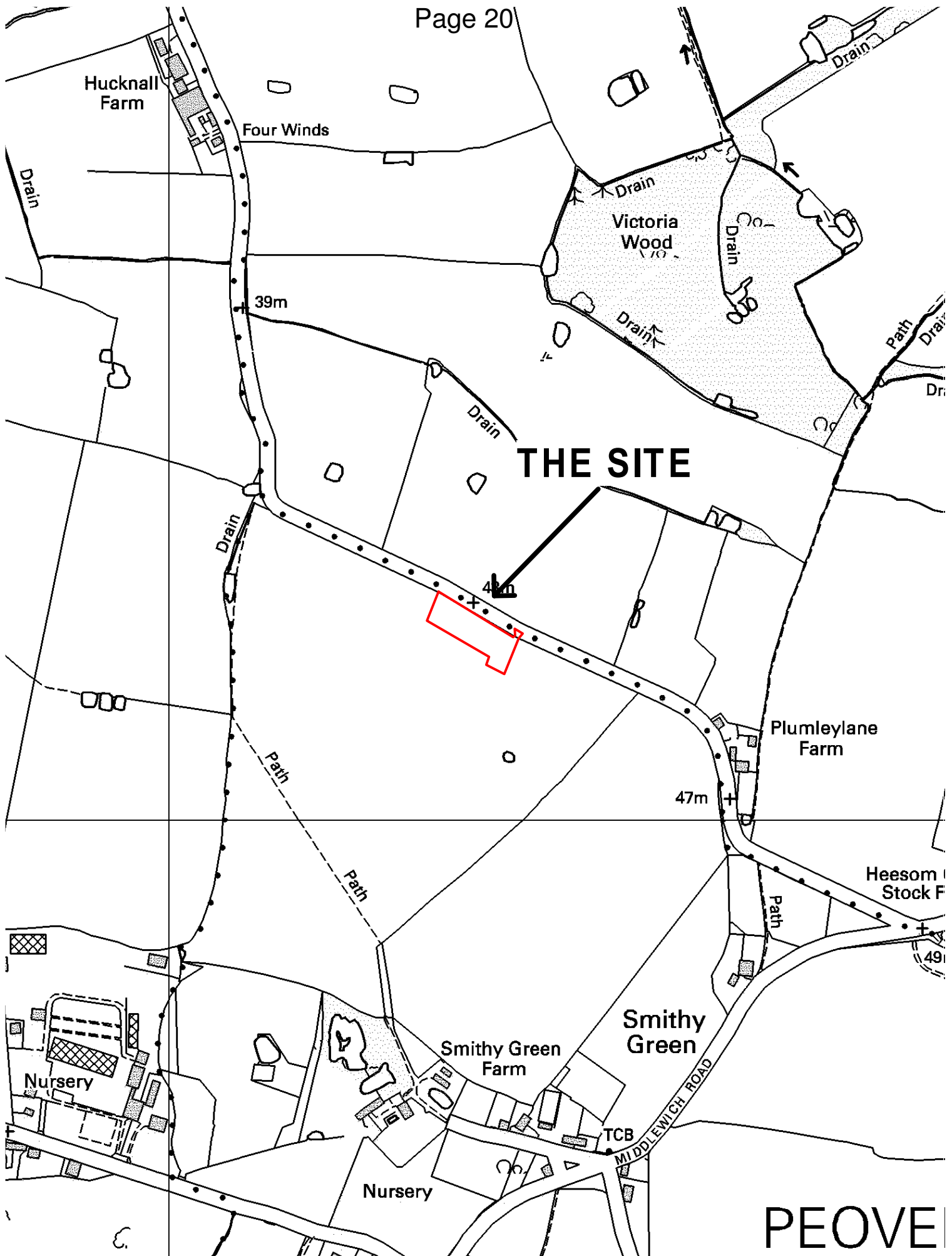
It is considered that although the proposed siting would cause additional management issues for the applicant, this is preferable to the resiting of the building to the centre of the site for the aforementioned reasons.

Whilst it is acknowledged one of the objectors has commissioned an Independent financial review of the business plan submitted by the applicant and current egg prices, the review leads with the caveat that the author is: "neither an authority on free range eggs, nor on planning regulations".

The supporting information states the Business Plan has been approved by Mr Wharfe's bank as a basis on which it is prepared to fund the development of the enterprise. Furthermore the specialist advice to the Council concludes that the enterprise is expected to be profitable at a level which gives appropriate remuneration to its principals and a return on investment; it is based on sound financial planning. As such the Council is not in receipt of any information that would significantly question the viability of the unit.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposal has been carefully considered in terms of the location of the proposed building and its potential visual impact on the open and rural character of the local environment. The building is undeniably large and utilitarian but it is considered to be sited in the best place within the site to minimise the impact on the surrounding area. It is not considered that significant issues arise which warrant a recommendation of refusal. As such a recommendation of approval subject to conditions is made.



10/2729M LAND AT, ULLARD HALL LANE, PLUMLEY, KNUTSFORD  
NGR 374,320:375,200

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PEOVE

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Application for **Full Planning**

**RECOMMENDATION : Approve subject to following conditions**

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01LS - Landscaping - submission of details
4. A04LS - Landscaping (implementation)
5. A15LS - Submission of additional landscape details
6. A16LS - Submission of landscape/woodland management plan
7. A03HA - Vehicular visibility at access (dimensions)
8. A24HA - Provision / retention of service facility
9. A01AP - Development in accord with approved plans
- 10.A04BC - No agricultural PD in addition to expressed permission
- 11.A11LP - Subsequent removal of agricultural buildings
- 12.Great Crested Newts - avoidance measures
- 13.badger mitigation
- 14.Submission of odour management plan
- 15.submission of manure management plan
- 16.Manure stored for offsite disposal
- 17.Noise control

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**Application No: 10/2744M**

**Location: LAND AT, ULLARD HALL LANE, PLUMLEY, KNUTSFORD**  
**Proposal: CONSTRUCT A TEMPORARY AGRICULTURAL WORKERS DWELLING TO SUPPORT A NEW FREE RANGE EGG ENTERPRISE.**

**For MR BEN WHARFE**

**Registered 21-Jul-2010**

**Policy Item No**

**Grid Reference 374401 375163**

**Date Report Prepared: 17 September 2010**

### **SUMMARY RECOMMENDATION**

Approve subject to conditions

### **MAIN ISSUES**

Impact on:

- Character and openness of the North Cheshire Green Belt
- Highway safety
- Agricultural justification/need
- Landscape setting and surrounding area
- Design/materials
- Residential amenity
- Environmental health matters
- Trees
- Ecology
- Prevailing policy

## **REASON FOR REPORT**

The application for temporary worker's accommodation has been submitted in parallel with a planning application (10/2729M) for the erection of an agricultural building in which the proposed free-range egg enterprise would be established. That application is the subject of a separate appraisal. Should that application be refused, there would be no justification for the proposed dwelling, and to this extent the two applications are directly linked.

## **DESCRIPTION OF SITE AND CONTEXT**

The site consists of 56 acres of open, previously undeveloped Green Belt land, situated to the south of Ullard Hall Lane a no-through road which serves a small number of farms and residential properties.

A relatively well established hedge forms the northern boundary of the site (to Ullard Hall Lane) which contains four large trees of note to this boundary. An oil pipeline intercepts the field running from north to south. The M6 runs to the southwest of the site.

The site is located within the North Cheshire Green Belt as defined by the MBLP.

## **DETAILS OF PROPOSAL**

The proposal relates to the siting of a mobile home for a maximum period of 3 years for the occupation by an essential agricultural worker to support a new agricultural building to house 12,000 hens. A separate application (10/2744M) has been submitted for the construction of a new agricultural building to establish a free range egg farm for 12,000 hens, which is also on this agenda.

The proposed mobile home (situated on a wheeled base) would be 15.4m long by 6.7m wide with an eaves height of 3.2m and a ridge height of 4.2m and would be located approximately 8.5m to the east of the proposed egg unit and its occupation would be associated with the unit. The sides and gable ends would be clad externally with timber and the roof would be tiled. Within the proposed curtilage of the site space would be provided for a driveway, turning areas and two car parking spaces accessed via a new entrance off Ullard Hall Lane (separate access from the main unit).

## **RELEVANT HISTORY**

10/0980M - Construct a new agricultural building in order to establish a free range egg production unit. Withdrawn 04-Jun-2010

10/1713M - Construct a temporary agricultural workers dwelling to support a new free range egg enterprise. Withdrawn 04-Jun-2010

## POLICIES

### Local Plan Policy

NE11	Nature Conservation
BE1	Design Guidance
GC1	New Buildings
DC1	New Build
DC3	Amenity
DC6	Circulation and Access
DC8	Requirements for Landscaping
DC9	Tree Protection
DC24	Temporary Agricultural Dwellings
DC38	Space, Light and Privacy

### Other Material Considerations

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS4	Planning for Sustainable Economic Growth
PPS7	Sustainable Development in Rural Areas
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPS23	Pollution Control
PPG24	Noise

Further along Ullard Hall Lane an application has also been submitted to the Council for the erection of a second agricultural workers dwelling in association with Ullard Hall Farm. The application details are: 10/2949M - Construction of an agricultural workers dwelling, recently registered and previous submission 10/0099M - Construction of an agricultural workers dwelling - Withdrawn 08-Mar-2010

### CONSULTATIONS (External to Planning)

**Highways:** no objection subject to conditions. The proposed access is of a satisfactory design and provides 2 off-street parking spaces and a turning facility. There is a requirement to provide visibility at the access point 2.0m x 45m, this can be achieved and secured by condition.

**Environmental Health:** no objection subject to conditions and informatives - it is recommended that this application if permitted is restricted to the agricultural use relating to application 10/2729M, again if permitted

**Public Protection and Health (Contaminated Land):** The application is for a new residential property which is a sensitive end use and could be affected by any contamination present, condition requiring contaminated land reports are recommended.

**Independent Agricultural Consultant:** the proposed siting of the temporary accommodation would, on balance, meet the functional requirements of the holding; no suitable and available alternative accommodation exists in the locality from which to deliver the appropriate level of management.

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

Lower Peover PC: object – whole enterprise which would have a separate entrance to the main egg unit is located in beautiful part of the countryside which has never been developed before, will be a blot on the landscape and will permanently disfigure a cherished area of the village.

Plumley with Toft and Bexton PC: do not object to either of the applications and would recommend approval. It is considered that all elements - environmental, transport etc have been considered and this is a worthy application.

## **OTHER REPRESENTATIONS**

### Letters of objection:

13 sets of objections have been received, the main points raised were:

- Once the Green Belt has gone it is gone forever/Keep the Green Belt for future generations to enjoy.
- Media/internet stories – automated systems for egg houses which can send an alarm to a mobile phone, the applicant could live in an existing dwelling in the local vicinity and manage his business fully and safely without the need for an additional unsightly building on the Green Belt.
- There are currently 115 properties for sale in a 3 mile radius of the site ranging from 2 to 4 bedrooms in a price range of £54,000 to £350,000. Six of these are within 1 mile radius.
- Hucknall Farm it is still on the market, not off the market as stated by the applicant
- It would be an incongruous and prominent feature in the landscape that would cause significant harm to the character and appearance of the landscape.
- the applicant intends to apply for a permanent dwelling in 3 years time if the business is viable. This would radically increase the scale of the development thus adding substantially to the already intrusive nature of the building on the Green Belt.
- At no other time has there ever been a building on this part of the Green Belt.
- no justification for a temporary or permanent dwelling to be situated on this beautiful and unspoilt part of our Green Belt countryside
- The temporary building will at a future date become permanent.
- The land is green belt, which if planning is allowed, will set a precedent for other buildings to be built on green belt land.
- There is other available housing in the area.

- Mr Wharfe senior already owns a farm in Whitehouse Lane, Plumley. This farm has a number of buildings that he no longer uses for agricultural purposes and he owns significant acres of land around the farmhouse. Why not develop it on this land, near his own house?
- This is green belt land on which a house should not be built
- The smell from hen manure is foul – no matter what modern methods are employed. Piles of rotting excrement attract vermin and insects.
- The chickens do scratch the earth bare. If allowed, the site will be a visual eyesore
- The roof extract fans will be noisy.
- the proposed landscaping will take a very long time (at least 10years) to have the necessary effect
- Impact on flora, fauna and wildlife
- Air Pollution and associated risks to the health and wellbeing of the local residents and community at large
- Commercial viability of the proposals
- blot on the landscape and bring environmental risks
- risk that the business would not succeed. If so there would be the unwelcome precedent of a substantial unused / empty building and a temporary / permanent dwelling left on Green Belt land
- out of character with the local area and would be detrimental to the standard of life of local residents
- The introduction of industrial farming is at odds with present dairy and horticultural use.
- unit is probably unviable in face of falling egg prices and competition from larger established units
- The unit would lead to a diminishing of amenity for residents and visitors to the area through visual, sensory and aesthetic damage to landscape.
- if this was to proceed everybody who had any type of business would quote this as precedent for purchasing Greenfield, a small industrial unit or office and then a dwelling.
- traffic increase
- blatant disregard for green belt
- dramatic impact on badgers, newts, birds
- site “a jewel in the crown”
- egg production reaching saturation point
- wonderful views to toft woods
- hygiene/pollution, road usage/damage
- impact on village school and children who play out
- prefer to see housing on site rather than egg farm
- expansion of unit in the future
- egg sales have slumped dramatically as people cut them out of their diet more and more
- how long the business will run once it is open
- will become in time just another run down empty building
- attract rats/vermin
- additional housing in Green Belt
- whole of Lower Peover badly affected

A number of the comments are submitted as one set of comments relating to both schemes and appear to raise issues mainly associated with application ref: 10/2729M.

Letters of support:

3 sets of correspondence have been received in support of the application, the main points raised were:

- Projections in egg supply and market demand by the British Egg Industry Council conclude that the demand for free range eggs will continue to increase in the UK.
- market analysis suggests that the current average egg price can still support a viable business for a flock of 12,000 hens provided it is well run and efficient.
- Significant factors in this conclusion are the 2012 ban on conventional battery cages within the EU, 21% of UK egg currently being imported from Europe and supermarkets switching to free range only eggs.
- The WHO and many other organisations are stating that world food production will have to double by 2050.
- Tabley golf course has been constructed and everyone has been more than happy with it. It has not been the eyesore which was feared by so many, the clubhouse has not become the den of iniquity that was also feared
- the applicant, has been serving as a Captain in the 'Black Watch' an elite infantry division, he was commended for his courage, also commended for his professionalism
- free range egg production is just about the most benign system of farming; little or nothing in the way of chemicals are used, no heavy, noisy machinery, many new trees and hedges will be planted. A new rural business will be a great asset to the local economy.
- growing opposition to battery cage egg production
- the applicant has researched this thoroughly, sited it as far away from any dwellings as possible, and done everything possible to improve the environment
- the applicant wouldn't do anything either irresponsible or harmful to those around him
- young family living and working in the parish will surely be an asset to the community, rather than yet another who use the parish as a commuter base

**APPLICANT'S SUPPORTING INFORMATION**

Accompanying the main application and plans were Appendices' outlining: the 'Typical Daily Routine', Property Sale Prices, DEFRA Code of Recommendations for the Welfare of Livestock – Laying Hens, an assessment of the existing agricultural workers dwelling at Hucknall Farm, Job Specification, copy of a letter sent to the neighbours, a Letter from Lakes Free Range Eggs.



A Design and Access Statement Tree Survey & Method Statement, an Agricultural Appraisal and two Business Plans (one of which was not for public view at the applicants request). The supporting information is fairly extensive and can be viewed in detail on the application file/online.

The crux of the statements are that the only viable and feasible option is developing the business and associated dwelling on agricultural land that is occupied freehold and constructing a new specialist modern building and dwelling for the manager.

Without the manager living within sight and sound of the hen house the business cannot ensure the welfare of the hens, their protection from stress and fear and therefore the performance of the business. The functional need, financial test and business viability have been satisfied. Research has identified a packer/distributor interested in entering into a trading contract to take eggs from the intended unit.

The bungalow at Hucknall Farm has been investigated as an alternative but the property is out of sight and sound of the hen house.

## **OFFICER APPRAISAL**

### **Key Issues**

The main issues surrounding the determination of this application are the impact of the proposed development upon residential amenity, highway issues, the impact upon the character and appearance of the countryside as well the impact on protected species.

Furthermore it must be assessed whether the functional and financial test outlined in PPS7 have been met with regard to the provision of a temporary workers dwelling on the site.

National & local policy guidance state that genuine agricultural uses are acceptable in principle in the open countryside.

### **Principal of development**

The basic policy premise is that new development in the countryside should be restrained. Consequently paragraph 1 of Annex A of PPS7 indicates that agricultural workers will normally be expected to live in existing accommodation or in towns and villages close to their place of work and only where an agricultural business has an essential need for a worker to be more closely on-hand will this premise be re-examined and set aside. The paragraph also notes that whether the need to live on site is essential will depend on the needs of the enterprise concerned, and not on the personal preferences or circumstances of the individuals involved.

Consequently, PPS7 sets out a series of functional and financial tests to establish whether it is essential for a worker to live at or very close to their place of work, and that the associated farming circumstances are genuine and sustainable.

Where on-site accommodation is required to support a new farming activity on a newly created or established agricultural unit, this is normally provided in a temporary facility to enable the sustainability of the enterprise to be demonstrated, they should satisfy the following criteria

- clear evidence of a firm intention and ability to develop the enterprise;
- functional need – essential for the operation of the enterprise to have a worker readily available;
- clear evidence that the proposed enterprise has been planned on a sound financial basis;
- the functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;
- other normal planning requirements, for example siting and access, are satisfied.

This approach is supported by Policy DC24 of the Macclesfield Borough Local Plan.

Taking those criteria one by one:

Evidence of a firm intention and ability to develop the enterprise

The evidence of the intent and ability of the applicant outlined in the supporting documentation to deliver the proposed free-range egg enterprise comprises:

- the availability of the land;
- the submission of a planning application for the relevant building;
- an expression of interest from a egg packer/distributor company in offering a contract to receive the intended output;
- the professional backgrounds of Mr Wharfe and his wife and the evidence of the planning of the project.

In terms of ability, the applicant does not have any previous experience of free range egg production, however Mr Wharfe and his wife have professional qualifications and experience in rural estate management and marketing relevant to the development of the enterprise. This has been demonstrated effectively in the planning of the enterprise and is evident from the material submitted in support of the applications for both the agricultural building and the dwelling.

The view of the Independent Agricultural Consultant instructed by the Council is that there is no identifiable reason to question the intent and ability of the applicant to deliver the proposed development.

### Functional need

A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. The need to respond to animals requiring essential care at short notice is cited as an example of such a circumstance (paragraph 4 Annex A PPS7).

The Government guidance on animal welfare emphasises the responsibility of those looking after animals to meet five basic needs: freedom from thirst, hunger and malnutrition; the provision of appropriate comfort and shelter; the prevention, or rapid diagnosis and treatment of, injury, disease or infestation; freedom from fear; and freedom to display most normal patterns of behaviour.

The DEFRA welfare code specific to laying hens states: "No person should operate or set up a laying hen unit unless the welfare of all the birds can be safeguarded. This can be achieved by ensuring that the buildings and equipment, and the skills and ability of the flock-keeper, are appropriate to the husbandry system and the number of birds to be kept."

Despite the ability to range, the birds will, for the majority of the day, be confined within a building where they are entirely dependent upon human intervention in terms of their environmental conditions and security. Failure of automated environmental systems needs to be identified quickly and rectified, as does any fire hazard. The birds need to be protected from predators or unexpected disturbances which might cause large scale panic resulting in smothering.

Part of a recent appeal decision states: "it is the unpredictability of the response of the chickens to unexpected incidents that would appear to pose more threat to their welfare. Incidents from as serious as predators accessing the unit to as simple as the back-up generator starting up or aircraft flying overhead could prompt a panic incident which, if not dealt with within a matter of minutes, could result in the partial or full loss of the flock."

The independent Agricultural Consultant advises that it is not only these emergency situations, but also the general welfare obligations stated in the DEFRA code of practice, which can only be satisfactorily addressed if there is a key worker readily available at most times.

The Annex A guidance requires that if the general premise of a requirement for a readily available worker has been accepted, consideration should be given to the number of workers needed to meet it.

Regarding man hours for the proposed building, the applicant's agricultural appraisal concludes that the requirement will be for at least two full time workers. The Council's independent appraisal finds the requirements to be closer to three full time workers; as such the ready availability of the key stockman will be critical to the enterprise being realised and succeeding.

Given this evidence it is accepted that a worker would need to be readily available to supervise the scale and nature of the proposed enterprise at most times and the functional need has been met.

Clear evidence that the proposed enterprise has been planned on a sound financial basis

New enterprises need to show 'clear evidence' that an enterprise is planned on a sound financial basis. There is no definition of financial soundness or viability in the planning guidance.

The Annex A guidance requires that local planning authorities take "a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned". The Independent view from the Council's Agricultural Consultant is that a business should give its principals a realistic return to their labour and move towards a position of being able to sustain permanent accommodation. The Consultant has compared the figures presented in the submitted business plan with standard economic data in The John Nix Farm Management Pocketbook and the Farm Business Survey of Poultry Production in England and concludes that the factors used are realistic. Furthermore it is understood from the appraisal submitted in behalf of the applicant that the Business Plan has been approved by the applicants bank as a basis on which it is prepared to fund the development of the enterprise.

As such it is concluded that the proposed enterprise has been planned on a sound financial basis.

The functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned

This policy test is not about ease, convenience or personal preference it is about providing new residential accommodation only where the needs of the enterprise require that workers to be readily available on the site for it to function.

Currently the site is an undeveloped landscape devoid of any farm or agricultural buildings. It is noted that within a kilometre of the site are a small number of properties associated with the existing communities of Smithy Green and Lower Peover. An internet search of currently available 2/3 bed properties revealed asking prices starting at around £170,000/£199,000 respectively. Notwithstanding the issues of suitability to provide for the relevant agricultural worker, the Council's Consultant found that these are property values which exceed the realistic purchasing ability of the proposed farm business as a start-up cost.

This is the test that the case officer has been most concerned about during pre-application discussions given the proximity of an existing Agricultural workers dwelling. Some 800m to the north of the application site along Ullard

Hall Lane lies Hucknall Farm. This has an adjoining property, 'Four Winds', which is a two bedroom dormer bungalow subject to an agricultural occupancy condition, which is currently for sale - with a guide price of £200,000. The applicants supporting information outlines that consideration has been given to this property but that it has been dismissed on the grounds that it is unsuitable due its being out of sight and sound of the proposed poultry unit, unsatisfactory as appropriate living accommodation and not available.

It is very rarely the case that an existing agricultural dwelling is available coincidentally with an expressed need for a new dwelling and in such close proximity. Where such occasions present themselves, they reflect the very reason for which the agricultural occupancy condition was devised, namely to maintain the availability of properties to meet the long term needs of agriculture in any locality and to reduce the need for continued sporadic residential development in the countryside. Accordingly careful thought needs to be given to the ability of this property to meet the needs of the applicant irrespective of some of the deficiencies he raises. Appropriate remote monitoring and alarm arrangements could enable a worker to be alerted to emergency or impending difficulties at the production unit and the response time, given that Ullard Hall Lane provides a direct route, would be very short. There are no existing properties closer to the application site which could provide any better supervisory base for the proposed enterprise.

Members should be aware of a recent appeal decision within Cheshire East Borough Council for the provision of temporary accommodation for an agricultural worker on a proposed free-range egg unit. The Council refused permission for the siting of a mobile home on a proposed 7000 bird unit near Nantwich. One of the reasons for refusal was that the authority considered the applicant had failed to demonstrate that the functional need could not be met by existing property in the area. The Inspector did not support the Council's reasoning and the appeal was allowed. The Inspector noted that there was other accommodation available which takes less than five minutes to drive to, however, none would satisfy the functional need for a worker to be readily available at most times. The Inspector concluded: *"From the evidence before me I am satisfied that it is essential for the needs of the enterprise that a full-time worker lives within site and sound of the egg production unit and that there are no suitable existing dwellings which would satisfy that requirement. I therefore conclude that the functional need for the development could not be fulfilled by existing accommodation in the area..."*

This application is for a unit for 12,000 hens, 5,000 more than the site in Nantwich. Given that the proposed unit in the current case is larger with commensurately higher levels of potential losses, and that the Inspector in the appeal case was not satisfied that the response times of less than five minutes represented an acceptable level of ready availability, it is considered that the appeal decision is a material consideration in assessing the relevance of 'Four Winds'.

Furthermore the agents confirmed to the case officer on 13<sup>th</sup> September 2010 that 'Four Winds' was currently 'under offer'.

The Council's Independent advisor concludes therefore that, on balance, no suitable and available alternative accommodation exists in the locality from which to deliver the appropriate level of management.

Other normal planning requirements are satisfied.

### **Landscape & Visual Amenity**

The Landscape Officer concludes that the siting, scale and design of the dwelling would not have a significant visual impact on footpaths, roads or residential properties in the vicinity.

The colour of the building is important in order to minimise the visual impact in the landscape. Darker shades of green or brown would be preferable this can be controlled by condition.

Materials for the access drive and parking area should be submitted for approval. Gravel or a similar loose material that is easily removable would be appropriate.

The boundary treatment along the non-permanent eastern and southern boundaries of the curtilage should be in keeping with the rural setting and be easily removable. For example, post and rail fencing would be appropriate.

There is a recently planted hedge along the Ullard Lane boundary. Additional trees are proposed in this roadside hedge. The proposed trees would provide some screening for the temporary building and would enhance the area. The species, sizes and numbers for the proposed trees should be submitted for approval. As the dwelling would be temporary it is not necessary or appropriate to create a landscape setting and so further landscape works are not required.

It is concluded, therefore, that the dwelling does not raise significant concern in terms of landscaping or the wider character of the area.

### **Highways**

The Strategic Highways Manger raises no objection to the scheme subject to conditions.

The proposed temporary dwelling is to be used in conjunction with the adjacent Free Range Egg Farm site; the proposed access is of a satisfactory design and provides 2 off-street parking spaces and a turning facility. There is a requirement to provide visibility at the access point 2.0m x 45m, this can be achieved and secured by condition.

In light of the above and as the visibility splays required can be controlled by condition the proposal is not considered to raise significant concern in terms of MBLP Policy DC6.

## **Forestry**

The Arboricultural Officer's comments are awaited, however, it is not anticipated that significant concerns will be raised given the extensive advice provided by the officer during the pre-application stages. Any comments received will be provided to Members in either an update report or directly at Committee.

## **Design**

The mobile dwelling is considered to be designed for purpose and would be sited in close proximity to the proposed poultry shed. Given its temporary nature it is not considered that the design of the proposal would form a reason for refusal in terms of policy BE1 or DC1.

## **Residential Amenity**

Policies DC3 & DC38 seek to ensure the protection of the amenities of residential properties in the vicinity of the site. The nearest farm holding is Plumleylane Farm situated around 200m to the east of the proposed workers dwelling. Other properties on Ullard Hall Lane (Glengarry House & Sandhole Cottage) are located approximately 390m to the southeast and the properties which make up the hamlet of Smithy Green (to the south) are in excess of 460m away.

Although noting the objectors concerns, given the significant separation distances involved the proposal is not considered to raise significant amenity concerns as the proposal would not have a detrimental impact upon residential amenity that would warrant the refusal of this planning application.

Policy DC3 also seeks to protect residential amenity from noise, smells and hazardous subsidence's.

The Environmental Health department do not object to the application subject to conditions and informatives being attached to any approval. The conditions relate to details of the proposed foul and surface water drainage, controlling the temporary time frame. The informative is a reminder to the applicant should the temporary dwelling be approved it will be required to be licensed.

The Officer responsible for Contaminated Land recommends conditions regarding phasing reports as the application is for a new residential property which is a sensitive end use and could be affected by any contamination present.

Although noting the objectors concerns in relation to these matters no objection is raised by the Environmental Health Department subject to conditions which could be imposed if Members were minded to approve the application.

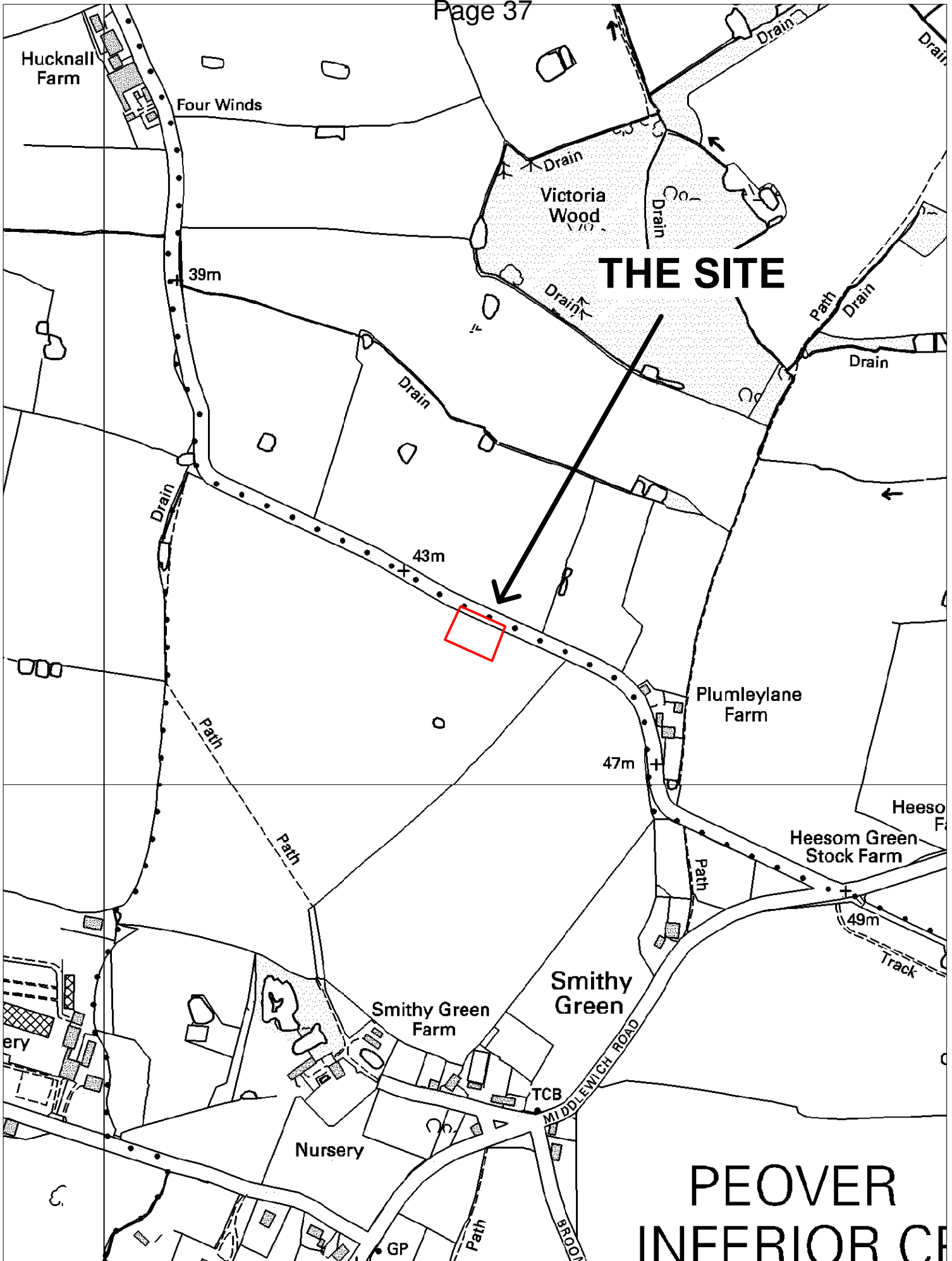
## **Ecology**

The Councils Nature Conservation Officer does not anticipate there being any significant ecological issues associated with the proposed development as such no policy concern is raised in terms of NE11.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

For the reasons given above and having regard to all the matters raised, it is concluded that the proposal has satisfied the functional and financial need requirements of PPS7 and local plan policy DC24. As such the application is recommended for approval subject to conditions.





10/2744M - LAND AT, ULLARD HALL LANE, PLUMLEY, KNUTSFORD  
N.G.R. - 374,400 - 375,160

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PEOVER  
INFERIOR CH

Application for **Full Planning**

**RECOMMENDATION : Approve subject to following conditions**

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01LS - Landscaping - submission of details
4. A04LS - Landscaping (implementation)
5. A11EX - Details to be approved
6. A03HA - Vehicular visibility at access (dimensions)
7. A03LP - Temporary buildings
8. A09LP - Agricultural occupancy
9. A12LS - Landscaping to include details of boundary treatment
- 10.A01GR - Removal of permitted development rights
- 11.A01AP - Development in accord with approved plans
12. Contaminated Land - Phasing reports
13. foul and surface water drainage
14. surface water drainage

**Application No:** 10/3116M

**Location:** THE CARAVAN SITE, ELM BEDS FARM, ELM BEDS ROAD, POYNTON, SK12 1TG

**Proposal:** REMOVAL / VARIATION OF CONDITIONS ATTACHED TO APPLICATION 5/5/5116 SITE FOR CARAVANS AT ELM BEDS FARM POYNTON APPROVED 20.06.61

**For** MR VICTOR WHITTAKER

**Registered** 11-Aug-2010

**Policy Item** No

**Grid Reference** 394470 382722

**Date Report Prepared:** 17 September 2010

### **SUMMARY RECOMMENDATION**

Refuse

### **MAIN ISSUES**

- Impact on residential amenity
- Impact on the character and appearance of the adjoining Conservation Area
- Highway Safety

### **REASON FOR REPORT**

This application has been called in to Committee by Cllr. Murray for the following reasons:

Development is contrary to:

- Policy DC3, loss of amenity to local residents through a further deterioration to their environment specifically, noise, disturbance and damage to their property
- Unacceptable impact on the Conservation area – further damage to a specifically mentioned asset in the Conservation Area – the road
- Intensification of the use of Elm Beds Rd which is substandard
- Unneighbourly use

- Visitor accommodation is encouraged provided that there is no harm to the character of the area or no adverse impact on existing residential amenity

## **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises Elm Beds Caravan Park, which is a recreational caravan park accessed off Elm Beds Road.

Planning permission was originally granted for the caravan park in June 1961 under planning application 5/5/5116. The conditions attached to this consent require the site to be closed seasonally, between 31 October to 1 March each year.

There are 54 caravans within the application site (edged red on the location plan attached to the application), which are located to the south of the site, in a roughly circular area.

Outside the application site (within the area edged blue on the location plan), lies Elm Beds Farmhouse, an area designated for caravan storage and two areas designated for touring caravans and tents. Within the areas designated for touring caravans and tents there are two residential caravans, one of which is lawful, see planning history below.

The application site is situated within the Green Belt and an Area of Special County Value as defined by the Local Plan 2004, the Macclesfield Canal Conservation Area lies immediately adjacent to the site. Elm Beds Road falls within the Conservation Area.

## **DETAILS OF PROPOSAL**

Planning permission is sought for the removal of condition No. 1, and for the variation of condition No. 2 on application 5/5/5116, to allow the 54 recreational caravans to the south of the site to be available for use between 1<sup>st</sup> March and 15<sup>th</sup> January each year. This would increase the site usage by 6 weeks, from 9 months to 10.5 months each year.

Members should note that this application does not relate to the caravan located at the north of the site, adjacent to the entrance (Elm Lodge), which was sited without the benefit of planning permission in October 2007. This is a separate issue, and should not be considered as part of this application. The Council is currently considering its position in relation to taking Enforcement action for its removal.

## RELEVANT HISTORY

- 07/2420P Removal of conditions one and two attached to application 5/5/5116 to enable caravans to be occupied between 1st March and 15th January annually  
Withdrawn 01.11.2007
- 08/0802P Certificate of lawfulness for the existing use of land as caravan site and for caravan storage  
Positive Certificate granted 04.08.08 for:  
*Use of area edged red for the stationing of 54 static caravans offering seasonal occupation between 1st March and 31<sup>st</sup> October each year, the area hatched orange (discluding the permanent residential caravan – hatched black) for the use of the land for recreational pitches for tents and touring caravans and the area hatched green for the storage of 12 touring caravans, as indicated on the local planning authority's location plan.*
- 08/0803P That one caravan has offered permanent residential occupation throughout the year  
Positive Certificate granted 04.08.08 for:  
The stationing of one residential static caravan (as indicated on the Local Planning Authorities location plan)
- 08/1447P Variation of conditions 1 & 2 from approval 5/5/5116 to allow a maximum of 12 caravans to be occupied between 1st March and 15th January annually  
Approved 10.09.08  
**Temporary consent expired 10.09.10**
- 09/0362M Retention of caravan for use as temporary dwelling (Elm Lodge)  
Refused 01.06.09  
Appeal dismissed 19.03.10

## POLICIES

PPS4 – Planning for Sustainable Economic Growth  
PPS6 – Planning Archaeology and Built Heritage  
PPS7 – Sustainable Development in Rural Areas  
Good Practice Guide on Planning for Tourism

### Local Plan Policies:

- |      |                                      |
|------|--------------------------------------|
| NE1  | Areas of Special County Value        |
| BE3  | Conservation Areas                   |
| BE6  | Macclesfield Canal Conservation Area |
| DC3  | Amenity                              |
| DC6  | Circulation and Access               |
| RT13 | Promotion of Tourism                 |

## **CONSULTATIONS**

### **British Waterways:**

No objection.

### **Conservation Officer:**

Object to the application.

### **Highways:**

Object to the application.

### **Environmental Health:**

Comments awaited.

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

Poynton Town Council recommends refusal on the following grounds:

- Unneighbourly use – by virtue of additional traffic and noise
- Adverse impact on highway safety by virtue of increased traffic during winter months on an unsuitable private road and due to additional turning movements at the junction of Elm Beds Road and Shrigley Road
- Proposal may lead to the site being used as residential caravan site, rather than a recreational site, which is generally unacceptable in Green Belt terms

## **OTHER REPRESENTATIONS**

10 letters of objection have been received to date (17.09.10). A summary of the objections raised within the letters has been provided below, however the full documents can be viewed online at [www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)

### **Traffic/Road Safety concerns**

- The road is a private unadopted road, not a highway, with prescriptive rights of access only
- There is only an agricultural right of way along Elm Beds Road to the site
- The use of the road by the caravan site exceeds what is permissible by law

- The road is unsuitable for the current level of traffic movement, and additional traffic would exacerbate existing problems leading to further deterioration of the road
- The proposal would have a significant adverse impact on residential amenity due to increased traffic movements, noise and vibration during the winter months (there has been a significant increase in traffic during the winter months over the past two years)
- Proposal would contravene Human Rights – occupants have the right to the quiet, peaceful enjoyment of their home
- The proposal will result in further noise, disruption, disturbance and nuisance
- As the road is unadopted, local residents have to pay for all of the repairs
- Walkers and children may be at risk from speeding motorists/additional motorists
- The junction with Shrigley Road is dangerous, the proposal will exacerbate the situation
- An alternative access off Shrigley Road is strongly recommended, and it is understood that the applicant owns a piece of land on Shrigley Road (adjacent to No. 77), which could be used to provide an alternative access into the site

#### **Other concerns**

- The site will be used / is used as a residential caravan site providing cheap housing to local contractors
- Contractors leave the site at 5-5.30am every day to go to work, returning in the evening
- The site would become / is part of the “local housing stock”
- The site will become a housing estate with access from a cul-de-sac
- This application is the start of a significant expansion to the site, and will create a village
- The proposal will have a harmful effect on the character of the countryside and the character of the Conservation Area

- Damage to the road does not preserve the character of the Conservation Area
- The site is not being run as a recreational / tourist site, with evidence of contractors living on site
- The occupiers of the caravans do not comply with the Occupancy Conditions on the Site Licence
- It is unrealistic that visitors would want to visit the site in the winter months as a caravan is relatively inhospitable in comparison to a house
- No tourist facilities/attractions are open between October and Easter
- There are no shops or services within the vicinity of the site, and therefore the development is unsustainable, having regard to PPS7

### **APPLICANT'S SUPPORTING INFORMATION**

A supporting letter has been submitted with the application, it indicates that any traffic to be generated by extending the season from 9 to 10.5 months is likely to be fairly limited and any additional traffic movements are therefore unlikely to be a reason for refusal for an otherwise suitable tourism development in a highly sustainable location.

### **OFFICER APPRAISAL**

#### **Principle of Development**

Elm Beds caravan park has a long established use as a recreational caravan park since 1961. Following on from the temporary consent in 2008 for 12 caravans, which expired on 10 September 2010, this application seeks consent for 54 caravans to be available for 10.5 months each year.

The key considerations for this application are the potential benefits of providing additional tourist accommodation during the winter months, the impact the additional use of the site will have on residential amenity – particularly in respect of the occupiers of Elm Beds Road, and the access to the site in Highway Safety terms, and the impact on the character of the Conservation Area.

#### **National Planning Policy**

In order to assess the application the most relevant guidance documents to consider are Planning Policy Statement 4: Sustainable Development in Rural Areas and the Good Practice Guide on Planning for Tourism.

Policy EC7 (Planning for tourism in rural areas) of PPS4 advises:



*To help deliver the Government's tourism strategy, local planning authorities should support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which utilise and enrich, rather than harm, the character of the countryside, its towns, villages, buildings and other features. Local planning authorities should, through their local development frameworks:*

*A. Support the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres, carefully weighing the objective of providing adequate facilities or enhancing visitors' enjoyment or improving the financial viability of the facility with the need to protect landscapes and environmentally sensitive sites*

*B. Wherever possible, locate tourist and visitor facilities in existing or replacement buildings, particularly where they are located outside existing settlements. Facilities requiring new buildings in the countryside should, where possible, be provided in, or close to service centres or villages but may be justified in other locations where the required facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites available for re-use*

*C. Support extensions to existing tourist accommodation where the scale of the extension is appropriate to its location and where the extension may help to ensure the future viability of such businesses*

*D. Ensure that new or expanded holiday and touring caravan sites and chalet developments are not prominent in the landscape and that any visual intrusion is minimised by effective, high-quality screening and examine the scope for relocating any existing, visually or environmentally-intrusive sites away from sensitive areas or from sites prone to flooding or coastal erosion*

*E. Recognise that in areas statutorily designated for their natural or cultural heritage qualities, there will be scope for tourist and leisure related developments, subject to appropriate control over their number, form and location to ensure the particular qualities or features that justified the designation are conserved*

The Good Practice Guide on Planning for Tourism published in May 2006 (replacing Planning Policy Guidance Note 21) offers specific guidance in relation to holiday, touring caravan and chalet parks. It advises that parks are the largest provider of rural tourism bed spaces, and planners should carefully weigh the objective of providing adequate facilities and sites with the need to protect landscape and environmentally sensitive areas. This guidance is generally supportive of seasonal accommodation, subject to the imposition of conditions ensuring the site is closed for 6 weeks of a year.

## **Local Planning Policy**

RT13 of the Macclesfield Borough Local Plan (2004) encourages the provision of new tourist attractions. No specific guidance is available within the Local Plan with regards to static caravans.

## **Sustainability**

The site is situated within a rural location with no amenities within reasonable walking distance of the site. Poynton Town Centre is located approximately 2 km from the application site. The main form of transport to the site is by private car. No alternative means of transport have been put forward by the applicant.

Access to the site by bus is possible; however it is not a very regular service.

## **Highways**

The Highways Department have raised an objection to the application. They consider that the site is served from a single private track which is in a very poor state of repair and cannot accommodate a two-way flow of traffic. In addition, the junction with Elm Beds Road has restricted visibility in the southerly direction.

As the access serves both the caravan site and residential units the access to these properties is well below the standard that should be provided. Although there is already a consented development that generates traffic for a number of months in the year, this should not be further intensified by removing the conditions.

## **Amenity**

Significant concerns have been raised by local residents in respect of the additional traffic movements, noise and disturbance the proposal will bring, as the only access to the site is along a narrow private road, which is in a poor state of repair.

Particular concerns have been raised about the type and volume of traffic that the site currently generates, assessed by residents at 160 movements per day, weekdays between 7am and 7pm and 240 movements per day during the same period on a Saturday along Elm Beds Road (with approximately 10 % of traffic being generated by the residents). They consider that extending the caravan season will seriously exacerbate the current problems, leading to a further loss of amenity, by virtue of noise and disturbance.

Residents advise that there was a marked increase in traffic following the approval of the temporary consent in 2008 for 12 of the caravans to be available between 31<sup>st</sup> October and 15<sup>th</sup> January, each year. The Council received a number of complaints during this period from local residents, in respect of the access to the caravan site.

## **Consideration of the proposals**

National planning policies seek to promote rural tourism, in appropriate, sustainable locations.

The Good Practice Guide on Planning for Tourism advises that planners will need to weigh up the other benefits of a tourism proposal against any disadvantages arising from its location. Paragraph 5.4 of the guide, advises that for small-scale schemes, the traffic generated is likely to be fairly limited and additional traffic movements are therefore unlikely to be a reason for refusal for otherwise suitable tourism developments.

Access to the site is the key issue in respect of this application. Whilst it is recognised that there is a consent in place to allow access to the site between 1<sup>st</sup> March and 31<sup>st</sup> October per year, the key consideration is whether an extended opening season would exacerbate the problems that are already experienced by local residents, in particular, a loss of amenity by virtue of noise and disturbance caused by the traffic along Elm Beds Road. The site would be open for a further 6 weeks per year, 46 weeks per year in total. At present, the only respite the residents have is during the 12 week closed period. Residents are already aggrieved by the traffic to the site; it is considered that reducing the closed period to just 6 weeks per year will have a significant adverse impact on residential amenity, by virtue of increased traffic movements, noise and disturbance, contrary to policy DC3 of the Local Plan.

## **Impact on the character of the Conservation Area**

The Conservation Officer has been consulted on the application, and objects on the following grounds:

Access to site is via the historic Elm Beds Road (contained within the Macclesfield Canal Conservation Area) and has for some time been in a poor state of repair exacerbated by heavy vehicle movements. Part of the lower section of the road is made up of setts, whilst the remainder of the road is badly surfaced with a number of pot holes.

In the c19 this farm track gave access to Elm Beds Farm and was very much associated with agricultural activity, its new found use as an access not only for domestic dwellings but also for additional vehicle movements associated with serving a caravan site has stretched the traditional construction of the road to a point that is beyond its design capability.

The road is in use by the local residents of Elm Beds Road, the occupants of Elmwood, and by the visitors to and occupants of the caravan park, and the associated maintenance vehicles and delivery vehicles to the caravan park. It has been demonstrated that access to the caravan park by larger vehicles is causing significant damage to the road. If any additional strain were to be put

on this road, it would be compromised and no longer be an asset to the Conservation Area.

Policies HE7 & HE9 of Planning Policy Statement 6 seek to protect heritage assets, whilst local plan policies BE3 and BE6 seek to preserve or enhance the character of Conservation Area and the Historic Environment. The road makes a positive contribution to the Conservation Area and should be considered as a heritage asset, therefore any potential for damage to an asset that any application makes should be taken under consideration.

Policy EC7 of PPS4 advises that in *areas statutorily designated for their natural or cultural heritage qualities, there will be scope for tourist and leisure related developments, subject to appropriate control over their number, form and location to ensure the particular qualities or features that justified the designation are conserved.*

It is considered that the increased use of the access to the site will not preserve the condition of the road; rather, the additional vehicle movements are likely to damage it, which will have a detrimental effect on the character of the Conservation Area. Appropriate control has to be in place to conserve this heritage asset.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

Whilst the addition of tourist accommodation can be beneficial, this accommodation must be provided in appropriate, sustainable locations. The application site is not considered to be appropriate or sustainable.

No information has been submitted in respect of the need for additional tourist accommodation in this location between 31<sup>st</sup> October and 15<sup>th</sup> January.

Access to the site is poor, and gives rise to significant residential amenity and highways safety issues and large vehicles to the site are damaging the road, which is located within a Conservation Area.

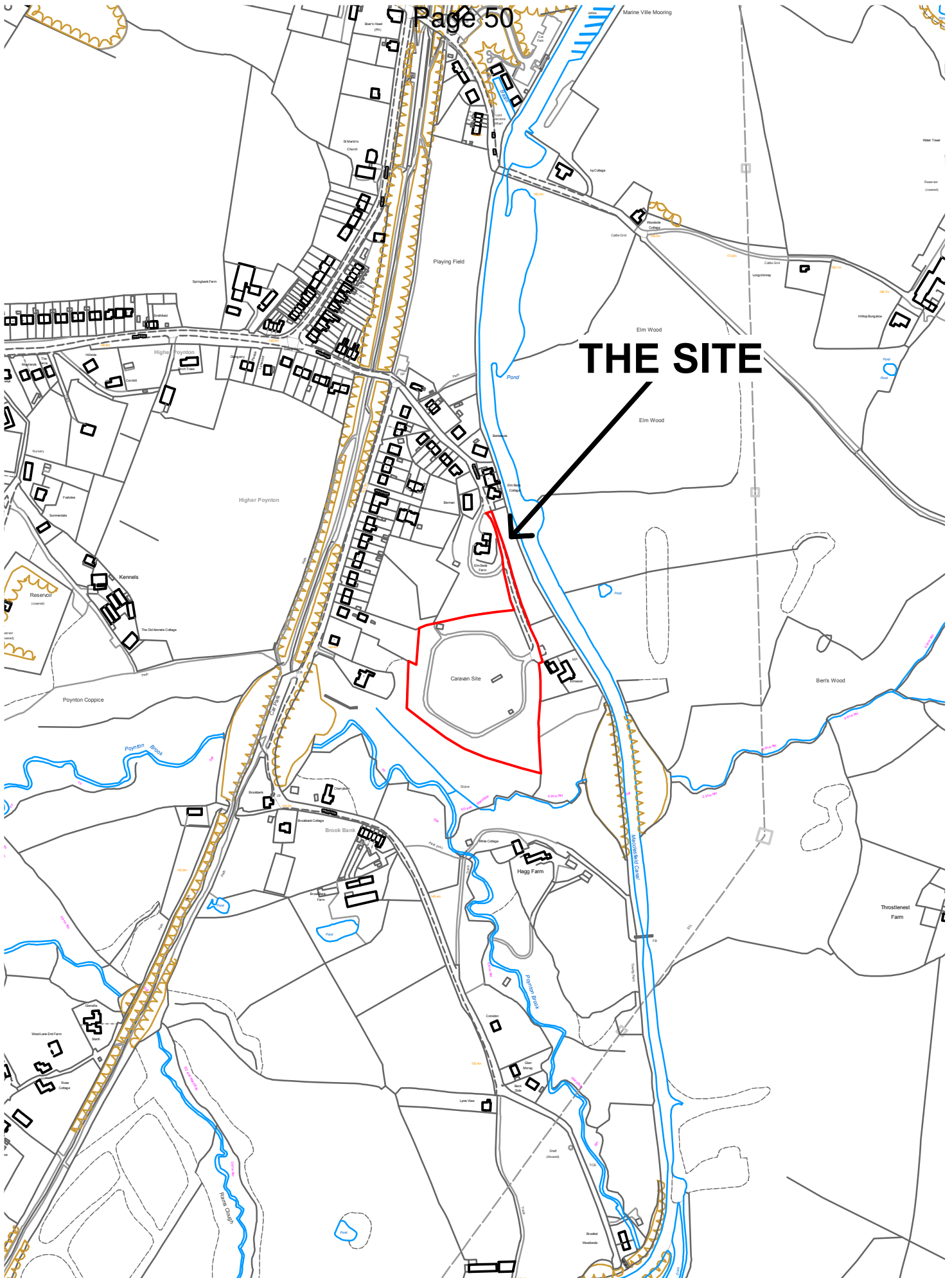
In this instance it is considered that the provision of additional tourist facilities do not outweigh the harm caused by loss of residential amenity, highway safety and adverse impact on the character of the Conservation Area.

On the basis of the above information, a recommendation of refusal is made, subject to the receipt of any outstanding consultation responses any representations received within the publicity period, which ends on 22 September 2010.

## **OTHER ISSUES**

A number of objections have been raised in respect of the use of the site for residential purposes by contractors. There is a consent in place for one caravan to be used for residential purposes by Mrs Mac Kenzie, however, this is outside the application site. Site licence conditions are in place to ensure

that the caravans are not used for residential purposes. The site licence is being updated at present, and the Environmental Health Officer will be visiting the site regularly to ensure compliance with the site licence conditions.



10/3116M THE CARAVAN SITE, ELM BEDS FARM, ELM BEDS ROAD, POYNTON, SK12 1TG  
NGR- 394,470:382,690

Application for **Full Planning**

**RECOMMENDATION : Refuse for the following reasons**

1. R07MS - Unneighbourly use
2. R07HW - Unacceptable increase in traffic at the junction of Shrigley Road and Elm Beds Road
3. R03HW - Additional turning movements at the junction of Shrigley Road and Elm Beds Road
4. R02LP - Contrary to Conservation Area policies

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**Application No:** 10/1769M

**Location:** 54, TRAFFORD ROAD, ALDERLEY EDGE, SK9 7DN

**Proposal:** CONSTRUCTION OF A REPLACEMENT DWELLING ON THE SITE OF BRAMPTON HOUSE INCORPORATING THE EXISTING FACADE

**For** MR MJ H

**Registered** 08-Jul-2010

**Policy Item** No

**Grid Reference** 384589 378167

#### **SUMMARY RECOMMENDATION**

Refuse

#### **MAIN ISSUES**

Impact of the proposed development on the character and appearance of the street scene, the Alderley Edge Conservation Area, the existing trees, protected species, highway safety and implications for the residential amenity of neighbouring properties.

#### **Date Report Prepared:**

16<sup>th</sup> September 2010

#### **REASON FOR REPORT**

The application was called-in to committee by the Ward Councillor, Carolyn Andrew as representations had been made to her with regard to the proposal stating that it contravenes policies BE12, BE1, BE2, BE3 and BE4

#### **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises a large detached Victorian villa constructed prior to 1910 that is located on the eastern side of Trafford Road. The application site is located within 'The Edge' Conservation Area

#### **DETAILS OF PROPOSAL**

Full planning permission is sought for a replacement dwellinghouse incorporating the existing façade. An accompanying full planning application for Conservation Area Consent to demolish the existing dwellinghouse (10/1768M) has also been submitted and appears elsewhere on the agenda.

#### **RELEVANT HISTORY**

08/2753P Alterations and extensions, including detached garage with room above  
Approved subject to conditions 24<sup>th</sup> February 2009

09/2417M

Alterations and extensions amended design for application 08/2753P  
Approved with conditions 11<sup>th</sup> November 2009

## **POLICIES**

### **Local Plan Policy**

NE11	Nature Conservation
BE1	Design Guidance
BE3	Conservation Areas
BE12	The Edge, Alderley Edge
H12	Low Density Housing Area
DC1	New Build
DC3	Amenity
DC6	Circulation & Access
DC8	Landscaping
DC9	Tree Protection
DC38	Space, Light and Privacy

### **Other Material Considerations**

Alderley Edge Conservation Area Appraisal – July 2004  
PPS5: Planning for the Historic Environment

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

**Highways:** Comments currently awaited

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

**Alderley Edge Parish Council:** The loss of this fine Victorian mansion, which is recorded in the publication "The Villa's of Alderley Edge" would be regrettable. The proposal to retain the front facade is no more than a fig-leaf to demolition and replacement. The relocation of the chimneys and the filling in of the roof will completely alter the aspect negating any suggested benefits from retaining the facade. The alterations to the rear and the demolition of the old stable block add to the argument that this proposal will neither enhance nor improve the Conservation Area.

## **OTHER REPRESENTATIONS**

Four letters of representation were received; three from neighbouring properties (one of which had a planning consultant write on their behalf) and one from The Edge Association.

Two letters received from neighbouring properties did not raise an objection to the proposed development but raised concerns regarding the parking of contractor's vehicles and the effect that existing vehicles are having on the road network, particularly Woodbrook Road and Trafford Road and ask that conditions are attached to require vehicles to be parked off the road, restrict the hours of construction and that wheel wash facilities are provided.

A third letter from a neighbouring property raised concerns regarding the associated noise from the swimming pool's pump room; the proximity of the swimming pool to their property; that the proposed balcony would overlook their conservatory terrace especially since the removal of some trees/shrubs, the associated noise and dust during construction, the parking of contractor's vehicles, disturbance from any pile driving, and considers that no

further trees should be felled. Comments regarding drainage are not a material planning consideration.

The fourth letter of representation was received from The Edge Association that stated the application site comprises one of the remaining Victorian Villas within the Conservation Area; the incorporation of the front façade, even if achieved successfully, offers no real compensation for the loss of the Villa; and to get permission for extensions and then decide it is easier to demolish and re-build the property is unacceptable.

### **APPLICANT'S SUPPORTING INFORMATION**

A Design & Access Statement, a Bat Survey, Landscape Proposals Plan, a Heritage Statement and a Structural Method Statement for the retention of the façade and side wall during demolition were submitted with the application.

### **OFFICER APPRAISAL**

#### **Principal of Development**

The application is for a replacement dwellinghouse within a predominantly residential area and therefore the principle of such development is considered to comply with both National and Local policy.

#### **Design**

Two previous applications for substantial contemporary extensions to the existing dwellinghouse were recently approved and are currently extant. Both these permissions involved an element of demolition to the rear of the property however the majority of the existing dwellinghouse and detached coach house was to be retained. Drawings were submitted with both applications that indicated precisely which walls were to be demolished and which were to be retained. Within the front garden a detached triple garage with living accommodation above was approved with the first application, whilst a partially sunken curved garage with parking for four vehicles and planting above was approved with the second application.

The overall design and scale of the replacement dwellinghouse is largely identical to the extensions that have been previously approved together with the existing dwellinghouse. Some changes have been made, however these are not considered to affect the overall design of the previously approved schemes. The previously approved curved garage also forms part of this application but has been handed and therefore would be sited adjacent to the boundary shared with No. 52 Trafford Road to the north rather than 'Netherfield' (No. 56 Trafford Road) to the south. The scale and contemporary design of the extensions was previously considered acceptable by the Conservation Officer and their scale in relation to the plot was considered to comply with the requirements of the low density housing area. The previously approved applications were therefore considered to comply with policies BE1, DC1 and H12 of the Local Plan and circumstances remain unchanged.

The main differences between the previously approved applications for extensions to the existing dwellinghouse and this application are that the majority of the existing dwellinghouse would be demolished whilst retaining the existing façade and part of the northern side wall and the size of the basement has been marginally increased. The existing coach house would also be demolished and replaced with a new building of a similar scale and footprint and sited in the same location. The visual appearance of the proposed dwellinghouse when viewed from Trafford Road would largely be the same, except for the repositioning of the existing chimneys from the centre of the building to either side. The main consideration therefore is whether it is acceptable to almost

completely demolish what is considered to be a good example of a Victorian Villa within 'The Edge' Conservation Area.

Policies BE3 and BE12 of the Local Plan relate to development within Conservation Areas and state that development should only be permitted which preserves or enhances the character or appearance of the Conservation Area; and seeks to preserve and enhance the Sylvan low density housing and the interesting and individual design of the large houses set in spacious grounds with mature trees.

The dwellinghouse is set back from Trafford Road by more than 40 metres and due to the trees and vegetation to the front and side boundaries, only glimpse views of the frontage of the dwellinghouse can be seen from public vantage points. The dwellinghouse is not listed and does not appear on the Cheshire East List of Locally Important Buildings. The Conservation Officer notes that the property has a strong period character however this becomes diluted towards the rear of the property. The façade and part of the northern side wall is proposed to be retained and a method statement has been submitted to outline how these walls would be retained during the demolition/construction process. The Borough Council's Structural Engineer has concluded that the method statement is acceptable and that it outlines a feasible way of retaining the two walls if the works are undertaken with care and supervision.

Whilst the Conservation Officer does concede that the finished visual appearance of the property from within the Conservation Area would not be significantly different due to the retention of the existing façade, he has raised concern that, if approved, this application could set a precedent for the demolition of other non-listed properties on the 'The Edge' that make a positive contribution to the Conservation Area. Whilst two previous applications have been approved for extensions to the property both applications largely retained the existing structure and historic integrity of the dwellinghouse. It is therefore considered that the demolition of a building that makes a positive contribution to the Conservation Area would neither preserve nor enhance the character or appearance of the Conservation Area or the interesting and individual design of the large houses. The replacement dwellinghouse is therefore considered to be contrary to policies BE3 and BE12 of the Local Plan.

### **Amenity**

The dwellinghouse at the application site is sited centrally within a large plot with existing vegetation/mature trees surrounding the boundaries of the site. The height and density of the existing vegetation significantly screens the existing dwellinghouse from Trafford Road and its neighbouring properties. It was not considered that the previous applications for extensions to the property would have a detrimental effect on neighbouring amenity.

The windows in the replacement dwellinghouse would occupy similar positions to those within the previously approved extensions and the existing dwellinghouse. Due to the space between the dwellinghouses and their orientation it is considered that the proposed replacement dwellinghouse would comply with policy DC38 in terms of separation distances.

Concern has been raised from the occupier of 'Netherfield' that the proposed balcony/terrace would overlook their conservatory terrace especially since some trees/shrubs have been removed. The terraced areas formed part of the previously approved applications and their siting relative to the neighbouring properties were not considered to have a detrimental impact on neighbouring amenity due to their position, the height of the existing boundary wall shared with 'Netherfield' and the siting of the existing

coach house and trees/vegetation positioned along the boundaries. These areas have not altered since the previously approved extension and additional mature planting is also proposed along this shared boundary. For these reasons it is considered that they would not have a detrimental effect on neighbouring amenity and would comply with policy DC3 of the Local Plan.

Concern has also been raised from the occupier of 'Netherfield' that the replacement dwellinghouse would impact on their amenity due to the associated noise from the swimming pool's pump room; the proximity of the swimming pool to their property; the associated noise and dust during construction, and disturbance from any pile driving. It should be noted that a swimming pool was proposed under the previously approved application and was in a similar location and was of a similar size to that proposed by this scheme. Whilst conditions were previously not imposed regarding these issues, given the scale of the development has increased by this application (both demolition and construction) it is considered acceptable that should Members consider these additional conditions necessary that they could be attached.

The proposed garage is of a similar design to that which was previously approved however it has been relocated to the opposite side of the front garden closest to No. 52 Trafford Road. Due to the existing ground levels the previously approved garage was partially sunken into the ground and as the ground level at 'Netherfield' is higher than the application site, the majority of the structure would not have been visible from this property. The ground levels on the opposite side of the front garden differ and therefore the garage would not be partially sunken. No. 52 Trafford Road has a similar ground level as the application site and is sited so that the rear elevation of this property faces the application site at a 45-degree angle. A number of on-site and off-site trees are located along this boundary that are to be retained and additional trees are proposed to be planted along this boundary. Planting is also proposed on top of the garage's roof. It is therefore considered that the siting of the proposed garage would be highly screened from the neighbouring property and the existing and proposed planting would prevent the roof of the garage from being utilised as garden and as a result would not have a detrimental affect on the amenity of this property.

For these reasons outlined above it is considered that the proposed dwellinghouse would comply with policies DC1, DC3 and DC38 of the Local Plan.

### **Highways**

The proposed development would utilise the existing access onto Trafford Road. As part of the replacement dwellinghouse a garage would be provided within the front garden that would house four vehicles. A turning and parking area would also be provided within the front garden that would allow for vehicles to leave the site in a forward gear. Sufficient off-street parking would be provided at the application site for a property of this size however the comments of the Strategic Highways Engineer are currently awaited.

Concern has been raised by residents regarding the parking of contractor's vehicles on the surrounding roads and the impact this would have on highway safety. A resident has also asked that a condition be attached requiring wheel washing facilities to be provided. These conditions were not attached to the previous applications for extensions to the property, however given the scale of the development has increased by this application (both demolition and construction) it is considered acceptable that these additional conditions be attached.

### **Ecology**

A Bat Survey was submitted with the planning application. The ecologist that undertook the survey is known to the Nature Conservation Officer and is suitably qualified and experienced to undertake work of this type. The survey forms a suitable basis on which to assess the ecological impacts of the proposed development. A bat roost was previously recorded at the main house however based on the most recent survey it appears likely that this roost is now abandoned.

Evidence of limited bat activity in the form of 'feeding perches' of a common bat species was recorded within the coach house at this site. The usage of the coach house by bats is likely limited to possibly only small numbers or a single animal using the building for short periods of time during the night rather than being used as a roost during the day. The loss of the buildings on this site in the absence of mitigation is likely to have only a minor impact upon a very small number of individual bats and a negligible impact upon the conservation status of the species as a whole. Roosts of this kind are difficult to assess in legal terms, however the lack of recent evidence at the house means that this should not be considered an active roost and the feeding perch within the coach house falls below the level of activity that would trigger the need for a Natural England license to allow the work to proceed. For these reasons the Nature Conservation Officer advises that no consideration needs to be given to the Habitat Regulation tests when determining this application.

A method statement has been submitted recommending the creation of suitable replacement roosting opportunities for bats in both the replacement house and a proposed 'gazebo' as a means of compensating for the loss of the feeding perch and roosting potential and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present. The proposed mitigation/compensation is acceptable and is likely to reduce the potential adverse impacts of the development to a negligible/zero level. To ensure that the proposed mitigation is enforceable it should be secured by means of a condition. Additional conditions in respect of breeding birds are also considered necessary.

For these reasons it is considered that the proposed development would comply with policy NE11 of the Local Plan.

### **Landscape**

The structural landscape proposals shown on Barnes Walker plan are generally acceptable. If the application is approved further hard and soft landscape details will be required, particularly for the boundary planting to the rear of the proposed garage to ensure that there is adequate screening and for the proposed walls, piers and gates at the main entrance. Subject to conditions it is considered that the proposed development would comply with policy DC8 of the Local Plan.

### **Trees**

A number of trees are located at the application site. Whilst these are not TPO protected they are protected by virtue of being located within a Conservation Area. The amendments to the previously approved scheme have been the subject of lengthy discussions on site between Cheshire Woodlands, Barnes Walker Landscapes and the Forestry Officer.

The loss of the identified trees has been accepted along with a number of minor incursions within Root Protection Areas, some of which are already occupied by existing hard standing. This was subject to the agreement of details for the construction of the flanking walls associated with the realigned driveway and can be addressed through conditions.

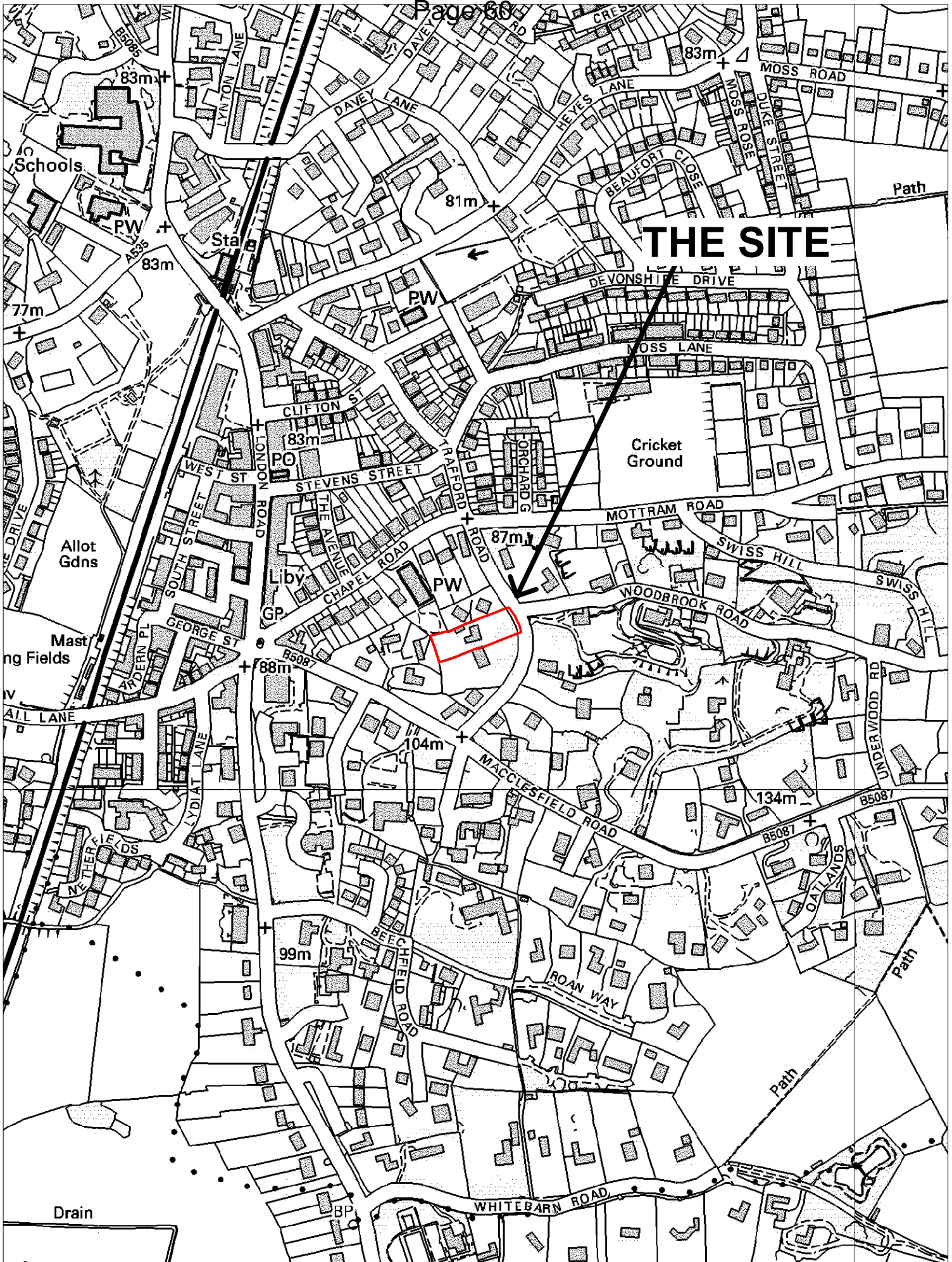
With the exception to the minor incursion noted above the retained trees can be protected in accordance with best practice BS5837:2005. A specimen landscape scheme has been submitted within which replacement planting is to be provided for the agreed losses and will enable the road frontage planting to be re-enforced, providing continuity for the Trafford Road street scene. Subject to a number of conditions the Forestry Officer does not raise an objection to the application from an arboricultural perspective. For these reasons it is considered that the proposed development would comply with policy DC9 of the Local Plan.

#### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

It is considered that the proposed development would not have a detrimental effect on neighbouring amenity, protected species, or the existing trees. However it is considered that the existing building makes a positive contribution to the character of the Alderley Edge Conservation Area. The proposed demolition could set a precedent for the demolition of other high quality and historic, unlisted dwellinghouses within 'The Edge' that would cumulatively have a detrimental effect on the character and appearance of the Conservation Area. As such it is considered that the proposed development would not preserve or enhance the Conservation Area and would be contrary to the principles of policies BE3 and BE12 of the Local Plan.

#### **SUBJECT TO**

Comments being received from Strategic Highways Manager



10/1769M - 54, TRAFFORD ROAD, ALDERLEY EDGE, SK9 7DN

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Application for **Full Planning**

**RECOMMENDATION : Refuse for the following reasons**

1. R02CA - Demolition of building in Conservation Area
2. Development fails to preserve the character of the Conservation Area

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**Application No:** 10/1768M

**Location:** 54, TRAFFORD ROAD, ALDERLEY EDGE, SK9 7DN

**Proposal:** DEMOLITION OF EXISTING DWELLING (CONSERVATION AREA CONSENT)

**For** Mr MJ H

**Registered** 06-Jul-2010

**Policy Item** No

**Grid Reference** 384589 378167

#### **SUMMARY RECOMMENDATION**

Refuse

#### **MAIN ISSUES**

Whether it is acceptable to demolish the existing dwellinghouse and whether a suitable replacement dwellinghouse would be erected in its place.

#### **Date Report Prepared:**

16<sup>th</sup> September 2010

#### **REASON FOR REPORT**

The application was called-in to committee by Ward Councillor, Carolyn Andrew as representations had been made to her with regard to the proposal stating that it contravenes policies BE12, BE1, BE2, BE3 and BE4

#### **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises a large detached Victorian villa constructed prior to 1910 that is located on the eastern side of Trafford Road. The application site is located within 'The Edge' Conservation Area

#### **DETAILS OF PROPOSAL**

This application seeks Conservation Area Consent for the demolition of the majority of the existing dwelling known as 'Brampton House', 54 Trafford Road, Alderley Edge with the retention of the façade and part of the northern side wall. An accompanying full planning application for a replacement dwelling (10/1769M) has also been submitted and appears elsewhere on the agenda.

#### **RELEVANT HISTORY**

08/2753P Alterations and extensions, including detached garage with room above  
Approved subject to conditions 24<sup>th</sup> February 2009

09/2417M Alterations and extensions amended design for application 08/2753P  
Approved with conditions 11<sup>th</sup> November 2009

## **POLICIES**

### **Local Plan Policy**

BE4: Conservation Areas

### **Other Material Considerations**

Alderley Edge Conservation Area Appraisal – July 2004

PPS5: Planning for the Historic Environment

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

**Alderley Edge Parish Council:** The loss of this fine Victorian mansion, which is recorded in the publication "The Villa's of Alderley Edge" would be regrettable.

### **OTHER REPRESENTATIONS**

One letter of representation was received from The Edge Association that stated the application site comprises one of the remaining Victorian Villas within the Conservation Area; the incorporation of the front façade, even if achieved successfully, offers no real compensation for the loss of the Villa; and to get permission for extensions and then decide it is easier to demolish and re-build the property is unacceptable.

### **APPLICANT'S SUPPORTING INFORMATION**

A Design & Access Statement, a Heritage Statement and a Method Statement for the retention of the façade and side wall during demolition were submitted with the application.

### **OFFICER APPRAISAL**

The application site comprises a three-storey double-fronted villa with a detached coach house located within 'The Edge' Conservation Area. The Conservation Officer describes it as a good example of an early Victorian house and one of the first that was erected on 'The Edge'. The building is not given particular mention in the 2004 Alderley Edge Conservation Area Appraisal, but this does not diminish its contribution to the character of the Conservation Area as one of the original Villas. It is proposed to demolish the dwellinghouse whilst retaining the front façade and part of the northern side wall.

The dwellinghouse is set back from Trafford Road by more than 40 metres and due to the trees and vegetation to the front and side boundaries, only glimpsed views of the frontage of the dwellinghouse can be seen from public vantage points. The dwellinghouse is not listed and does not appear on the Cheshire East List of Locally Important Buildings.

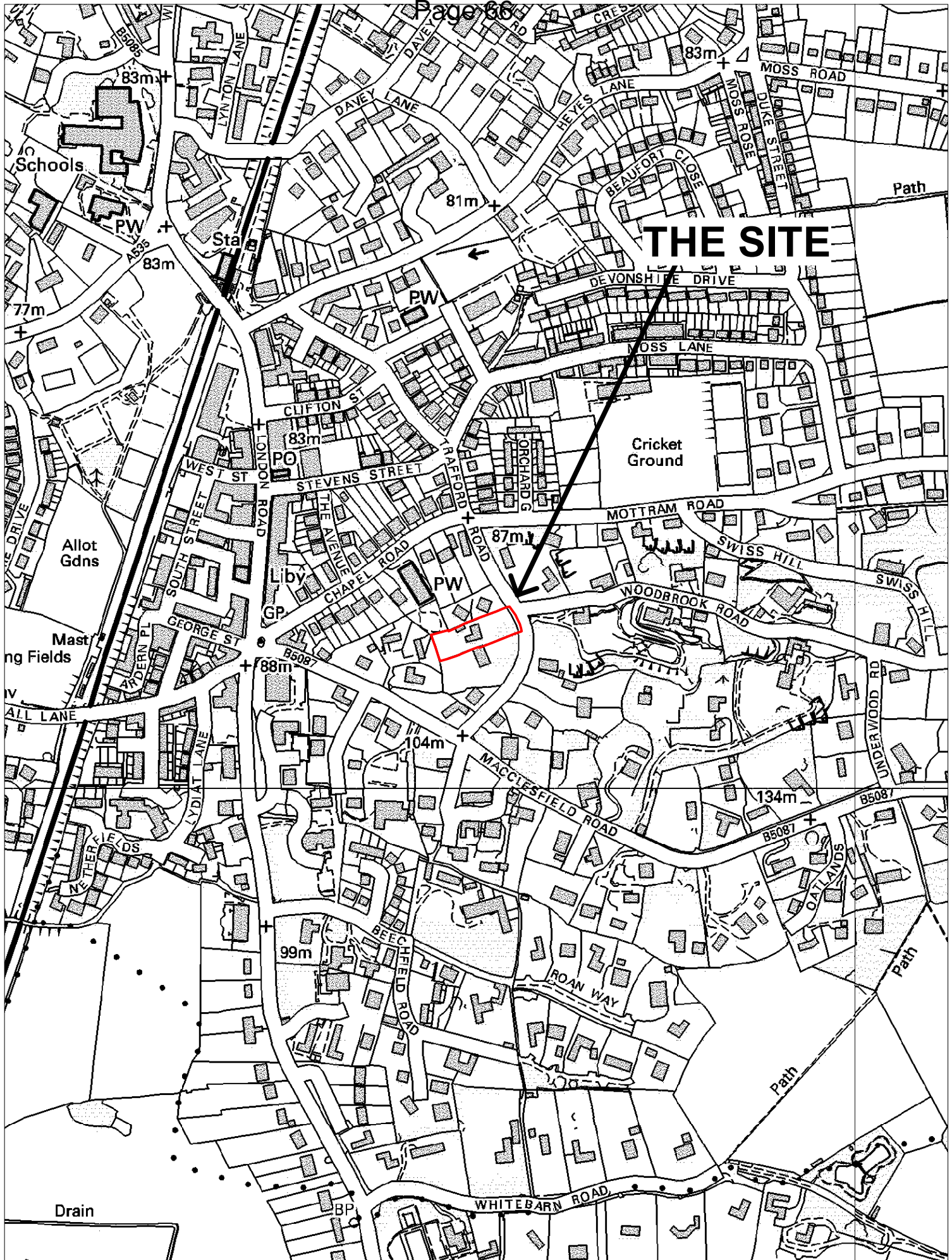
Policy BE4 states that Conservation Area Consent will not be granted for the demolition of buildings or structures which make a positive contribution to the character or appearance of the area. The Conservation Officer notes that the property has a strong period character however this becomes diluted towards the rear of the property. The façade and part of the northern side wall is proposed to be retained and a method statement has been submitted to

outline how these walls would be retained during the demolition/construction process. The Borough Council's Structural Engineer has concluded that the method statement is acceptable and that it outlines a feasible way of retaining the two walls if the works are undertaken with care and supervision.

Whilst the Conservation Officer does concede that the finished visual appearance of the property from within the Conservation Area would not be significantly different due to the retention of the existing façade, he has raised concern that, if approved, this application could set a precedent for the demolition of other non-listed properties on the 'The Edge' that make a positive contribution to the Conservation Area. Whilst two previous applications have been approved for extensions to the property both applications largely retained the existing structure and the historic integrity of the dwellinghouse. It is therefore considered that the demolition of a building that makes a positive contribution to the character of the Conservation Area would be contrary to policy BE4 of the Local Plan.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

For the reasons stated above, it is considered that the existing building makes a positive contribution to the Conservation Area. The proposed demolition could set a precedent for the demolition of other historic dwellinghouses within 'The Edge' Conservation Area that would cumulatively undermine the character and appearance of the Conservation Area. As such it is considered that the proposed development would not accord with the principles of policy BE4 of the Local Plan and is recommended for refusal.



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Application for **Conservation Area Consent**

**RECOMMENDATION : Refuse for the following reasons**

1. R02CA - Demolition of building in Conservation Area - unacceptable loss of significant feature
2. R04CA - Demolition of building in Conservation Area - contrary to policy BE4 of the Local Plan

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**Application No: 10/1842M**

**Location: VINCENT MILL, VINCENT STREET, MACCLESFIELD, SK11 6UJ**  
**Proposal: (OUTLINE) DEMOLITION OF THE EXISTING BUILDINGS AND REDEVELOPMENT OF THE SITE TO PROVIDE 10 NO. 2 TO 4 BEDROOM TERRACED HOUSES AND 1 NO. 2/3 STOREY APARTMENT BLOCK WITH 7 NO. 2 BEDROOM UNITS WITH ANCILLARY CAR PARKING, OPEN SPACE AND ACCESS OFF VINCENT STREET**

**For MR TWIGG**

**Registered 12-Jul-2010**

**Policy Item No**

**Grid Reference 391620 373122**

**Date Report Prepared: 16.09.2010**

**SUMMARY RECOMMENDATION**

**APPROVE, SUBJECT TO  
CONDITIONS**

**MAIN ISSUES**

- The scale of the proposed (impact of height, mass, bulk, density on the character and appearance of the area & street-scene)
- Highways safety (in respect of the proposed access and indicative parking arrangements)
- Impact on residential amenity
- Impact on neighbouring Grade II Listed Building
- Environmental issues
- Landscape and nature conservation issues
- Housing policy and supply
- Heads of Terms for a Legal Agreement

## **REASON FOR REPORT**

The proposed is an outline application with an indicative layout comprising 17 No. 2-4 bedroom dwellings. As such the Council's scheme of delegation requires the application to be determined by the Northern Planning Committee.

## **DESCRIPTION OF SITE AND CONTEXT**

The site to which the application relates is located on the edge of Macclesfield Town Centre on the north-western side of Vincent Street.

The site itself has an industrial land use comprising a two-storey building (currently partly used as a bespoke joinery workshop) and associated vehicle parking and turning area. There is a telecommunications mast and associated equipment located in the western corner of the site. It is noted that a) the LPA are currently dealing with an application for determination of a replacement mast (10/3096M) and b) the Agent has indicated that the applicant could terminate the contract for the mast located on site at any time.

There is a variation in ground levels within the site. The site generally slopes down from its southern corner and eastern side on Vincent Street towards its northern corner and western side adjacent to the B & Q car park. The change in levels between the southern and northern corners of the site is approx. 2m.

More generally, the site is located within a Mixed Use Area as designated in the Local Plan. There is range of commercial and retail units in the area and mainly residential properties to the north-east, east and south of the site. The residential properties are mainly terraced; there is variation in design, ridge and eaves heights, materials and the number of storeys. Though mainly two-storey, there are some traditional three-storey weavers cottages in the area and there is a residential development (approx. 20 years old) north-east of the site comprising three- storey terraced town houses around a courtyard.

The site is bounded specifically by residential properties along the south-eastern boundary on Vincent Street (one of which is a three-storey Grade II Listed Building), a garage repair workshop along the north-eastern boundary, the B & Q store and car park along the south-western and north-western boundaries respectively.

Vehicles currently access the site from Vincent Street, at the southern end of the south-eastern boundary.

One of the development constraints on the site is the existence of a culvert (taking overflow water from Ryles Pool in South Park) running in a northerly direction close to the centre of the site.

## **DETAILS OF PROPOSAL**

The proposed seeks outline planning permission to demolish existing buildings (old mill buildings, approximately 100 years old) and erect 10 No. 2-4 bedroom terraced houses, 1 No. 2/3 storey apartment block consisting of 7 No. 2 bedroom apartments, plus ancillary car parking, open space and access off Vincent Street.

More specifically, this is an outline application for which permission for scale and access is being sought with layout, appearance and landscaping being left for a reserved matters application.

## **RELEVANT HISTORY**

Note the current determination application to replace a telecommunications mast on site – 10/3096M, due for determination by 03.10.2010.

## **POLICIES**

### **Local Plan Policy**

BE1 – Design Guidance  
BE16 - Listed Building Setting  
E11 – Mixed Use Areas  
H1 – Phasing Policy (Housing)  
H2 – Environmental Quality in Housing Developments  
H5 – Windfall Housing Sites  
H13 – Protecting Residential Areas  
DC1 - Design  
DC3 – Amenity  
DC6 – Circulation & Access  
DC8 - Landscape  
DC37 - Landscaping  
DC38 – Space, Light & Privacy  
DC63 – Contaminated Land Including Landfill Gas

### **Other Material Considerations**

Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Statement 3: Housing  
Planning Policy Statement 25: Development and Food Risk  
Planning Policy Guidance Note 13: Transport

‘PPS3 Housing and Saved Policies Advice Note’ and the associated ‘PPS3 Housing Self Assessment Checklist’

Announcement on 27 May from the Communities Secretary, the Rt Hon Eric Pickles, regarding the intention to abolish Regional Spatial Strategies (with particular reference to housing figures).

## **CONSULTATIONS**

### **Highways:**

No objections, subject to conditions.

### **Environmental Health:**

No objections, subject to conditions. NB. The Environmental Health Officer has stated that, as the indicative layout does not show a telecommunications mast it is assumed that this would be removed and wouldn't form part of the site layout at reserved matters stage. Should a mast remain on site, then the relationship with proposed dwellings could be assessed as part of the reserved matters application. Mitigation measures/conditions could be applied at this stage.

### **Conservation/Listed Building and Design:**

No objections, subject to conditions.

### **ESU – Landscape:**

No objections

### **ESU – Nature Conservation:**

No objections

### **Leisure Services:**

No objections, subject to provision of commuted sum for off site outdoor space and sport and recreation.

### **Housing Strategy and Needs:**

No objection, subject to provision of some affordable housing as part of the scheme (4 No. units, based on the No. of units, 17, outlined on the indicative layout).

### **United Utilities:**

No objections, subject to recommendations/ conditions requiring the applicant to provide confirmation of how surface water will be managed on site, directing the applicant to various contacts to discuss sewerage and drainage arrangements on site and drawing the applicant's attention to water supply and pumping arrangements/requirements.

**Cheshire Fire Authority:**

No objections are raised, though comments are provided which the Authority would wish the applicant to be aware of in respect of access to the site for the fire service, water supplies and means of escape. A recommendation is also made, i.e. that the applicant considers the inclusion of an automatic water suppression system in the eventual design.

NB. It is intended that copies of the comments received from both United Utilities and the Fire Authority will be attached to the Decision Notice to draw these to the attention of the applicant.

**VIEWS OF THE PARISH / TOWN COUNCIL**

Not applicable

**OTHER REPRESENTATIONS**

2 No. representations have been received. One is from a resident who resides directly opposite the site on Vincent street expressing support for the general principle of residential development on the site but raising a concern regarding the possible level of associated parking. The other letter is from the tenant of the industrial unit on the site, objecting to the proposal on the grounds of the loss of an industrial unit and the implications for the business (having to find new premises, seeking to retain staff, not wanting an increase in rental costs, etc.).

**APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted the following additional information:

- 'Design and Access Statement'
- An 'Affordable Housing Statement'
- A 'PPS3 Housing Self-Assessment Checklist'
- Land Registry Information
- 'Envirocheck Report'
- 'Phase 1 Desk Study' (Contaminated Land)
- Historical Maps

Details of each of the documents can be read on file.

**OFFICER APPRAISAL**

**Principle of Development**

The principle of the proposed is acceptable, subject to being in accordance with relevant Development Plan policies.

## **Policy**

The relevant policies are listed above and relate to the issues identified. As noted above, the site falls within a Mixed Use Area (Policy E11) as designated in the Local Plan. Policy E11 allows for housing in the area provided the new use does not a) conflict with other proposals of the plan, b) materially harm adjoining or nearby uses or c) in the case of housing, a satisfactory housing environment can be created. It is considered that the industrial unit on site and its location is not required to be retained for employment purposes in the Local Plan. The applicant notes in the 'Design and Access Statement' that deliveries to the site have proved difficult over the years with access to the building being restricted through the surrounding residential streets. On occasions, it is claimed, fork lift trucks have been required to transport supplies from delivery vehicles parked on Park Lane. Thus, the building and its location is not ideal for present day industrial requirements. It is considered that use of the site for residential purposes would not materially harm adjoining or nearby uses and that a satisfactory housing environment could be created.

### **Highways safety (in respect of the proposed access and indicative parking arrangements)**

The access is one of the specific aspects that have been applied for as part of this outline application. As noted above, the Strategic Highways Manager raises no objections in principle to the re-siting of the access (subject to conditions). Indeed, it is considered by the Strategic Highways Manager that the re-siting of the access improves visibility compared with the existing access.

As regards the number of parking spaces provided on the 'indicative layout' submitted with the application (i.e. 1 No. space per unit [100%] and 3 No. visitor spaces), the Strategic Highways Manager raises concerns, being of the view that this would lead to overspill parking and have a detrimental impact on the surrounding network. Therefore, the minimum level of parking sought within this site is 150%.

### **Impact on residential amenity**

The indicative layout illustrates that a separation distance of approx. 10m can be achieved between the existing houses on, and fronting, Vincent Street and the dwellings that are likely to front Vincent Street as part of the eventual site layout. It is considered that such a separation distance is commensurate with the area, so long as the properties that front the properties on Vincent Street are two-storey.

It is considered that the change of use of the site from industrial to residential would improve the amenity for residents of properties within the vicinity of the site.

Hence, it is considered a) that the access as applied for is acceptable as regards impact on residential amenity and b) that restricting the scale of properties fronting Vincent Street to two-storey would ensure commensurate distance standards are achieved on a future reserved matters application, which would have an acceptable impact on residential amenity.

**Scale of the proposed (impact of height, mass, bulk, density on the character and appearance of the area & street-scene)**

The scale of the proposed is one of the specific aspects that have been applied for in this outline application. The scale (i.e. no. of dwellings, density, and eaves and ridge heights as shown on the 'indicative scale' plan and the 'indicative layout' plan) has been considered in the context of the surrounding area, i.e. existing buildings, (dwellings and commercial properties) and views from key public vantage points around the site (Vincent Street, Buckley Street, Statham Street and Churchill Way).

Details of the scale of existing buildings in the area are provided below along with details of the scale of buildings as shown on the indicative plans and the scaled parameters that the Council considers appropriate to the site given its location.

**Scale of buildings/properties on, and within the vicinity of, the site**

The buildings on site are mainly old mill buildings, with a max. eaves height of approx. 5.4m and a max. ridge height of approx. 7.4m - when measured from the ground level outside the north-eastern corner of the mill buildings, opposite No. 32 Vincent Street.

There are a range of properties within the vicinity of the site, two and three-storey, with varying eaves and ridge heights. The residential properties are mainly terraced arranged in a relatively dense grid layout.

The nearest residential properties to the site are those located on Vincent Street, with the front elevations of Nos 30 to 50 Vincent Street and the side elevations of Nos 1 and 2 Nelson Street being directly opposite the south-eastern boundary of the site. Apart from No. 46 (which is a three-storey Listed Building) the eaves height of these properties ranges from approx. 4.7m to 5.7m and the ridge heights range from approx. 7.0m to 8.2m. The eaves and ridge heights of the three-storey Listed Building (No. 46) are approx. 7.9m and 10.1m respectively.

The residential development north-east of No. 30 Vincent Street (Town Houses around a court-yard) are three-storey, the eaves and ridge heights of the town house attached to No. 30 Vincent Street are approx. 8.2m and 10m respectively.

Nos 46 to 50 Vincent Street face the corner of the B & Q building located at the southern tip of the application site. The eaves height of the B & Q building at this corner is approx. 4.5m.

The building on the north-western side of the site that faces the B & Q car park sits on a ground level ranging between approx. 1-2m lower than the car park ground level. The elevation of this building that faces the car park has a max. flat-roof height of approx. 9m.

In summary, the area comprises two and three-storey buildings which are mainly terraced arranged in a relatively dense grid layout. The eaves and ridge heights of these buildings varies, eaves heights from 4.7 to 8.2m and ridge heights from 7m to 10m.

### **Scale of buildings proposed**

The 'indicative scale' and 'indicative layout' plans illustrate the following: i) 17 No. dwellings, comprised of 1 No. terrace of for two-storey apartments, 1 No. terrace of 2/3-storey houses and 1 No. terrace having a mix of 2/3-storey and 3/4 storey houses; ii) the eaves heights of the buildings fronting Vincent Street range between 5.4m and 6m and the ridge heights range between 6.8m and 9.2m; the max. eaves and ridge heights of the terrace on the north-western side/corner of the site are approx. 7.4m and 11.2m respectively (measured from the existing ground level on this part of the site).

### **Scaled parameters**

Bearing in mind a) the scale of the buildings that currently exist on site, b) the scale of the buildings within the vicinity of the site (particularly the dwellings opposite the site on Vincent Street and Nelson Street), c) the change in ground levels within the site and d) factors such as distance standards, amenity and outlook (which will have to be satisfied on a reserved matters application), it is considered that the scale of the buildings as illustrated on the 'indicative scale' plans are a little higher (eaves and ridge heights) than can comfortably be accommodated within the site. Therefore, the following parameters are recommended:

- For properties opposite Nos 46-50 Vincent Street the eaves height shall be between 4.8-5.4m and the ridge height between 7.2-7.6m and shall be no more than two-storey.
- For properties opposite Nos 30 and 32 Vincent Street the eaves height shall be between 5-5.5m and the ridge height between 7.5-8m and shall be no more than two-storey.
- All other buildings within the site shall not project above the heights of any of the buildings fronting Vincent Street and none shall be more than three-storey.

It is noted that the space required within the site for car parking (150% recommended by highways) is more than has been allowed for on the 'indicative layout'. This will have an implication for the number of units that can be accommodated within the site. However, it is not possible for the



Council to conclude how many units can actually be accommodated within the site, as this could vary according to design and layout details.

It is considered that the scaled parameters as defined would allow for a residential scheme to be designed of a scale that would be acceptable within the character and appearance of the area and the street-scene of Vincent Street, whilst also allowing for a satisfactory layout to be achieved in a reserved matters application in respect of distance standards, outdoor amenity space and outlook.

### **Impact on neighbouring Grade II Listed Building**

The Conservation Officer is of the opinion that the proposal would be acceptable in the context of the setting of the Grade II Listed Building located on the eastern side of Vincent Street opposite the south-eastern corner of the site, subject to satisfactory materials forming part of the reserved matters application.

### **Environmental issues**

As noted above, the Environmental Health Officers raise no objections to the application, subject to conditions requiring: i) a phase II contaminated land investigation and ii) noise and dust levels to be controlled to protect residential amenity. The proposed residential use is considered to be a sensitive end use. A report submitted with the application identified potential contamination and recommends further investigation.

As noted above, as there is no telecommunications mast shown on the indicative layout, it is assumed that the mast will be removed from the site within a reserved matters application (having noted that the Agent has stated that the contract could be terminated by the applicant). Should this not be the case, the matter could be addressed at the reserved matters stage.

### **Landscape and nature conservation issues**

The Landscape Officer notes that the change of use to residential would be a suitable long term use of the site provided the details of design are in keeping with the tight urban grain of the area. It is suggested that relocating the existing telecommunications mast would create a more attractive setting for dwellings. (As noted above, the Agent claims that the applicant can terminate the contract for the siting of the mast at any time).

It is suggested that the reserved matters application, either detailed on the layout or required as conditions, should include screen planting along the south-western boundary next to the large, blank brick wall that forms part of the B & Q building and also along the north-eastern boundary adjacent to the repair garage. The desire to strike a balance between open, amenity space and car parking is also expressed.

The Nature Conservation Officer does not consider there to be any significant ecological issues associated with the proposed development.

### **Housing policy and supply**

The Housing Strategy and Needs Manager notes that 4 No. of the units (based on the indicative figures) should be provided as affordable units. To assist in meeting the housing needs of the area there should be 2 No. social rented properties and 2 No. intermediate tenure properties. The 2 No. socially rented should be 2 or 3 bed-roomed and the intermediate tenure properties could be either 2 No. houses or 2 No. apartments. Although the Housing Strategy and Needs Manager would prefer a Registered Social Landlord to sign up to a S106 to provide the Social rented properties, it is considered that this arrangement could not be stipulated at this stage.

It is considered that the proposal would contribute to the housing needs of the area and provide a mix of properties. This brownfield site is located within a very sustainable location, close to the main public transport stations, local amenities and facilities. The density is at least 30 dwellings per hectare, thereby making efficient use of land. The details of a reserved matters application could secure a scheme which is acceptable in respect of design/appearance, layout, landscaping, relationship with neighbouring properties and level of parking provision. The proposed accords with current housing policy.

### **Heads of Terms:**

Leisure Services have stated that the commuted sum required for provision of Outdoor Space is £51,000; the figure required for Recreation / Outdoor Sport is £10,500 (which includes discount of £3,000 for affordable housing based on 2 houses and 2 apartments being the affordable element).

Both commuted sums would be used to make improvements, additions and enhancements to the facilities at the three town centre parks (West Park, Victoria Park and South Park, including the allotment provision at South park) and St Georges Play area.

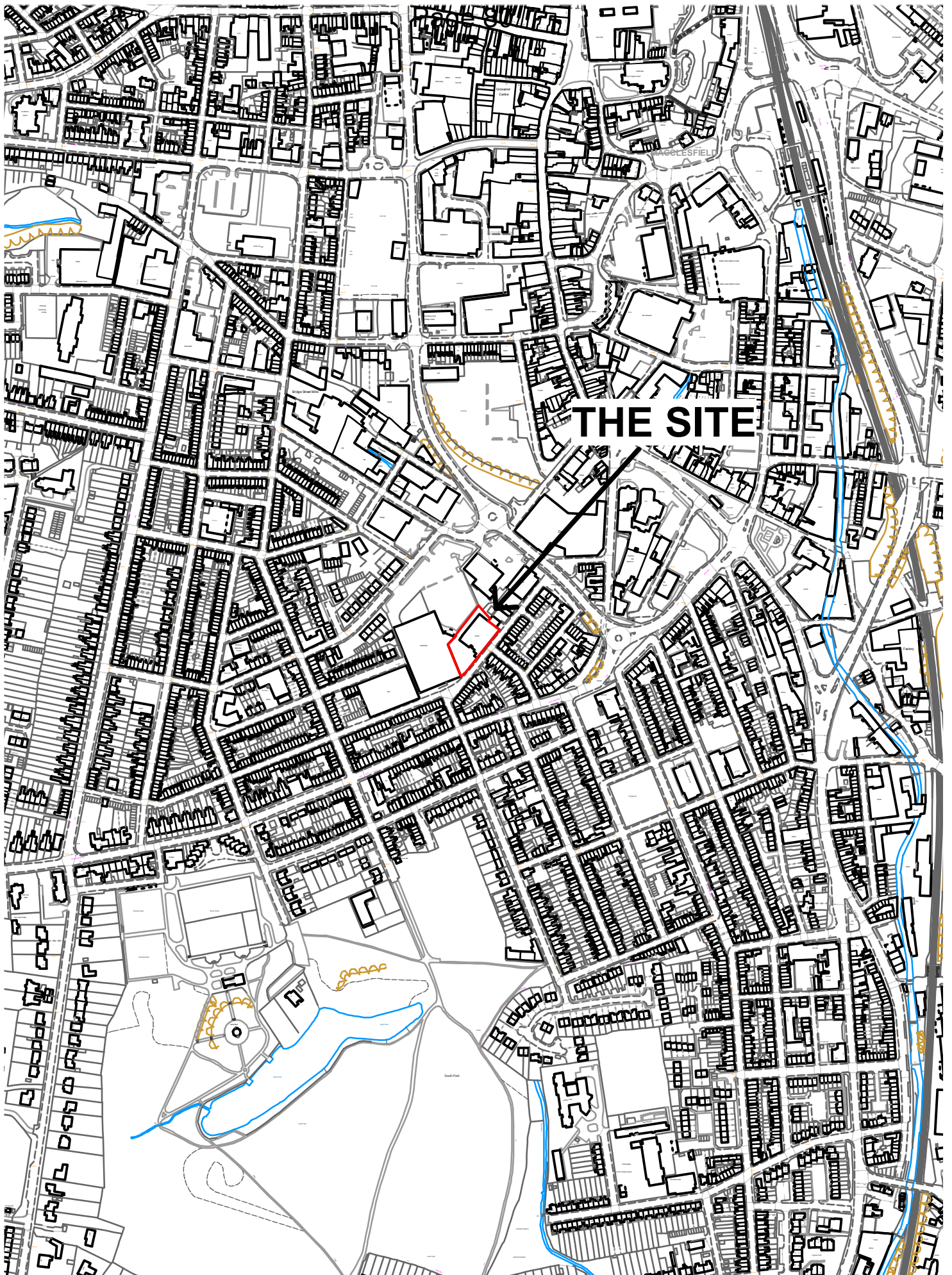
It is noted that the commuted sums required for open space and outdoor recreation could form part of a S106 agreement, as would the details for the affordable housing provision.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

In summary, it is considered that the principle of residential use on the site is acceptable and complies with policy. The site is adjacent to an existing residential area in a sustainable location. The scale of the proposal, as recommended within the scaled parameters, would make efficient use of this brownfield site and provide a residential scheme that would contribute to the housing needs of the area. The scale, as defined, would have an acceptable impact on the character of the area and distance standards between

properties may be achieved to be commensurate with the area. It is considered that the extent to which the proposed would impact on neighbouring residential amenity is of an acceptable degree. The access, as proposed, is considered to be acceptable. It is recommended a condition be attached, should the application be approved, to ensure provision of car parking spaces within the site at a level of 150%, detailed as part of the reserved matters application.

For the reasons outlined it is recommended the application be approved, subject to conditions and a S106.



10/1842M VINCENT MILL, VINCENT STREET, MACCLESFIELD, SK11 6UJ  
NGR: 361,620:373,120

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Application for **Outline Planning**

**RECOMMENDATION : Approve subject to following conditions**

1. A01OP - Submission of reserved matters
2. A02OP - Implementation of reserved matters
3. A03OP - Time limit for submission of reserved matters
4. A06OP - Commencement of development
5. A08OP - Ground levels to be submitted with reserved matters application
6. A02AP - Detail on plan overridden by condition
7. A12HA - Closure of access
8. A03HA - Vehicular visibility at access (dimensions)
9. Contaminated Land
10. Scaled parameters
11. Car parking provision
12. Contaminated Land

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**Application No:** 10/2460M

**Location:** CRANFORD COURT, KING STREET, KNUTSFORD, WA16 8BW  
**Proposal:** CONSTRUCTION OF NEW FOODSTORE WITH ASSOCIATED PARKING AND SERVICING FACILITIES. (REVISED SCHEME)

**For** ALDI STORES LTD

**Registered** 21-Jul-2010

**Policy Item** No

**Grid Reference** 375478 378468

**Date Report Prepared:** 25 August 2010

**SUMMARY RECOMMENDATION**

**Approve subject to conditions and to the prior completion of a S106 legal agreement**

**MAIN ISSUES**

- **Whether the principle of retail development is acceptable and if so, whether the scale proposed is appropriate**
- **Whether the design and appearance of the proposed foodstore and associated development is acceptable having regard to the impact on the character and appearance of the area, including the Conservation Area**
- **Whether the proposal would adversely affect the setting of the adjacent listed building**
- **Whether the proposed access and parking facilities are adequate and acceptable**
- **Whether the proposed loss of trees from the site is acceptable**
- **Whether the proposal would result in any adverse impact on protected species and if so, whether adequate mitigation can be provided**
- **Whether the proposal has any adverse impact on the residential amenity of nearby residents**
- **Whether there are any other material considerations**

## **REASON FOR REPORT**

This application is required to be determined by the Northern Planning Committee as the proposal is for a small scale major retail development with a gross floor area of 1343m<sup>2</sup>.

## **DESCRIPTION OF SITE AND CONTEXT**

The site is located on the northern side of Brook Street towards the south east of the town centre. The site area is 0.62 hectares and the site is bounded by an existing garage and the railway line to the north, by St Cross Church and residential properties on Branden Drive at an elevated level to the east and Brook Street and the listed nursery building to the south. The site did previously contain a number of buildings including a two storey office building, a single storey industrial building, a residential property as well as areas of hardstanding for parking. The buildings have recently been demolished. Vehicular access to the site is currently available off King Street and Brook Street. The site contains a number of trees.

The applicants also own land to the south east of the application site. This additional land did contain two residential properties which were also recently demolished.

Part of the site is located within the Knutsford Town Centre Conservation Area with other parts of the site adjoining both the Knutsford Town Centre Conservation Area and the Cross Town Conservation Area. A number of trees on the site are the subject of Tree Preservation Orders, though these have yet to be confirmed.

## **DETAILS OF PROPOSAL**

Full planning permission is being sought for the erection of a foodstore with associated parking and servicing facilities. The foodstore would have a gross floor area of 1343m<sup>2</sup> and a net sales area of 900m<sup>2</sup>. The foodstore building is to be sited towards the rear of the site, parallel to the railway embankment and behind the listed nursery building, with car parking towards the King Street frontage of the site and to the east of the store providing a total of 92 spaces, including 4 disabled spaces and 2 parent and child spaces. Cycle storage facilities are also proposed for 12 bicycles. The existing vehicular access to the site from King Street is to be closed, with vehicular access to the site being solely from Brook Street. The service area would be located to the side of the store, on the northern part of the site.

The foodstore building is to be constructed primarily from red brick with sandstone detailing and a natural slate tile roof. The design incorporates a pitched roof with eaves at 4.2m high and a ridge level of 10m with a full height gable to the entrance and four smaller gables along the elevation.



This application follows the approval of a similar scheme in July 2009 under application reference 09/1160M (permission issued in March 2010 following the signing of a S106 legal agreement). The extant proposal for was for a larger store (1621m<sup>2</sup> gross floor area, 1125m<sup>2</sup> net sales area) with fewer car parking spaces (80). A copy of the committee report for this application has been attached as a background paper. It is stated that the store size has been reduced as since the approval of the previous application Aldi has adopted revised store formats and wish to pursue this at Knutsford.

## **RELEVANT HISTORY**

09/1160M

Demolition of existing buildings and construction of new foodstore with associated parking and servicing facilities.

Approved subject to conditions and S106 agreement

1 March 2010

## **POLICIES**

### **Local Plan Policy**

NE11 Nature Conservation

BE1 Design Guidance

BE3 Conservation Areas

BE16 Listed Buildings

E1& E2 Employment Land

E2 Employment Land

E4 Industry

T1, T2, T3, T4 & T5 Integrated Transport Policy

T6 Highway Improvements and Traffic Management

S1 & S2 Shopping Developments

KTC1, KTC2, KTC4 Knutsford Town Centre

DC1 New Build

DC3 Amenity

DC6 Circulation and Access

DC8 Landscaping

DC9 Tree Protection

DC63 Contaminated Land

### **Other Material Considerations**

PPS1: Delivering Sustainable Communities

PPS4: Planning for Sustainable Economic Growth

PPS5: Planning & the Historic Environment

PPG13: Transport

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

**Highways:** no objection subject to conditions and S106 agreement regarding a travel plan.

**Environmental Health:** no objection subject to the imposition of conditions.

**Environmental Health (contaminated land):** no objection subject to conditions.

**Environment Agency:** no objection subject to a condition regarding the Flood Risk Assessment.

**Network Rail:** comments awaited.

**United Utilities:** comments awaited.

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

**Knutsford Town Council:** no objection in principle subject to neighbours views and the following observations.

- Number of disabled spaces should be in line with established standards
- Car park should incorporate cycle racks
- Should make clear that car park is free for the first 90 minutes as per previous application
- Entire site should be made tidy at the end of the development, including areas not developed
- Any S106 funding should be directed to include pedestrian access linking with other pedestrian walkways
- Traffic access should be resolved to the satisfaction of Cheshire East highways

### **OTHER REPRESENTATIONS**

To date, 10 representations have been received, though the consultation period does not end until 29 September 2010. Only two representations appear to be objecting to the proposal on the ground that permission should be refused until such time that Aldi reveal their plans for the whole of the site and due to concerns regarding the number of supermarkets now proposed for Knutsford. Another 6 representations make comments and raise queries/concerns. These are summarised below.

- Question how proposal would lead to fewer vehicle movements when there are more parking spaces proposed
- Query whether free parking would be available to all
- More disabled parking & an accessible toilet should be provided
- Trees to the rear of the site are dangerous and need addressing asap
- High retaining wall is required to stop problems with youths using car park after hours
- There should be a few cycle parking racks under cover close to the shop entrance

- There should be convenient, covered, secure cycle parking for staff
- Any development if this scale should make a contribution to the wider pedestrian/cycle network in Knutsford to encourage walking and cycling
- Concern about overly monolithic roofline of the proposed building as viewed from Brook Street and King Street
- Concern about the 5 parking spaces proposed closest to the site entrance and the impact that these would have on highway safety
- Do not consider that proposed highway design gives sufficient consideration to safe access for cyclists
- Consideration should be given to provision of a forward refuge for cyclists at each point
- Access should include clear directions for cyclists
- Cycle parking should accommodate a minimum of 8 Sheffield stands

2 letters of support have been received together with an 8 page petition in support of the proposal. Supporters consider that the town badly needs the proposal, that the proposal would enable the majority of people to buy good quality goods at more competitive prices without having to travel to Macclesfield or Northwich. Additionally one letter questions why there have been delays with the application.

## **APPLICANT'S SUPPORTING INFORMATION**

A number of documents have been submitted in support of the application including Planning Statement, Design & Access Statement, Arboricultural Survey, Retail Assessment, Transport Statement, Geo Environmental Assessment, Bat & Badger Survey, Lighting Assessment, Flood Risk Assessment and Air Quality Assessment. Full copies of these documents are available to view on the application file.

The Planning Statement concludes that the proposal involves the provision of a new 'Aldi' neighbourhood foodstore. The site is in a sustainable location and suitable to accommodate the scale of the proposed foodstore, which is appropriate for the location. It will enhance the retail offer in Knutsford and improve customer choice and will have no adverse impact on the town centre. It will also offer the prospect of linked trips, improve town centre car parking and will contribute to urban regeneration objectives. The building is of good quality, which respects urban design principles and is in keeping with the local context and will therefore significantly enhance the surrounding area and preserve the character of the Conservation Area. As part of the proposals, improvements to the existing highway network are included which will both deliver an access solution and significantly improve existing problems of congestion.

## **OFFICER APPRAISAL**

### **Principle of Development**

As stated previously, this application follows an earlier application for a slightly larger retail store on the site (09/1160M). The previous proposal was

approved in March 2010 and that permission remains extant and capable of implementation until March 2013. The principle of retail development on this site has therefore already been accepted. It is considered that it is therefore necessary to consider the amendments proposed by this application and whether they raise any significant new issues that need to be addressed.

## **Policy**

When considering the previous application, it was noted that part of the application site lies within the town centre, with the majority of the site designated as an existing employment area. The loss of employment land therefore needed to be carefully considered, as did the requirements of the Regional Spatial Strategy and PPS6 which related to town centre developments.

As Members will know, the RSS and PPS6 are no longer material considerations. PPS6 has been replaced by PPS4, the draft form of which was considered when the Council dealt with the previous application on the site.

It was previously acknowledged that the use of the site for retail purposes is contrary to policies E1, E2 & E4 but it was concluded that in terms of retail policy, the retail statement submitted with the previous application adequately demonstrated that there is a need for the development, that the development is of an appropriate scale, that there are no more central sites for the development, that there are no unacceptable impacts on existing centres and that the location is acceptable. This view was confirmed by an independent retail consultant employed by the Council to assess the previous proposal. In order to reflect current policy guidance in the form of PPS4, the applicants have submitted a PPS4 Retail Assessment which concludes that the proposal is compliant with current guidance. The Council's Spatial Planning team have been consulted on the application and raise no objections to the amended proposal. It is considered that a retail scheme in this location of the scale proposed remains acceptable.

## **Highways**

As with the last application, vehicular access to the site is to be taken from a new vehicular access off Brook Street. In terms of highways related matters, this proposal is identical to the approved scheme with the exception of an increase in the number of parking spaces from 80 to 92 and slight changes to the service access and service yard. The parking amendment has been considered by the Strategic Highways Manager who raises no objections to the amended proposal noting that whilst car parking numbers have increased, the number is still within the maximum standards allowable for food retail use base upon the floorspace (Sq.m) and is an acceptable number of spaces. The concerns raised by a third party in respect of the 5 parking spaces near to the entrance have been considered, however, as these spaces formed part of the previously approved scheme, and as no objections have been raised by the

Strategic Highways Manager, it is not considered that an objection to these could now be sustained.

The off site highways works associated with the approved scheme are also proposed with this proposal and would be controlled by condition.

### **Design & Impact on Conservation Areas and Listed Buildings**

As previously stated, part of the site falls within the Knutsford Town Centre Conservation Area, is adjacent to the Cross Town Conservation Area and is adjacent to a Grade II Listed building. The Unitarian Chapel, a Grade I Listed Building is located on the opposite side of Brook Street, to the south of the site. Local Plan Policy BE3 requires development in or adjoining a Conservation Area to preserve or enhance the character and appearance of the Conservation Area. Policy BE16 states that development which would adversely affect the setting of a listed building will not normally be approved.

When considering the previously approved scheme, it was concluded that the impact of the proposal on the Conservation Area and on the setting of the nearby listed building was acceptable. This amended proposal is broadly similar to the approved scheme with the exception of a reduction in the footprint of the building. This has resulted in a reduction in the depth of the building meaning that there is no longer an overlap between the proposed building and the listed nursery building. It is considered that, when compared to the approved scheme, the reduction in size of the building will help to minimise its visual impact. Comments made regarding the “monolithic roofline” are noted but it is not considered that this is the case. The design of the proposal has been developed following discussions with officers, including the Conservation Officer, and it is considered that what is proposed is acceptable.

A lighting scheme has been submitted with the application. This was previously to be dealt with by condition. Some revisions to and further comments are currently being sought on the scheme in terms of its visual impact and any impact on amenity. Any update on this will be reported to Members.

The Council's Conservation Officer has been consulted on the application and in general raises no objections to the proposal. However, there is some concern regarding the submitted lighting scheme and amendments to this are currently being sought to address these concerns.

### **Landscaping & Trees**

As with the approved scheme, a number of existing trees are to be removed as part of the proposal, though it is understood that the numbers to be removed will not exceed what was previously agreed. The Council's Forestry Officer has been consulted on the application but no comments have been received to date. Any comments received will be provided in an update either prior to, or at the Committee.

The Council's Landscape Officer has also been consulted on the proposal and raises no objections. The submitted landscape scheme is considered acceptable and a number of landscaping conditions are suggested.

### **Ecology**

Protected species surveys dated May/June 2009 have been submitted with the application. More up to date surveys have been requested by the Council's Nature Conservation Officer though this is not considered necessary in this case given that there is an extant scheme on the site and given that the proposal is broadly similar to that scheme.

There was no evidence of bats recorded within any of the existing buildings. Bats were recorded foraging around the site and therefore the Council's Nature Conservation Officer previously recommended that the proposed development incorporates features suitable for roosting bats and that the proposed landscaping scheme incorporates the use of native species. An active badger sett was recorded outside the site boundary and whilst it will not be directly affected by the development, it is recommended that the mitigation proposals included in the report be carried out. As with the last application, these matters can adequately be dealt with by condition.

### **Amenity**

Residential properties are located to the east of the site along Branden Drive and to the south of the site on Holford Crescent. An existing nursery is located adjacent to the site. Local Plan Policy DC3 states that developments should not significantly injure the amenities of adjoining or nearby residential property or sensitive uses.

As with the last application, it is not considered that the proposal will significantly impact on the amenity of nearby residents.

### **Other Matters**

There are no other matters raised by this application that were not previously considered in relation to the approved scheme. Due to the sites previous use, as with the last application, a condition is required regarding land contamination.

With regard to other matters raised by the representations received, as stated, no objections are raised by the Strategic Highways Manager in relation to the amount of vehicle movements or to the amount and type of parking, including the number of disabled spaces. With regard to cycle facilities, the previous approval contained conditions requiring the provision of shower and changing facilities for staff and requiring the provision of secure and short stay cycle storage facilities to accommodate a minimum of 12 cycles. With regard to dangerous trees, this matter has been referred to the Council's Forestry Officer. It is not considered that this amended proposal results in a

requirement for any additional retaining walls over and above those previously approved.

## **HEADS OF TERMS**

As with the approved scheme, a S106 legal agreement is required to produce and operate a travel plan for the development, which has been produced in accordance with local and national standards, guidance and best practice and has regard to the nature of the development, the accessibility of the site and local transport provision, and the requirement to pay the Highway Authority's costs associated with the monitoring and review of the travel plan.

## **SUBJECT TO**

The expiry of the consultation period on 29 September 2010 and the receipt of any further representations that raise further issues that could not be adequately dealt with by condition.

The prior completion of a S106 legal agreement as detailed above.

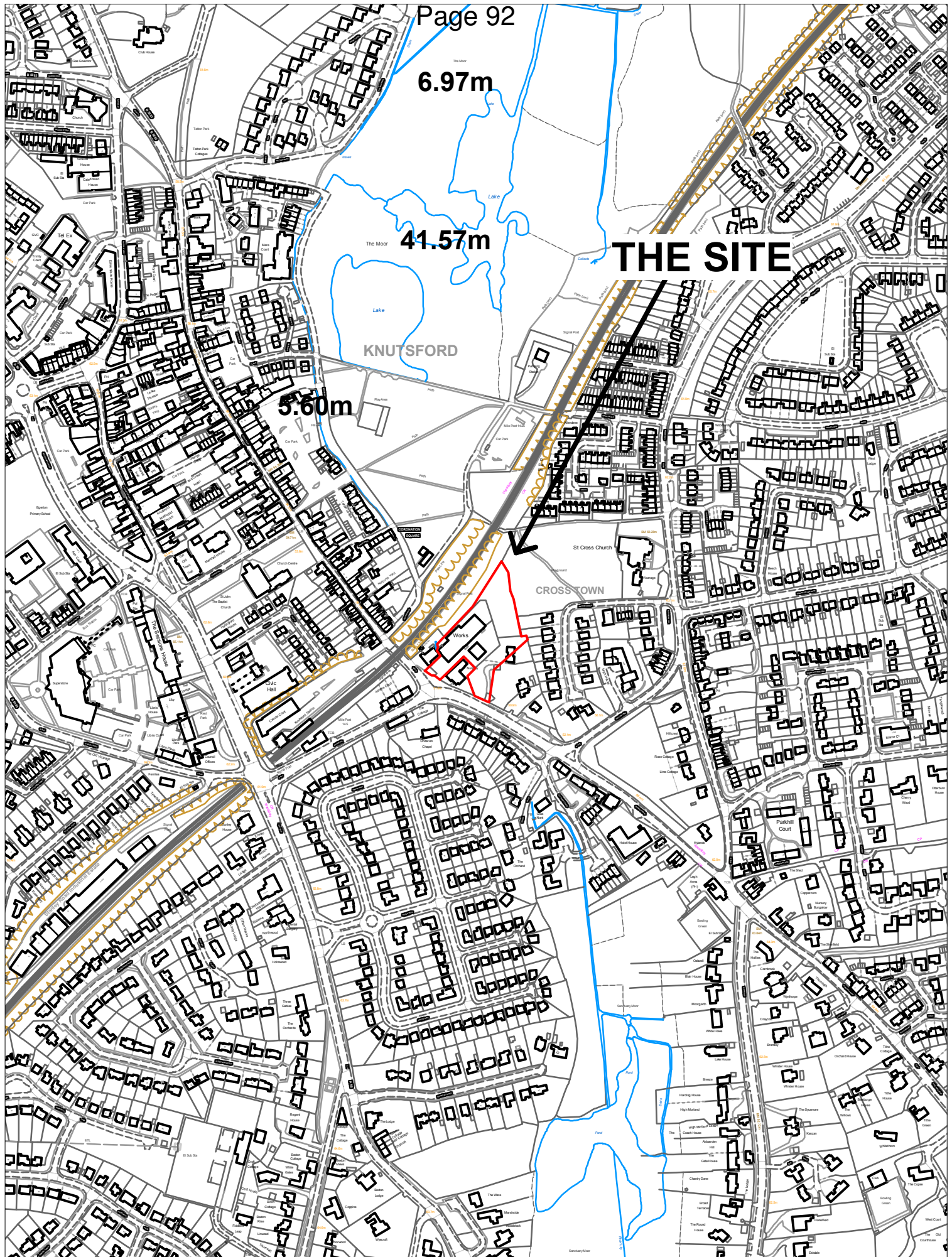
## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The principle of retail development on this site is considered acceptable. The siting and design of the proposed amended building is considered acceptable as are the changes to the parking layout. The proposal would preserve the character and appearance of the Conservation Area and would not harm the setting of the nearby listed building. Access and parking arrangements are acceptable and the proposal would not cause significant harm to existing trees on the site or to protected species. The proposed development is therefore considered acceptable.

## **Background Papers**

1. Committee report for 09/1160M





**10/2460M CRANFORD COURT, KING STREET, KNUTSFORD, WA16 8BW**  
**GRID REFERENCE- 375,490 : 378,470**

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Application for **Full Planning**

**RECOMMENDATION : Approve subject to following conditions**

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A13EX - Specification of bonding of brickwork
5. A22EX - Roofing material
6. A32HA - Submission of construction method statement
7. A30HA - Protection of highway from mud and debris
8. A26HA - Prevention of surface water flowing onto highways
9. A24HA - Provision / retention of service facility
10. A12HA - Closure of access
11. A07HP - Drainage and surfacing of hardstanding areas
12. A07HA - No gates - new access
13. A05HP - Provision of shower, changing, locker and drying facilities
14. A04HP - Provision of cycle parking
15. A01HP - Provision of car parking
16. A11LS - Implementation of landscaping scheme submitted with application
17. A04LS - Landscaping (implementation)
18. A01TR - Tree retention
19. A02TR - Tree protection
20. A08MC - Lighting details
21. A20GR - Hours of deliveries
22. A13GR - Business hours (including Sundays)
23. Provision of off site highways works prior to first use of the building
24. Construction of the access prior to the construction of any part of the approved development (excluding the access)
25. Incorporation of features suitable for roosting bats
26. Development to proceed in strict accordance with the submitted protected species survey
27. Submission of an Environmental Management Plan
28. Submission of an acoustic report
29. Phase II Contamination Investigation required

30. Development to be carried out in accordance with submitted Flood Risk Assessment

No pile driving

**Application No:** 10/2136M  
**Location:** BOLDER HALL FARM COTTAGE, MUDHURST LANE, DISLEY, SK12 2BY  
**Proposal:** CONSTRUCTION OF NEW DETACHED ANNEX BUILDING  
**For** JOHN KELLY  
**Registered** 21-Jul-2010  
**Policy Item** No  
**Grid Reference** 398209 382713

**Date Report Prepared: 16 September 2010**

#### **SUMMARY RECOMMENDATION**

Refuse

#### **MAIN ISSUES**

- Whether the proposal is acceptable in the Green Belt

#### **REASON FOR REPORT**

The application is before the Committee after being called in by the local Ward Member, Councillor Diana Thompson citing concern that it may be potential overdevelopment in light of the previous history on the site, and the impact upon the Green Belt as her reason.

#### **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises a two-storey semi-detached property with attached store, detached stable block and detached outbuilding. These buildings are a legacy of the former agricultural use of the site. The site is located within an Area of Special County Value in the Green Belt as identified in the Macclesfield Borough Local Plan.

#### **DETAILS OF PROPOSAL**

This application seeks full planning permission to erect a new detached annex building with ground floor gymnasium and home study to the first floor. The new building will be rendered with a stone flagged roof, and it will replace what appears to be a former agricultural building that is currently used for storage in association with the main house but which is in poor condition.

#### **RELEVANT HISTORY**

21376P – Conversion of outbuildings to agricultural dwelling (outline) – Approved 19.03.1980

23654PB – Extensions and alterations to form additional dwelling – Approved 20.08.1980

69507P – Removal of conditions 3 and 4 (personal permission and agricultural occupancy) of planning permission 23654PB – Refused 05.02.1992 - Appeal allowed 08.12.1992

99/1827P – Change of use of attached storage building to living accommodation and elevational alterations – Approved 09.02.2000

## **POLICIES**

Local Plan Policy – NE1, BE1, GC1, GC12, DC1, DC3, DC6

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

Disley Parish Council – Object on the grounds that the proposed outbuilding is not proportionate to the existing building and is inappropriate development in the Green Belt.

## **OTHER REPRESENTATIONS**

None

## **APPLICANT'S SUBMISSION**

Whilst no formal written submission has been made, the applicants point to the development that has taken place at the adjoining property, which involves the creation of a new dwelling and other additions to the property, as an example of what has previously been permitted in the area.

With regard to these comments, it should be noted that the new dwelling at the adjacent site originated from a former cattery building, which was converted to a holiday let, and then occupied unlawfully as a dwelling, before a Certificate of Lawful Use for the use of the building as a dwelling was approved last year. The situation is not considered to be directly comparable to the proposed development.

## **OFFICER APPRAISAL**

### **Green Belt**

Policy GC12 of the Macclesfield Borough Local Plan reflects the advice in PPG2, which states that the limited extension of existing dwellings in the Green Belt is not inappropriate. Policy GC12 defines limited as being up to 30% of the original floor space of the house, but identifies domestic buildings in the curtilage as a possible exception to this policy. Despite this exception it is considered that outbuildings should still represent only a limited addition to the property. This view has also previously been adopted by Inspectors at appeal.

At the time of the original permission for the existing dwelling being granted, the extent of the domestic curtilage was not clear. Therefore, there is no definitive evidence on the extent of the residential curtilage today. The applicant has stated that the building has been used for various things in association with the dwelling for a number of years, and it is noted that the existing entrance and driveway that serves this domestic property is situated directly in front of the outbuilding.

The proposed outbuilding is set over 12 metres from the existing dwelling on the site. The footprint is similar to the building that it replaces, but the ridge is higher at 5.3 metres compared to 5 metres on the existing building, and the useable floor space amounts to 96 square metres. The existing dwelling has a height of approximately 6 metres, and the original floor area was approximately 100 square metres. The outbuilding is separate and distinct from the main dwelling, and having regard to the figures above, it is not considered that it constitutes only a limited extension. It is disproportionate to the original dwelling on the site and as such it amounts to inappropriate development in the Green Belt.

The existing building, although not of any significant architectural merit, was clearly built for function not form for the purposes of agriculture on the surrounding land. Its appearance, whilst relatively unattractive, remains agricultural and to some extent serves to reinforce the rural character of the area. Due to the scale and appearance of the proposed building, which is clearly domestic in its appearance, it would introduce a more urban feel and would materially harm the rural character of the area.

Consideration should also be given to buildings that could be erected under permitted development as a fallback situation, in the event that this application is refused. It is considered that any permitted development structure would be lower, and not as harmful to the Green Belt as the building currently proposed.

No very special circumstances have been identified by the applicant, and therefore as the proposal is inappropriate in the Green Belt, it is contrary to policies NE1, GC1, GC12 and DC1 of the Macclesfield Borough Local Plan.

### **Amenity**

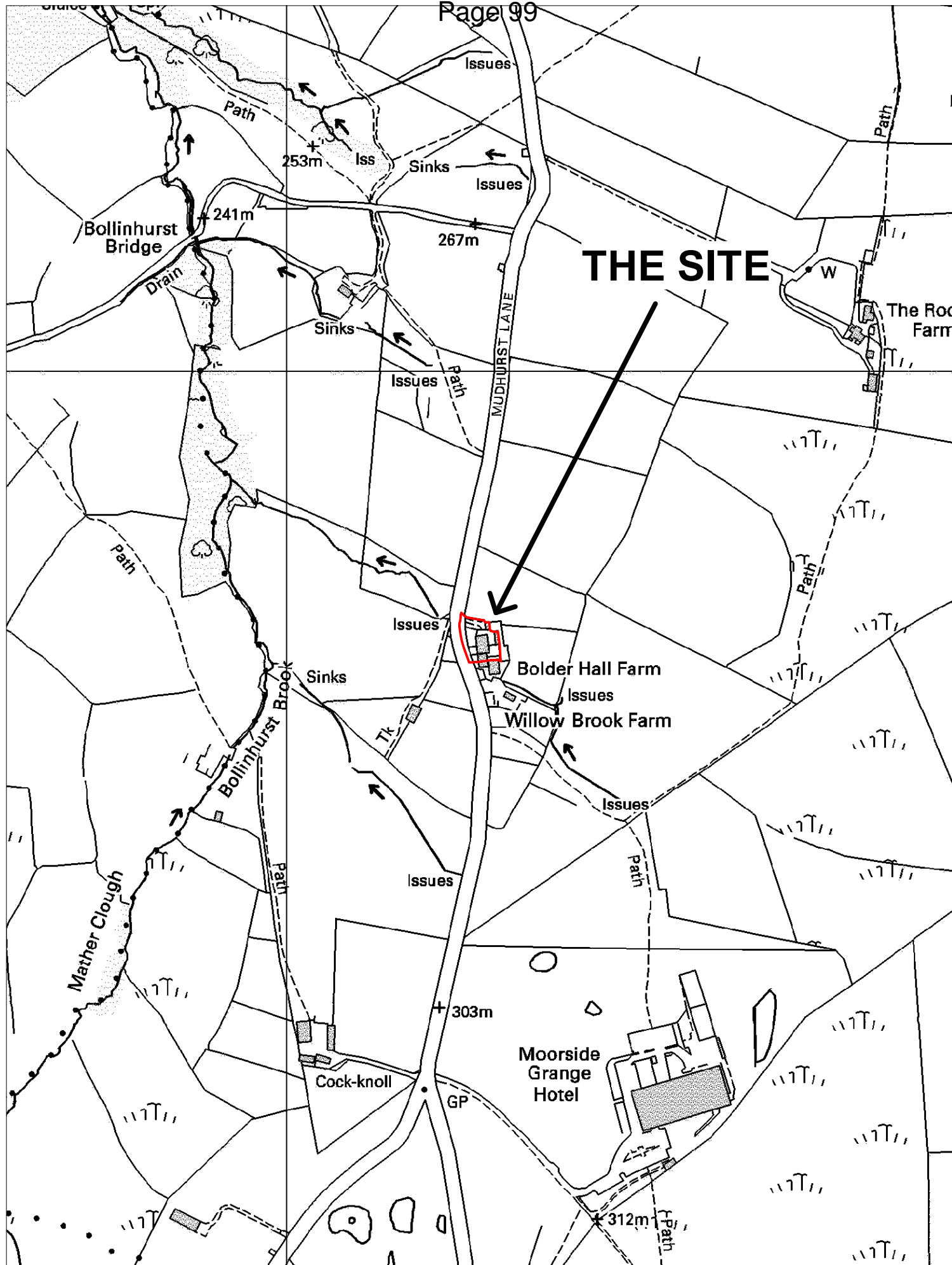
Having regard to the distance to, and relationship with neighbouring properties, no significant amenity issues are raised.

### **Highways**

The building will be served by the existing access and parking arrangements on the site, which currently serve the building to be replaced, and are considered to be adequate for this purpose. No significant highway safety issues are therefore raised.

**CONCLUSIONS AND REASON(S) FOR THE DECISION**

For the reasons outlined above, the proposal is considered to be an inappropriate form of development in the Green Belt, and a recommendation of refusal is therefore made.



10/2136M - BOLDER HALL FARM COTTAGE, MUDHURST LANE, DISLEY

N.G.R. - 398,200 - 382,710

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Application for **Householder**

**RECOMMENDATION : Refuse for the following reasons**

1. R04LP - Contrary to Green Belt / Open Countryside policies
2. R05LP - Harmful to appearance of the countryside



Ref Number	Address	Description	Level of Decision Del/Cttee	Over turn Y/N	Rec and Decision	Appeal Decision
09/3535C	LAND SOUTHWEST OF, OLD MILL ROAD, SANDBACH, CHESHIRE	Housing development consisting of forty-three 1,2,3 and 4 bedroom detached dwellings, mews houses and apartments (2, 2.5 & 3 stories) - amendment to previous approval No. 37691/3.	Strategic Planning Board	N	Refused	Allowed 5/08/2010  Cost Appeal Refused 05/08/2010
09/1116C	TALL ASH FARM, BUXTON ROAD, CONGLETON, CHESHIRE, CW12 2DY	THE CONSTRUCTION OF 20 NEW BUILD AFFORDABLE HOUSES AND NEW ACCESS ROAD.	n/a Not determined	n/a	n/a	Dismissed 12/08/2010
09/4148C	30- 32, SHADY GROVE, ALSAGER, CHESHIRE, ST7 2NH	Proposed Radio Aerial	Delegated	n/a	refused	Dismissed 11/08/2010
09/3490C	20, PIKEMERE ROAD, ALSAGER, CHESHIRE, ST7 2SB	PROPOSED SUBDIVISION OF DOMESTIC CURTILAGE TO CREATE ADDITIONAL SEPARATE DWELLING	Southern Planning Committee	N	Refused	Dismissed 20/08/2010
09/3256N	COCOA YARD, NANTWICH, CHESHIRE, CW5 5BL	Erect New (A1) Shop and (A2) Use - Two and Single Storey Building	Southern Planning Committee	N	Refused	Dismissed 27/08/2010  Costs appeal refused 27/08/2010

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